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Caste Mobility In Rana Dominated Nepal

by

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Caste, as a social system, places individuals into discrete categories which are hierarchically ordered. Normally an individual is so placed at birth; and this status is a permanent and unchanging identity for both endogamy and lack of individual caste mobility are often essential although not necessarily ubiquitous or diacritical features of caste structures. When intercaste unions are tolerated; when initiation plays as important a role as birth in establishing one's caste prerogatives; when marriage is an institution capable of modifying or transforming one's caste status; and when children are not automatically or necessarily ascribed to the caste position and rank of their parents, then the placement of individuals into readily identifiable, discrete categories is not a simple or straight-forward matter. Such was the case of the Newars of Nepal, in spite of the fact that throughout much of recent Nepalese history there existed a close interrelationship between caste and the political order and in spite of the fact that individual mobility was both prohibited and penalised by the state.

The Traditional Powers of the Rana Prime Ministers:

What is now the present-day kingdom of Nepal is the consequence of a process of conquest and unification which, although not entirely, nonetheless for the most part, part was initiated and completed by a single King, Prithivi Narayana Shah. This King ascended the throne of what was then a small and relatively inconsequential hill kingdom in 1743. By the time of his death in 1775, he ruled a nation which included the whole of the Kathmandu Valley, the whole of the eastern Terai and the eastern hill region up to the Tiste River bordering Sikkim, as well as a small portion of the western hill region.¹

From 1846 onwards, a single aristocratic family, the Ranas, were able to gain absolute and exclusive control of Nepal. By 1856, Jung Bahadur had compelled the reigning Shah monarch to sign a succession of documents (lal-mohar) which resulted in the creation of an hereditary prime ministership held by his family, the powers of which took precedence over those of the king and his officials. The office of the prime minister came to be the highest and most powerful in Nepal.

In his role as prime minister, Jung Bahadur and then his Rana heirs were able to exercise all those rights and privileges formerly held by the Shah kings pertaining to matters of caste and rank. It had been the king's prerogative to elevate or lower a particular caste's status and rank. Thus, for example, King Prithivi Narayana Shah elevated the Putwar² who traditionally served as carriers and porters, door-keepers and guards. At one time members of this caste were of an unclean status such that individuals belonging to clean castes could not accept water from them without suffering defilement. As a reward for services and help rendered during his campaign of conquest of the Kathmandu Valley, Prithivi Narayana elevated the Putwar into the category of castes of clean status (Greenwold, 1975: 64-67). Jung

Bahadur also came to possess this right and elevated the Newar caste of oil pressers, known as the Saimi or Manandhar, from a position of unclean status to one where all castes of clean status would, and in fact did, accept water from their hands.⁴

The King of Nepal traditionally had been concerned with matters of caste and traditionally had the right to legislate on such matters. This right came to be held by the hereditary Rana Maharaja. Thus, it is not surprising that the legal code (Muluki Ain) introduced by Jung Bahadur⁵ paid great attention to the issue of caste and to its numerous ramifications. Without specific governmental action individuals were prohibited from changing their caste rank through deceit to a higher status. Moreover, castes as group entities were prohibited from upgrading their rank by forcing other castes to enter into new patterns of exchange which hitherto had been prohibited. The provisions of Jung Bahadur's code varied specifically according to an individual's caste and legal status. Especially important were the legally determined distinctions of tagadhari vs. matwali and clean vs. defiled or untouchable. The category of tagadhari consisted of all those castes whose members were entitled to don a sacred thread and thus were considered to be 'twice-born'. The opposing category of matwali, who were believed to constitute the communities which customarily consumed alcohol, were not permitted to wear the sacred thread. All Tibeto-Burman speaking groups in Nepal, the Newar, Magar, Gurung, Tamang, Rai, Sherpa, Limbu, etc. were classified as matwali castes. As such they were not only relegated to a lower caste status than the tagadhari but suffered political disadvantages as well. Thus, for example, until the abolition of slavery in 1926, members of the matwali castes could be sold into slavery or could be enslaved by the courts.⁶ Furthermore, other penalties levied by the courts varied according to whether one was tagadhari or matwali: punishments given to the latter were considerably more severe than those given to the former.

The legal code also determined which castes were clean castes and which were not: it determined which castes were castes from whose hand water could not be accepted but whose touch did not require purification on the part of the higher caste individual so touched, and which castes were those from whom water could not be taken and whose very touch was polluting. Not only were specific castes classified legally as 'unclean' and 'untouchable'; these same castes were forbidden to interact with members of clean castes in matters pertaining to the exchange of food or to sexual intercourse. Individuals of clean caste status, though of different castes, could freely exchange water, and men of clean castes were permitted sexual intercourse with, but could not take cooked rice from, a women of a caste lower than his own, as long as this woman was not of a caste from which water could not be accepted or whose very touch was polluting.

The state possessed the right, and indeed exercised it often, of regulating the relations and interactions between castes as well as the internal affairs of castes, particularly in matters of marriage and sexual unions. Moreover, because behaviour between castes was a matter of secular law, the government was directly involved in adjudicating matters relating to caste. As Brian Hodgson remarked as early as 1834:

It is in Nepal alone, of all Hindu states, that two-thirds of the time of the judges is employed in the discussion of cases better fitted for the confessional, or the tribunal of public opinion, or some domestic court, such as the Panchayat of brethren or fellow-craftsmen; than for a King's court of justice. (Hodgson, 1834: 48).

Such cases are of particular interest as they demonstrate how the secular power of the Rana Maharaja constituted the ultimate basis for the determination and control of the caste hierarchy and how political considerations were the decisive and dominant influences in directing the development and evolution of the caste hierarchy. Moreover, as Colin Rosser has demonstrated "The Ranas utilized the ideology of caste to validate and reinforce their own political authority and to ensure the political stability of an absolute and autocratic despotism" (Rosser 1966: 81). Yet, the policy which entailed the use of secular authority to punish any and all attempts on the part of individuals or communities to modify social, caste or religious inequalities was complicated by features of Newar social structure.

Caste status among the Newars was seen as the product of ascription, at birth, of relative degrees of purity to entire groups, and, thereafter as the consequence of how these inherited statuses were maintained or modified by subsequent rites of initiation and by one's marriage and social encounters. Thus, alongside the secular authority and power of the state, the Newar priesthood, whether Buddhist or Hindu, helped articulate the social hierarchy through its control over certain rites of initiation. At the centre of the Newar caste structure stood the priest. It was his purity which served as the yardstick by which all other caste's relative degrees of impurity were measured. He controlled the religious apparatus whereby individuals, through the enactment of purificatory ceremonies, were transformed from natural and impure states to a condition of relative purity.

The Newar Buddhist During the Rana Period:

Buddhism as practised by the Newars has aroused the interest of western scholars because of several of its unusual or even unique features. While Buddhism all but disappeared from its native home in India, in Nepal it represents a continuing and unbroken historical tradition contained within the context of a vigorous Hindu polity. Its tantric doctrines and practices were kept secret from all except the specially initiated. However, as Michael Allen has argued:

The chief distinguishing feature of the Newar version of Vajrayana Buddhism is the replacement of the usual Buddhist monastic and celibate religious virtuosi with an hereditary married priesthood. That such a transformation was an actual historical event is evident in that the contemporary priests and their families still own and mostly live in buildings which were clearly designed for monastic occupancy and are still known as vihāras (bāhā and bahī in Newari). These priests have been accurately described by Greenwold (1974) as Buddhist Brahmins. Though they use Buddhist texts and symbols and refer exclusively to Buddhist deities, they are nevertheless like Brahmins in

three respects - they constitute an hereditary and endogamous community whose members regard themselves as purer than all other Newar Buddhists, they have hereditary clients (jajman) for whom they perform a wide range of ritual services, mostly of a purificatory kind, and they are the only Newars eligible for initiations into the most powerful Vajrayana cults.

(Allen, 1977: 6)

This Vajracharya priesthood stood at the top of the Buddhist caste hierarchy. Just below them were the Bare, the then present-day fellow occupants of what formerly had been orthodox Buddhist monasteries. Whether or not the Vajracharya and Bare constituted two distinct castes or were two subcastes within a single priestly caste was then, and, indeed, still remains a contentious issue. The Vajracharya and the Bare stood united and opposed to all other Newar castes in that they alone claimed the status of 'pure' Buddhist; they alone were the most ritually purified and ordained as monks; and they alone were the common inhabitants of Newar Vajrayana monasteries. This commonly shared identity was established by their commonly shared ordination as monks and by their common access to the rite of Bare chuyegu. By this rite both the Vajracharya and Bare were, literally, made in Bare. If Bare chuyegu were not performed, a boy, though he be born of Bare parents, became an Urha, the caste just below the Bare in the Newar Buddhist caste hierarchy. The Vajracharya also were a caste born out of ritual. If a boy with an inherited right to under acha luyegu did not exercise his opportunity to be made into a Vajracharya, he remained a Bare (assuming he had undergone Bare chuyegu) or was reduced to the caste of Urha.

The ritual statuses of Bare and Vajracharya were conceptualised not as inherent attributes invested through descent but as ritually derived gradings, each reflecting a distinctive degree of purity. Bare chuyegu and acha luyegu were purificatory rites of initiation, as were all Newar life crisis ceremonies. Purity was seen as being derivative of such purificatory ceremonies and not as a natural state. All men and women were believed to be born impure, and only some were thought to be purified through a series of special ceremonies (samskara). The ultimate goal of such purificatory and initiatory ceremonies was the attainment of deliverance and hence escape from the physical world and its cycles of birth, death and rebirth.

All those who underwent Bare chuyegu within a single monastery became members of that monastery's sangha and its association known as the Bare Guthi, or Vihara Bhojan Guthi, which met at least once a year to feast and to worship at the monastery's major shrine. All members of this monastery's Bare Guthi took turns as temple guardians and attendants (dyo pala or pujari). The rite of Bare chuyegu also empowered the Vajracharya and Bare to employ certain advanced Buddhist meditative practices and perform special tantic rites. It was because they had been specially initiated and thereby specially empowered that they could serve the tantric gods housed within the monastery. Initiation was a necessary prerequisite for performing the religious duties of the monastery. Through their exclusive control over the ceremonies of initiation the Vajracharya and Bare were able to maintain their monopoly of the spiritual and secular beliefs accruing to their priesthood as well as of the institutional apparatus of the monasteries themselves.

The Vajracharya stood as a separate ritually defined priestly category distinguishing from the Bare by virtue of the special religious privileges and prerogatives that they enjoyed. This separateness was institutionalised. The Vajracharya as a corporate group possessed their own social and religious organisations within Newar monasteries, though they often shared a common vihāra with Bare, and though like the Bare they belonged to that monastery's Bare Guthi. Only Vajracharya were members of the monastery's Āchārya Guthi and of the city-wide Āchārya Guthi.

Initiation also formed the basis of the caste identity of the Vajracharya. They alone underwent the special consecration of āchārya abhisheka during the rite of acha luyegu. This consecration empowered the Vajracharya to perform the sacrifice of home where burnt offerings were made over a sacred fire. Homa, originally a Vedic rite, played an important function in the establishment of the special privileges and ritual powers of the Vajracharya priesthood. Homa was one of the central ritual acts required in the celebration of all major rites of passage, the sanskāra. In turn, these rites of passage were of central significance for the confirmation of caste purity, for without having undergone such rites of purification an individual was without a caste status. Caste purity literally was born out of ritual observances. Caste purity was not merely a status determined exclusively by the factors of birth and descent, but also was held to be the consequence of purificatory ceremonies, the sanskāra. The necessity for observing these rites of passage assured the Vajracharya of a clientele. Moreover, the Vajracharya's exclusive right to conduct homa among Buddhist Newars contributed to his monopoly of the domestic priesthood and secured his ritual status equivalent to that of the Hindu Brahman. Caste among the Newars, and indeed perhaps for all of South Asia, can be seen to be directly related to a transition from individual states of occasional or temporary purity of the reverse, that is from individual states of occasional or temporary impurity to the permanent status of purity for certain groups (as well as the reverse, the permanent impurity of other groups). Initiation and rites of purification and the services of a priesthood to conduct such rites were as important factors as hereditary and descent to the development of caste. The principle of hierarchy is fundamental to the structure of the caste system. This principle is derived from the opposition of purity and pollution and the opposition between the pure and the impure, between priest and pariah, is a ritualistic matter. (See Greenwold, 1974).

The Vajracharya were a highly organised collectivity and one which was controlled by a single, centralised governing body which possessed considerable power. There were eighteen vihāra or monasteries out of the city of Kathmandu's seventy-two monasteries at which the initiation of acha luyegu could be performed. Those eighteen vihāra were the city's primary or major monasteries and hence known as mahavihara. All the city's other fifty-three monasteries were attached to one of these eighteen primary monasteries as subsidiary branches. The governing body of each of these eighteen mahavihara was composed of that monastery's four or five senior most Vajracharya, seniority being defined in terms of the length of time which had passed since a man had been initiated as a priest. The governing body of all of the city's priests was composed of the eighteen senior most elders of these primary monasteries. Thus, the senior most member, known as thakali,

of each of the eighteen mahavihara served on the governing board of the city-wide Vajracharya caste association, known as the Āchārya Guthi. These eighteen thakali constituted the governing body of all the Vajracharya in Kathmandu and were responsible for supervising the initiation of the sons of Vajracharya as Vajracharya and as domestic priests (purchita). One of these eighteen thakali had to be present at the performance of acha luyegu and had to give consent for the acceptance of the initiated as a Vajracharya priest and as a member of both his own monastery's Āchārya Guthi and the city-wide Āchārya Guthi. This right to exercise direct control over who could be initiated and who could be admitted to a particular monastery's Āchārya Guthi and to the Kathmandu Āchārya Guthi was one of the most significant components of the council's powers of control over its members. The Council of eighteen thakali was able to impose a severe form of punishment whom anyone who did not adhere to traditional caste custom or to their council's policies by outcasting delinquent members and then by barring the sons of outcasted Vajracharya from initiation as Vajracharya and thus from caste membership and all the rights and privileges pertaining thereto.

Purificatory Rites for Women.

The status of the Newar women, like their male counterparts, was transformed and purified through the enactment of a series of special rituals, the samskāra. One of these is of particular significance in this paper: yihī pah, or the ritual marriage of a young girl to a bitter quince (bel in Nepali, bya in Newari). This rite had tremendous effect upon a Newar girl's status and upon the Newar institution of marriage.

Yihī pah was considered the most significant rite that a Newar woman underwent. Before yihī pah a girl was thought to be not only still a child, but also ritually impure. She was permitted to accept water and food from all castes (though in practice such exchanges were not encouraged) and was said technically to lack actual caste status. Moreover she could not enter into a conjugal union, until after yihī pah. The focus of the ceremony was the girl's being given in marriage to the bya. This act was called kanyadan, "the gift of the virgin". Just as marriage in traditional Hinduism is of a sacramental nature, so for all Newar girls their marriage to the bya constituted an eternal bond which could never be broken. For Hindu Newars the bya represented the god Narayana; while the Buddhist Newars the quince symbolised the supernatural being Suvāna Varna Kumār. Whether or not a girl ever took a mortal husband, once wed to the bya she possessed the ritual and social status of a married woman: she wore red powder along the part in her hair and would be cremated and mourned as a married woman rather than as an unmarried maiden. Moreover, when she was later given to a man in marriage, this second union was just that, "secondary". She could therefore divorce what already was considered to be her second husband. In addition, having married an eternal and divine husband even when she lost her mortal husband, through his death, a Newar woman remained married to the bya and hence never suffered any religious stigma as a widow. She could, therefore, like a divorcee, remarry.

Yihī pah as a rite of marriage to a fictitious or symbolic husband, permitted all subsequent marital unions to be considered secondary, permitted the termination of such marital unions and

permitted inter-caste alliances. In these respects it had strong similarities to the tali-kettu kalyanam rite of the Nayars of southwestern India. These similarities have not gone unnoticed. As early as 1811, Kirkpatrick wrote, "It is remarkable enough that the Newar women, like those among the Nairs, may, in fact, have as many husbands as they please, being at liberty to divorce them continually on the slightest pretences." (Kirkpatrick, 1969: 187). Louis Dumont also has commented upon the parallels between the Newar pattern of marriage and that of the Nayar. Dumont argued that in South Asia there is a fundamental distinction between primary marriages and secondary ones and that this primary or ideal marriage for both the Newar and Nayar was reduced to a mere ritual formality followed by a great deal of freedom in subsequent marital unions (Dumont, 1961, 1964). Yihi pah provided a justification not only for the easy dissolution of actual conjugal unions without loss of status for the divorcee, but also for widow remarriage, and perhaps more importantly made intercaste unions possible and tolerated, as will be seen below.

Marriage and the Ascription of Caste Status:

Secular marriage was another important institutions concerned with hierarchy and status in Newar society. While an individual's status initially was set at birth by the status of both the child's parents, it subsequently was confirmed or altered by marriage. Thus, even more than an institution concerned with legitimacy and with the perpetuation of decent lines, marriage for the Newar Buddhist priesthood was concerned with status distinctions: their discrimination, their maintenance, and their creation. Newar marriage, therefore, has parallels with Dumont's depiction of the importance of marriage among the Sarjupari Brahman of eastern Uttar Pradesh where "... status is given (or 'attributorial') on the one hand, created (or 'interactional') on the other" (Dumont, 1966: 107). Inden also had written that rank in Bengal, during its middle period, among the Brahman and Kayasthas was a matter of both inherent attribute and demonstrated interaction with marriage being the transformative act par excellence (Inden, 1976).

Among the Newar there were three patterns of marriage: 1) endogamous, between equals; 2) hypergamous (or anuloma, 'with the hair'), men marrying women of lower status; and 3) hypogamous (pratiloma, 'against the grain'), women marrying men of lower status. As we shall see the relative status of the husband and wife before marriage determines not only the type of marriage procedure, but also changes in the status of the wife after marriage, the status of subsequent children, and all the ramifications thereof.

As discussed above, a Newar girl's first marriage was a ritualistic one. Only after having been given in marriage to the bya could she enter into actual conjugal union with a human male partner. There were two methods of entering marriage: 1) an arranged marriage (also called yihi pah) which entailed elaborate procedures of mate selection on the part of both families as well as expensive, public celebrations of the union, and could only take place with partners of the same caste when the bride had yet to have entered into marriage with any other human husband. (The bridegroom, however, could already have been married and indeed could have several other wives already); and 2) co-habitation for four days, or panewanegu, which always entailed mutual choice or both individuals, was more commonly referred

to as a "love-match", and could take place with partners of either the same caste or different castes or communities, including divorced or widowed women. In other words, there were no restrictions associated with panewanegu marriages. Intercaste unions, by their very nature were never arranged, but always "love-matches", entered through panewanegu.

Certainly endogamous unions of partners of exactly equal status constituted the preferred and excepted forms of marriage. These were quite often arranged by the families of the couple and solemnized through yini pah as elaborate public ceremonies. They could, however, also be contracted by the individuals themselves as "love-matches" in which case they would be entered through panewanegu. The status of each partner formerly being equal, remained so after marriage; and their children were born with rights to the same status.

Hypogamous unions, where a Newar woman married a man of lower, but not unclean caste status were always entered through panewanegu. The husband retained his lower caste status, and their children would take the same caste. The relative standing of the husband, and children of such an hypogamous union could be enhanced within the caste although there would be no actual change of caste status. In such cases the wife's status was degraded to that of her husband. Should she divorce her husband she would be unable to regain her natal caste rank. Once having lost her initial superior status she was denied entrance into her father's kitchen and her own sisters and brothers could no longer openly take cooked rice from her. Should she have had children by a husband of caste status equal to her own, and then taken a husband of lower caste status her children from her first husband would be of higher caste than she, would deny her entrance into their kitchen, and would no longer openly take cooked rice from her.

When a woman wed a man of another caste and her own caste and that of her husband both claimed to be of superior status, one to the other; and thus both refused to accept food prepared by the other, then the wife lost the status of her natal caste without acquiring the status of her husband. That is, when marriage took place between members of different castes but of equal though distinct caste statuses, the penalties were great: the woman literally lost all caste status. Needless to say, such unions were infrequent. When they did occur they caused considerable comment, as well as sympathy and were seen as tragic. The status of children of such unions was ambiguous; and marriages of this type could only be entered through panewanegu.

Hypergamous unions, where a Newar man married a woman of lower, but not unclean, caste status were also always entered through panewanegu. In such cases the husband retained his natal caste status, as long as he did not openly take boiled rice, curries cooked with "rice water" and dahl prepared or served by his lower caste wife. The wife retained her lower caste status. The children from such unions were assigned to the mother's lower caste as long as the father's superiority was recognized and acknowledged by the mother's caste.

There was one important exception to thos. When a Vajracharya or Bare man took a wife who was a Tibetan, a Jyapu, or a Shrestha, the children born from such a union took neither the father's superior

nor the mother's inferior status: they became members of the Urha caste. In the time of the Rana Prime Ministers such unions were common, and the children were acceptable to the Urha. This arrangement continues in the villages of the Valley but not in the capital of Kathmandu. Indeed, there the Urha deny that this was ever the case. Why this is so will be discussed later in the paper.

From another perspective one correctly can conceive of a circulation of women through marriage. Unless a man married a woman of unclean status, if he himself refrained from taking boiled rice, curries cooked with "rice water" and dahl prepared or served by a wife of lower caste status he retained his own natal caste membership and rank. Thus men did not usually change caste membership or rank through marriage. Women, on the other hand, lost the caste rank of their parents when they married a man of lower status. Hence it was women who changed categories, and it was women who were accepted or rejected much as items of food were accepted or rejected. Indeed, where food was accepted, women were accepted. That is, if a caste accepted boiled rice, food cooked with "rice water" and dahl from another caste, women of the latter could be and were incorporated into the former caste and were granted all the rights and privileges of one born into that caste. Where hierarchy existed and was acknowledged intercaste unions were possible and tolerated. Endogamy was not, as Dumont (1964) argued, the ultimate principle but rather was encompassed by hierarchy.

The pattern of intercaste unions among the Newars was associated with recognition of primary and secondary marriages. A Newar man's primary or senior wife was the first woman he wed who was of his own caste or initially of a superior caste who, through marriage, became a member of her husband's caste. Whether or not this union was sanctified by an elaborate set of rituals and celebrated by a series of public entertainments was immaterial. Moreover, whether or not a woman had been married previously did not affect her potential seniority as a wife. Caste-rank and sequence of marriage were the crucial features. A wife of longer standing and of the same caste took precedence over a wife of shorter duration and over a wife of an inferior caste. A wife of shorter duration, however, took precedence over one of inferior caste. Thus, if a man first took a wife of an inferior caste and then a wife of his own caste, the second wife became his primary or senior wife.

The Urha Challenge to Vajracharya Supremacy:

On the 26th of June 1901, Chandra Shamshere became Prime Minister of Nepal following the successful execution of a bloodless coup d'etat against his half-brother, Maharaja Deva Shamshere. The Shaha King, Prithivi Bir Vikram, immediately gave his consent to this accession and issued the following proclamation:

He is given full authority in respect to passing sentence of death, deprivation of caste, imprisonment for life, confiscation of property, banishment or deportation, conferring or deprivation of honours, control of the Treasury, together with plenary powers in all affairs of the state" (Landon, 1928, Vol II: 83).

Control over the administration of justice was a central aspect of the prime minister's power and a central focus of Chandra Shamshere's twenty-eight year reign as prime minister. Moreover, as Landon has pointed out, in the Nepal of Chandra Shamshere, Hindu law and custom remained "to permeate, and indeed, to form the foundation of the existing system of administration" (Landon, 1928, Vol II: 167). Chandra Shamshere thus continued the policy of securing political stability by maintaining social stability, and by utilizing the legitimacy and sanctity of religion to justify adherence to tradition and abhorance of radical change or reform. Indeed, any attempt at major reform of the educational, political, or social structure of the country was condemned and punished in the name of religion. This policy of strict adherence to orthodox Hinduism in order to defeat and contain any potential criticisms of Rana despotism particularly served the interests of the Brahmans whose religious and social influence greatly increased. Thus, according to Landon:

So far from attempting to interfere with the religious establishments of Nepal, the Maharaja has added largely to the stability of the Brahmans, and their chief the Gurujis have wealth, dignity, and an inviolate position, and it is interesting to notice the extent of the Maharaja's endowments in support of religious philanthropy and learning" (Ibid: 173).

Landon is most specific in his delineation of Chandra Shamshere's largess:

.... the feeding of Brahmans in multitudes, the gifts to them on certain occasions of one thousand cows, the dedication to their use of elephants and horses so tricked out to symbolize the holy mountain of the gods. (Ibid: 183).

Under the Ranas the office of Royal Priest (Raj Guru) was of great importance not only in the sphere of religion but in political matters as well.

Prior to the reign of Jung Bahadur, travel overseas had brought the severe penalty of permanent loss of caste. However, the code promulgated by Jung Bahadur enabled one to regain one's caste through the benefit of a rite of purification known as pani patia. This change enabled Jung Bahadur himself to travel as he did, to England and France in 1850. But more importantly, it meant that the use of Gorkha troops by the British could be extended to locations beyond the South Asian continent.

This rite of purification also was available to individuals who had become defiled through inappropriate encounters and who without its benefit would have remained outcasted by their family and caste mates. The issue of whether or not becoming the devotee of a Tibetan lama constituted such a defiling encounter necessitating the enactment of pani patia sparked off a vicious internecine struggle between the Vajracharya priesthood of Kathmandu and their Urha clientele. In 1923, a Tibetan lama came to the

Kathmandu Valley. He attracted a considerable following, particularly amongst those Urha who no longer were willing to tolerate the Vajracharyas' monopoly over the higher tenets of Vajrayana Buddhist knowledge and ritual practice. This lama preached that according to the teachings of the Buddha there is no hierarchy of caste; nor does a married priesthood alone have the right to become Buddhist monks or to practice advanced Buddhist meditations to the exclusion of all others. He gathered large crowds before whom he recited stories and chanted mantra. He disclosed openly what the Vajracharya considered secret, and he talked openly of matters about which the Vajracharya thought they alone among the Newars had a right to know. Many of his followers thought of the lama as their special 'guru', and they bowed their heads to him, some even prostrating themselves before him. Many also ate food offered by him or prasād. Thus many Newars who traditionally had turned exclusively to the Vajracharya for religious guidance now were the devotees of another type of Buddhist specialist.

The Vajracharya priesthood also was threatened at this time by a declining clientele as many Newars were becoming Hindus in order to pass as members of the prestigious caste of Shrestha.¹⁰ Incidences of individual mobility were frequent whereby Jyapu men emigrating from rural communities into the capital city were able to transform themselves into acceptable, if low ranking, members of the higher caste of Shrestha. An important step in this process of individual mobility was when the Jyapu broke with his former Buddhist identity, ended his traditional hereditary priest/jajman relationship with a Buddhist Vajracharya and, instead, engaged a Hindu Brahman as his domestic priest (purohita). The consequence of this change in both religious and caste identity was that Newar Brahmans, few in number but increasingly rich in patrons, were becoming ever more prosperous whilst the economic and social well-being of their Buddhist counterpart declined.

In stark contrast to the threatened and vulnerable position of the Vajracharya was the secure and potentially powerful position of the Urha, a position which led some of their members to desire a higher status than the caste had previously known. Moreover, this expectation was not an unreasonable one in light of the way many Hindu Brahman were tolerating the upward movement of affluent or politically influential members of the Jyapu caste. The Urha traditionally had accepted the ritual and caste superiority of their Vajracharya priests. One of the earliest accounts of the Urha appeared in Oldfield's Sketches From Nipal, published in 1880 and containing material gathered over the period 1850 to 1863 during which time the author served as Surgeon to the British Residency in Nepal. In this account the Urha are referred to as "Udas" and the Bare as "Banhras". Oldfield clearly ranks the Urha as the inferior of the Bare. According to Oldfield "They will eat from the hands of a Banhra, he being, as a Banhra, their superior; but a Banhra will not eat from their hands." (Oldfield, Vol 2: 146). Oldfield's account is correct in all respects except for the assertion that "Of course, therefore, there can be no intermarriage between the two order" (Ibid: 146) which is somewhat misleading. If by 'intermarriage' Oldfield meant an arranged marital alliance between families which was the only type of primary marriage which was capable of producing offspring that took the caste of their fathers, then his assertion is correct but in-

complete. Conjugal unions which were not of this 'primary' type were possible and, in fact, did occur. Vajracharya men took Urhā women as wives, though such unions were often the second or third marriages of the husband, were never arranged alliances, and were established only through co-habitation. The husband's caste standing remained unblemished and undiminished as long as he did not take rice prepared or served by his Urhā wife. She however, was barred from participation in and could never become a member of any association (guthi) to which her husband belonged and whose membership was restricted to Vajracharya alone. All children of such mixed unions took the caste of their Urhā mothers and became members of Urhā religious and funeral associations (guthi). Urhā men also took Vajracharya or Bare women as wives, though such unions were not a frequent occurrence, were often the second or third marriages of the wife, were never arranged alliances, and were established through co-habitation alone.

The Urhā accepted Vajracharya and Bare as husbands for their daughters in that they did not outcaste such women from their caste which would have been the case where their daughters to have married a man of a caste lower than that of the Urhā. Moreover, the Urhā also accepted as members of their own caste children born to the higher ranking Vajracharya and Bare men who had taken Tibetan, Jyapu, or Shrestha women as members of their own caste in spite of the fact, that such women were not themselves Urhā nor did they become Urhā as a consequence of having married outside their own caste. All children born of such mixed unions could not take the caste of their Vajracharya or Bare father but were Urhā.

This pattern of accepting Vajracharya or Bare men as husbands for their daughters and accepting their children as members of their caste as well as the Urhā's acceptance of the children of Vajracharya and Bare men and Tibetan, Jyapu and Shrestha women as members of their caste accepted the notice of Oldfield. Indeed, in spite of the number of studies of the Newars that have occurred subsequently this pattern of acceptance by the Urhā had gone unrecorded in the literature. That this should be so is not surprising as it runs counter to the stated precepts of caste endogamy and to the general Hindu stress upon the "purity of women". Hence it would not be a matter which the Urhā or other Newars would have been likely to want to have openly acknowledged. Moreover, in time it became a pattern which the Urhā no longer tolerated.

During the early years of the prime ministership of Chandra Shamshere there occurred several court suits brought for the purpose of securing for Urhā sons an equal share in all of the Vajracharya father's property. One case of particular interest concerned the attempt of an Urhā son to claim the right to inherit his Vajracharya father's jajmān. The relationship between a priest and his jajmān was such that the priest's right to serve a family and thereby derive fees for all services rendered was one which could not be altered or broken by the jajmān. However, a priest could break the ties himself, linking him to his clients: he could seel his jajmāni; he could use them as collateral; or he could lend or lease them to another priest receiving in return a set percentage of the income his substitute earned. Moreover, these rights were inherited either at the time of a son's partition from his father or upon the father's death. As long as the rest of the Vajracharya refused to serve another Vajracharya's jajmān and as long as the

clients refused to seek the services of a Brahman or of a Buddhist priest other than that of the Vajracharya priesthood, the Vajracharya were secure in their use of their jajmani as a form of property to be bought, sold, leased and inherited.

In 1917 a court case was brought by two Urhā brothers: Hira Muni and Cakra Muni against their father's brother, Ananda Muni, for usurping, without their permission, the jajman of their father, Vishnu Muni. Their father had two wives. From the elder Vajracharya wife there were no sons. The two plaintiffs were the sons of the second, Urhā, wife. Hira Muni and Cakra Muni, in their petition to the court, argued that because they were the sons of Vishnu Muni they should have inherited all of his property including his jajmani and should have acquired rights in property held by the guthi in which their father was an hereditary member. The plaintiffs asserted that their responsibilities towards their father's jajman could be met through the commonly accepted practice of appointing substitutes who, in turn, would have to pay them a percentage of any fees earned. Upon their father's death, his brother, the defendant Ananda Muni, had stopped the priest they had appointed and also had refused to pay them a percentage when he, in turn, acted as purohit for their father's former jajman. The plaintiffs asked that the court order their uncle to compensate them for the fees he had usurped from them and to return his jajmani to them for their own use and benefit.

In his reply, their uncle, Ananda Muni, admitted that jajmani could be inherited as he and his brother had inherited their jajmani from their own father. Ananda Muni then went on to state such relationships could be inherited only by the Vajracharya sons of Vajracharya priests. Because his brother had had no Vajracharya heirs to inherit his jajmani the permanent jajman/purohit tie which had existed while his brother was alive had ended with his death. Thus, according to the petition of response submitted by Ananda Muni, the jajman of his dead brother had no inherited purohit and were free to select whomsoever they wanted. The court ruled in favour of Ananda Muni; the plaintiffs appealed, lost this appeal, and then appealed yet again. The Raj Guru heard this appeal but ruled that there was no justification for considering the initial judgement incorrect or unjust.

By the year 1926, when the Tibetan lama had come to the Valley, the Vajracharya were a caste and priesthood under siege. Their Jyapu clientele was dwindling as individual Jyapu turned to Brahman priests in order to validate their claims to be Shrestha. The Vajracharya traditional position of ultimate and ritually defined superiority was challenged and then openly attacked by the Urhā. Urhā jajman succeeded in securing the right of having their Vajracharya purohit accept rice prepared and served by Urhā. Urhā sons of Vajracharya fathers and Urhā mothers unsuccessfully attempted to remove some of their disabilities that resulted from their being half-caste, by having the courts rule that such half-Vajracharya, half-Urhā sons could inherit and benefit from their fathers' jajmani. It is no wonder then that the Vajracharya priesthood sought to undermine the ability of the lama to preach to and to alienate even more their already threatened clientele while simultaneously reminding the Urhā that they were under the Vajracharya's spiritual authority.

The action taken by the Vajracharya of Kathmandu to safeguard their slientele, in point of fact, produced the very opposite effect from the one hoped for. It provoked a long and bitter struggle between Vajracharya and Vajracharya and between Vajracharya and Urhā. The political dimension of this struggle is a factor which cannot be too strongly emphasized, although not to the complete exclusion of the ritualistic underpinnings of the caste hierarchy. As I wrote in "Kingship and Caste":

The priest is not omnipotent. Religious power depends in part upon the ruler's military and political power. The purity of the priest is protected and defended by the ruler. The purity of the priest is defined in relation to the impurity of the polluted, and impurity is enforced through the use of temporal constraints.

(Greenwold, 1975: 72)

Caste hierarchy prevailed Nepalese life and was upheld by Nepalese law. Whether the Newars internal structure consisted of differentiated castes hierarchically arranged was not of central concern to the Rana regime, for from their perspective all Newars could be treated as a single entity. Indeed government policy was merely to make it illegal to violate the traditional customary behaviour of the various communities within their kingdom. Thus if Newar tradition and custom were based upon caste principles then these principles had to be upheld. But if the internal structure of the Newar community were not hierarchical, then this would have to be upheld. However, both the Rana government of Chandra Shamshere and the Newar Vajracharya agreed that the preaching of the Tibetan had to be stopped, for both saw his message as one challenging their privileged and exclusive positions. The Rana government evicted the lama, and the eighteen elders of the Acharya Guthi decided that their caste purity would be endangered should any member of their caste serve as purohita for any jajmān who had become defiled through the acceptance of food served by this lama or by having prostrated before him and touching one's head to his feet. This decision was formalised at a meeting in the temple of Kumari, and a formal document was drawn up on the 15th of Kārtik, 1925. All Vajracharya were to sign a pledge that they would limit their services as purohita only to those jajmān who in turn would pledge that they had not become defiled through unclean contact with the lama or who would admit that they had become defiled but then promise to undergo the purification of pani patia. The issue was that of caste purity, and the Vajracharya elders decided that challenges to or violations of the principles of caste hierarchy and purity had to be stopped. Indeed such a policy was a sensible one for caste was the very basis of their own exclusive control over certain tantric rituals and over Newar Buddhist monastic institutions.

The Tibetan lama may have been expelled but his demand for equality within the Newar Buddhist community remained. Many prominent Urhā refused either to swear they had never become devotees of the lama or to undergo rituals of purification. Consequently the Vajracharya purohita of these Urhā were confronted by a difficult dilemma. They could agree to sever their ties with recalcitrant Urhā thereby destroying their economic well-being or they could defy their caste elders thereby destroying their ritual and priestly privileges. A few Vajracharya who were especially bold or perhaps who thought their defiance would bring

little tangible punishment continued to serve as priests for those Urhā families which had neither signed the pledge nor been purified.

The Vajracharya elders, in order to punish these dissident Vajracharya, issued an order outcasting all those who refused to adhere to their policy of upholding their traditional caste structures. This meant that such outcasted Vajracharya were banned from all Vajracharya religious and social functions and were relieved of all their religious responsibilities within the monasteries. Their children were banned from undergoing all ceremonies of initiation and purification and became acceptable only for partners in hypergamous or hypogamous marriages.

The outcasted Vajracharya did not recant nor did they acquiesce to their expulsion. Instead they decided to press for a basic change in Newar society and to force their former caste mates to accept the Urhā as equals. The dissident Vajracharya, with the financial backing of their rich jajmān, sought to use the courts as a means of changing the hierarchical relationship that existed between the Vajracharya and Urhā. Knowing that Buddhism ideally stood in opposition to the principles of caste, and aware that not only was marriage between the two communities possible but also that some interdining recently had come to be tolerated or at least overlooked, they presented their case in terms of an unjust attempt by the elders of the Vajracharya to destroy the customary pattern of equality between the Vajracharya and Urhā and replace it by a new situation of Vajracharya superiority. This, of course, was not true, but their argument was a bold one. Moreover, it was not without some success. In the course of a series of long and protracted legal disputes the Rana courts at various times ruled in favour of this position and upheld the view that the Vajracharya elders had attempted to institute a new position of caste superiority rather than fend off attempts to make the Urhā their equals. Notwithstanding a number of conflicting court decisions over the years the final judgement in 1934, issued by Juddha Shamshere, found that the Urhā had failed to produce valid evidence that there had been primary marriages or the open and free exchange of food between their caste and the Vajracharya and thus could not compel the Vajracharya to interdine or intermarry with the Urhā; the Urhā were not equal to the Vajracharya.

The first suit brought by a dissident Vajracharya was filed in the criminal court on the 17th of Māgh (Jan-Feb) 1926 A.D. by a priest, named Subha Ratna, against nine other Vajracharya priests. In his petition, Subha Ratna described how he and these nine Vajracharya defendants were all members of a vihāra religious association (guthi) which held an annual feast on the day of the Newar festival of Keshmand Navami, and how he had not been allowed to attend this association's last gathering. If Subha Ratna were to establish that he had been incorrectly expelled from the caste, from its Āchārya Guthi, from his vihāra and its sangha and from all his other religious or social organisations, he would have to convince the court that it was the majority of the Vajracharya and not he and the other minority of priests who were breaking with their caste's time-honoured traditions and customs. Subha Ratna therefore claimed that he had been outcasted for adhering to a policy that was traditional but

which the other Vajracharya had decided to revoke in order to elevate their own position and humiliate the Urhā. Receiving no invitation to the guthi held on the festival of Kushmand Navami, Subha Ratna went to where this feast was held and asked why his invitation had not been sent. Let us take up what happened in Subha Ratna's own words as stated in his petition to the courts:

Then the nine offenders mentioned above said to me as if with a single voice "Even though we Vajracharya had been inter-dining with our Urhā jajman since time immemorial we have written a pledge of restriction saying that we do not and we will not inter-dine with them any more. We all agreed to sign this pledge of restriction and did put our signatures to it. But you disagreed and refused to sign. That is why we have not sent you an invitation. If you will now sign then we will let you sit down and join this feast. But if you do not sign, you will not be allowed to join us and, moreover, we will never again inter-dine with you." I replied to the offenders, "From the time of our ancestors, we Vajracharya, Bare and Urhā always have inter-dined. If this were not so why do we Vajracharya and Bare eat the rice cooked by the Urhā during the Samyek ceremony?"

In support of his position Subha Ratna offered the sworn statements of eight other Vajracharya which also contained the claim that the Vajracharya and Urhā were equal castes which freely accepted cooked rice each from the other. Subha Ratna ended his petition with the plea that this unjust boycott from this, and all other caste associations, be lifted and that the nine defendants be punished.

The nine Vajracharya defendants denied Subha Ratna's accusations in their petition to reply which was filed of the 3rd of Pus (Dec-Jan) 1926. In their response the defendants presented a very different tale. They claimed that the issue at hand was not their having decided to end the traditional practice of accepting food from Urhā jajman but rather that of the need for those polluted by their devotions to the Tibetan lama to be purified. In this petition the nine wrote:

The rascal Urhā who would not take patia were angry at us Vajracharya as we would not do the work of a purohit for them. The plaintiff Subha Ratna is one such Vajracharya.

The nine defendants also argued that the Vajracharya and Urhā were not equal castes:

From the earliest of times, we Vajracharya have been acting as purohit for the Urhā and hence we take feasts (bhoj) with them. But we never accept cooked rice (bhāt). Since we have never taken cooked rice from the Urhā there was no reason for us to write down in a resolution the pledge that "From now on we shall not take cooked rice from the Urhā" as the plaintiff falsely has alleged. The plaintiff clearly is lying when he states that we had

informed him that he could not feast with us on Kushmand Navami because he would not sign his name to a pledge promising that "From now on we shall not accept cooked rice from the Urhā" as the document contained no such sentence.

Further, the Vajracharya defendants went on to refute Subha Ratna's contention that the taking of khir was proof that the two castes freely exchanged boiled rice (bhat). The Vajracharya likened the taking of khir during the Samyek ceremony by the Vajracharya from the Urhā to the taking of mahaprasād by pilgrims at the Jaganatha festival in Orissa, India and to the prasād taken by the Newars during the festival to Durga when a dancer drinks the blood of a pig that he has killed with his own fingernails and without benefit of any other weapon or instrument and where prasād of beaten rice and curds is accepted by all from the dancer's blood-stained hands.

Another suit was filed three months after that of Subha Ratna by another dissident Vajracharya priest, Indra Cuda Muni. On the 5th of Jeth (May-June) 1927, a decision on both cases was reached. The court ruled that the expulsions of both the dissident Vajracharya were reasonable and lawful. Moreover, the court went on to address itself to the question of whether any of the Vajracharya could lawfully interdine with the Urhā or whether all Vajracharya had to do so. That is, having ruled in favour of the nine Vajracharya defendants, the court asked if the dissident Vajracharya plaintiffs had committed a crime by breaking caste tradition and custom in accepting cooked rice from the Urhā. In order to answer this question the court referred to an earlier case brought by Harsha Ratna Urhā in 1918 against seventeen defendants of whom seven were Vajracharya and ten Urhā. Harsha Ratna and the seventeen defendants were members of a common religious association (guthi). Harsha Ratna had been denied entrance to a feast of this association because the other members claimed that he had married a non-Urhā woman but had tried to pass her off as Urhā, thereby openly eating rice cooked by her. The consequence for Harsha Ratna of such an action should his wife have proven to be a non-Urhā would have been permanent defilement. The seventeen defendants argued that because Harsha Ratna secretly had married a non-Urhā, had taken food from her, and had done so knowing what her true caste was, he had become of his wife's lower caste and hence no longer eligible for membership in their guthi. In referring back to this case of 1918, the judges, in 1927, were not interested in the specific outcome of whether Harsha Ratna or his wife were Urhā, but rather used this case as evidence that Urhā, and at least these seven Vajracharya, had belonged to a common guthi. Furthermore, because the seven Vajracharya had stated that they had refused to interdine with Harsha Ratna only because he no longer was an Urhā, the court held this as proof that Urhā and the seven Vajracharya had interdined. The court, in 1927, then went on to note that since 1918, when this case was heard, no fellow Vajracharya had refused to interdine with these seven or their descendents. Hence not only had Urhā and some Vajracharya interdined but this situation had been acceptable to the rest of their caste. Thus the court ruled that "Those Vajracharya who

traditionally accepted cooked rice from the Urhā can continue to do so". The court fined Subha Ratna Rs 10 for filing a suit in order to force other Vajracharya to interdine with him even though he, in turn, interdined with the Urhā; and fined the nine Vajracharya defendants who had outcasted Subha Ratna Rs. 5 for stating in their statement to the court that the Urhā were of an inferior status to the Vajracharya.

This decision pleased neither the dissidents nor the defendants, both of whom appealed their fines. The dissident Vajracharya rejected the decision that their being outcasted was just and legal. They argued that the Vajracharya traditionally interdined and intermarried with the Urhā. The nine Vajracharya defendants rejected that the two castes could interdine, intermarry or were equal. On the 27th of Pus (Dec-Jan) the court of appeals ruled that the lower criminal court should re-open the case and should rule on the authenticity of the document drawn up by the elders of the Āchārya Guthi in order to determine what sort of traditional exchanges occurred between these two castes. This the lower court did, declaring that the document drawn up by the Vajracharya elders was only concerned with the need for patia by those who had become defiled through contact with the lama and also that this document never had contained a statement ordering Vajracharya to refrain from their traditional interdining with the Urhā. Subha Ratna therefore was found guilty of manufacturing false claims and was sentenced to a long prison term of one hundred and eighty years and eight months. This sentence, although then halved to ninety years and four months might appear incredibly cruel and harsh until one learns that such long sentences were a means of imposing very large fines. The court went on to state that Subha Ratna would have to serve a minimum prison term of six years and could be released from the remaining eighty four years and four months upon payment of a fine commensurate with this length of time. Subha Ratna appealed against this ruling, lost his appeal and had an additional two years added to the time for which he would have to make a payment.

While serving his six years Subha Ratna appealed to the Prime Minister whose office was the highest court in the land. Before Chandra Shamshere could rule on this case, he died. His brother, Bhim Shamshere, ascended to the Prime Ministership and marked the beginning of his reign with a general amnesty. Thus Subha Ratna was freed from prison, if not from his fines or from the consequences of his being outcasted. The dispute was resolved in 1932 by a decree (Khadga Nisan) issued by Bhim Shamshere to the effect that the expulsion of all dissident Vajracharya was valid. However, this decision had little effect upon Subha Ratna himself, for he had died in 1930.

The dissident Vajracharya although secure in their position as the purohit of rich Urhā jajman were not immune from the effects of the judgement that their expulsion from the Vajracharya caste and its associations was valid and permanent. Furthermore the children of these outcasted Vajracharya were to pay the horrific penalty of being denied access to the right of ordination as monks and priests and consequently the right of becoming Vajracharya.

The only way that such sons might regain the right to become members of the vihāra and its associations, as well as of the Āchārya Guthi was to sue those priests who refused to permit them to undergo Bare chhuyegu and acha luyegu. Thus Juddha Ratna "Vajracharya" filed a suit against the priest Pramanda Vajracharya. The court ruled that all sons born before 1926, that is before the expulsion of their fathers, could undergo all the initiations necessary to confirm them as Vajracharya and as a purohit and any sons born after 1926 were to be denied this right. This landmark decision of 1934 consistently was upheld by all courts of appeal. Even when the sons of outcasted priests merely requested permission to use the vihāra but agreed to be initiated separately this was refused. The courts made it clear that under no circumstances could sons of outcasted priests attain the status of purity lost by their degraded fathers.

The Urhā supporters of the dissident Vajracharya decided that they personally would have to become involved in the struggle if their caste was to succeed in its attempt to force itself into a position of equality with the Vajracharya. They felt justified in this attempt as they saw the caste hierarchy as an Hindu institution which had been imposed upon Newar Buddhism and which was incompatible with the precepts and practices of orthodox Buddhism. Moreover, they recognised that the Prime Minister's decision, unless overturned, would mean that the ritual services of degraded Vajracharya priests were of little value. The leaders of the Urhā therefore requested and won the right to be allowed to have the issue of their inequality in relation to the Vajracharya reviewed. The Urhā argued that this issue had arisen out of a dispute between Vajracharya and Vajracharya; that this issue was of great significance to their caste; and that unless they had the right to file their own suit and present their own case justice would not be accomplished.

On the 8th of Baisākh (April-May) 1934, such a suit was filed by nine leading Urhā against ten Vajracharya defendants. In their petition these nine Urhā argued that the Urhā and Vajracharya could and did accept all cooked foods from one another; could and did accept wives from one another; could and did share the same religious instruction; and hence were and should be considered as equal. In support of these assertions the Urhā submitted to the court copies of official documents (lal mohar) which they claimed demonstrated the equality of the Urhā and the Vajracharya and that the two communities freely interdined and intermarried.

In their petition of response the ten Vajracharya defendants denied that their caste and that of the Urhā were equal:

The plaintiffs have claimed that the Vajracharya, Bare and Urhā interdine and that the children born to Vajracharya fathers and Urhā wives were initiated as priests and became Vajracharya. But this is not true because we Vajracharya cannot legitimately marry Urhā women; and when we have "illegitimate" Urhā wives, these wives and the children from these wives are not allowed to interdine with us; and

the children take the caste of their mothers and intermarry children of the Urhā caste. We do not legitimately marry Urhā women, and we have not been giving to children born from Urhā mothers the initiations of the Vajracharya. If we took these children as Vajracharya we would have their pigtails cut and would give them the same ordination as other Vajracharya and would intermarry with them. But this is not so. It thus becomes obvious that the plaintiff's claims are false. As for the plaintiff's claim that according to earlier decisions of the court, the children born to Vajracharya from Urhā wives receive an equal portion at the time of family partition may well be true for some Vajracharya fathers may have given their "Urhā" sons an equal portion out of personal desire or compassion. Moreover, the courts may have made decisions on this matter, but this does not prove that the Vajracharya and the Urhā or half-Vajracharya, half-Urhā children interdine. We are a pure caste. The Urhā are not. Our half-caste children from Jyapu or Shrestha wives are taken by the Urhā as being equal to their caste and examples of this are too numerous to list here.

The court ruled, against the Vajracharya, that the evidence contained in the lal mohar was so convincing that inspite of the Khadga Nisan issued by Bhim Shamshere, the Urhā were a caste equal to that of the Vajracharya, and its members should be allowed to continue to interdine and intermarry. This decision was issued on the 25th of Caitra (March-April) 1934. Within two months it had been overturned. On the 17th of Jestha, the appeal section of the criminal court had rejected the judgement and ruled that the official documents, copies of which had been used as evidence by the Urhā, were forgeries which illegally had been introduced into the records held by the Government Records Office (Goswara Tahahil) by a clerk of that office.

The Urhā appealed against this judgement of the appellate court, lost, and appealed again. On the 7th of Badra (Aug-Sept), Juddha Shamshere issued another judgement (Khadga Nisan) that as the Urhā had failed to produce valid evidence that there had been primary marriages or the open and free exchange of food between their caste and the Vajracharya he could not compel the Vajracharya to interdine or intermarry with the Urhā; he could not overturn the earlier decree of his brother, Bhim Shamshere; and he could not uphold the please of the Urhā that their caste was equal to that of the Vajracharya.

It is often proposed in the literature that caste primarily depends upon the distinction of purity and pollution; a distinction found only within a Hindu context. One of the most vigorous and sophisticated proponents advocating the limiting of caste to the Hindu social system is Louis Dumont. It is not surprising, therefore that for Dumont the Newars cannot be said to possess a true caste structure. According to Dumont the local, kinship-delimited, communally restricted, occupationally specialised and hierarchically ranked status groups of Newar society cannot properly be classified as castes or subcastes; but, rather must be understood

as a "conglomerate of groups distinguished by their profession, social status (and [...] even religion). Clearly these conglomerates are not castes, although they may appear as such in certain situations in relation to real outside castes (Brahmans, Kshatriyas) (Dumont, 1964: 98). The Newars do possess a true caste structure in spite of Dumont's argument to the contrary. (See Greenwold, 1975). At the heart of caste lies the peculiar and unique relationship between priest and ruler, between status and power. In part this relationship is governed by the opposition of purity and pollution and to this extent hierarchy is a ritualistic matter, derivative of purificatory ceremonies and based upon the ritual efficacy of an hereditary priesthood. Thus, the ritual status of Newar castes is perceived in terms of ritually derived gradings which are held to be the consequence of purification by means of a series of special ceremonies, the samskāra. However, the priest/ruler relationship is not merely one structured by the opposition of the pure and the impure. Caste is more than an ideological structure based upon a ritually defined idiom of purity and pollution, although even at this level, as Heesterman has argued, the priest's status of purity is not completely separate from contamination by secular constraints "but contingent on the outcome of the latent or open but always continuing contest for power and prestige". (Heesterman, 1971: 47).

The priest may be essential to the structuring of a caste ideology which articulates the idiom of hierarchy in terms of purity and pollution but this idiom is not absolute: the secular power of the state as embodied in the office of the "king", or in the case of Rana dominated Nepal, in the office of the prime minister was also of considerable importance. And thus, as we have seen it was the power of the state that proved to be the crucial factor in the disputes between the Vajracharya and the Urhā. The configuration of the caste hierarchy depended upon political considerations, and the Rana government was able to uphold or transform this hierarchy as it so desired. Moreover, only because the Vajracharya were able to make use of the powers and authority of the Rana political apparatus were they able to uphold and maintain their traditional caste superiority over the more wealthy Urhā. Because of the Urhā's ability to offer great sums in support of those religious activities which were conducted by Vajracharya priests who accepted rice prepared and served by Urhā, that caste was able to challenge and indeed eventually alter what had hitherto been the absolute and complete caste superiority of the Vajracharya. In addition, the Urhā enhanced their claims to be a caste of equal standing by radically changing the sorts of marriage alliances that their caste would tolerate. Furthermore at one time the children of Vajracharya and Bare men and Urhā as well as Tibetan, Jyapu or Shrestha women became members of the Urhā caste, were welcomed as partners in arranged and hence endogamous unions, were welcomed as members of all caste associations, were buried and mourned by fellow Urhā, and came to possess all the privileges and prerogatives of the Urhā. As early as the mid-nineteenth century this pattern of acceptance on the part of the Urhā must have appeared incongruent with the structures of the orthodox Hindu view of caste, a view which was the one embodied in public policy as well as a pattern which was seen to be demeaning to the Urhā as it was a visible sign of their inferiority to the Vajracharya and Bare, many of whom were their half-brothers or kinsmen. Thus, no mention of this pattern appeared in any of the accounts of the nineteenth century scholars who wrote about Newar society and its customs. Moreover, the Urhā became increasingly

sensitive to such alliances which so clearly and openly acknowledged their inferiority to the Vajracharya. By the time of the court cases Kathmandu Urhā no longer accepted children born from the union of a Vajracharya or Bare father and a Jypau or Shrestha wife, though the children born to such fathers and Tibetan wives were still acceptable as Urhā. The Urhā not only stopped this pattern of acceptance, but even came to deny that such offspring ever had become members of their caste.

I learned of this traditional custom because in the village of Bungamati such alliances were still formed between Vajracharya or Bare men and Jyapu or Shrestha women and their children were still accepted as Urhā during the period of my fieldwork in 1970-1971. However such alliances were not only admitted to and were never publicly discussed. The gathering of genealogies was a highly charged matter and occurred only with considerable effort. I then was able to trace how the descendants of Vajracharya or Bare fathers and Jyapu or Shrestha mothers born in the village but who then subsequently had migrated to Kathmandu in the early part of this century had been able to establish themselves as Urhā within the context of the city in spite of the Urhā's policy of rejecting such offspring as members of their caste. Indeed, some of these men and their families were active participants in the Urhā's battles with the Vajracharya.

That the authority and power of the Rana political apparatus had been the crucial factor can be seen when one looks at what happened once these were removed. In 1951 a revolution ended the rule of the hereditary Rana Prime Ministers. In that year another event also occurred which, though less momentous, still is important to our examination of the Urhā-Vajracharya disputes. In that year the Samyek ceremony was held. Its patron was an Urhā merchant who earned for himself the nickname "Samyek" Ratna. Because he was an Urhā who did not want to accept his caste's inferior position in relation to the Vajracharya, he employed a dissident and outcasted Vajracharya to officiate at his celebration of the Samyek. This decision prompted the Vajracharya elders to declare that any Vajracharya or Bare who attended would become defiled and hence necessarily outcasted. In spite of this ban the Bare of Itum, whose duty it was to carry special elaborately decorated umbrellas during the celebration, took part in the Samyek. When, a few days later, one of the Bare elders of Itum Bahal, who had been instrumental in urging his fellow Bare to ignore the please and threats of the Vajracharya elders, died; the Vajracharya priesthood refused to officiate at the rituals that were required by his death. However, these rituals were conducted by a Bare, named Hira Kaji, who also was a member of the Itum Bahal. This man still was alive during my fieldwork in Nepal and I was able to talk to him. He told me how he became a purohit when traditionally Bare had been excluded from this priesthood. His father had been a Bare, but his mother was a Vajracharya. Upon the death of her first Bare husband, Hira Kaji's mother married again, this time taking a husband of her own caste. No children were born from this second union nor did the second husband have any children from another marriage. Although this second husband was a disaster in many respects: he drank a great deal, had sold most of his jajmān and thus earned little money, nonetheless he was of great benefit in one respect. He taught Hira Kaji all that one needed to

know in order to serve as a purohit. Moreover, according to Hira Kaji, he made him into a priest through the performance of āchā luyegu. Whether this ordination occurred before or after Hira Kaji agreed to officiate at the funeral rites of the older of Itum Bahal was a point about which Hira Kaji was deliberately unclear.

Having once openly served as a purohit, Hira Kaji soon found that his services were in great demand, particularly by the Bare of his own vihara, but also by the Bare of Asan and Lagan. Moreover, the idea that Bare might become priests appealed to other members of his caste; and about twenty-five Bare boys decided to be made into priests. According to Hira Kaji, Gwaracha Vajracharya of Bhimsensthan agreed to perform āchā luyegu for these young Bare boys. For this action of initiating Bare into priesthood which hitherto had been the sole prerogative of the Vajracharya this officiating priest from Jyabahal was outcasted by the eighteen elders of the Āchārya Guthi.

Another incident occurring in 1952 also demonstrated how the Vajracharya without the active support of the Rana regime were unable to stop those who once had been their inferiors from usurping their ritually determined superiority. This incident also demonstrated how the state and its power continued to be a crucial factor where and when it was employed. The then Prime Minister, Matrika Prasad Koirala, although known for "his conservatism and religious orthodoxy" (Joshi and Rose, 1966: 94), being "the traditional type of Brahman" (Ibid.: 94) who, in 1951, had ordered the arrest of a group of untouchables who had attempted to force their entry into the most sacred Hindu shrine in Nepal, the Temple of Pashupatinath (Ibid.: 160) nonetheless, in 1952, granted the right to dissident Vajracharya of using the vihara to which they had belonged before their expulsion for interdining with the Urhā so that they could initiate their sons as priests. Under the Ranas this right had been denied. Moreover, M.P. Koirala even ordered armed police to attend such initiations in order to stop any breaches of public order and to ensure that the rites of ordination would not be stopped by those members of the Vajracharya community who constituted the majority of that caste's membership and who might want to stop their once fellow priests from having their sons made in Vajracharya.

The state was to intervene once again in matters relating to the struggle between the Vajracharya and the Urha, though this was the last time it was to do so. In 1954, a violent confrontation occurred between the Urhā and their supporters from amongst the Vajracharya and Bare on the one hand and the more orthodox members of the Urhā, Vajracharya and Bare on the other. This battle took place in the plaza in front of the old Newar royal palace, Hanuman Dhoka. Yet again the issue at hand was the enactment of the Samyek ceremony. A procession of Urha, and their priests and supporters were making their way to the Buddhist shrine at Swayabhu where the ceremony was to be held. This procession was stopped by the Vajracharya and their supporters, as they felt that the dissident and outcasted Vajracharya, by removing images enshrined in the Buddhist monasteries had violated the gods, the monasteries and the Buddhist priesthood. Actual fighting erupted, and the police made numerous arrests before peace was restored to the centre of the capital.

Before restoring to violence the Vajracharya had filed a written petition to the Crown Prince Mahendra. The petition had been sent to the supreme court which in turn had given the decision that the ceremony should be conducted only in its traditional manner. Whatever they may have been, it certainly had not involved violent and disruptive attacks between two factions of the Newar community. This outrageous behaviour was found unacceptable by the Crown Prince, and he ordered his personal secretary, a Newar priest, named Lok Darshan, to call the leaders of the Vajracharya, Bare and Urhā communities together and to reach an agreement satisfactory to all three parties. This Lok Darshan did: a meeting was held in his house and a document was signed by members of the Vajracharya, Bare and Urhā communities and filed with the Supreme Court. Accordingly, the Urhā were able to obtain a limited victory, although the prestige of the Vajracharya priesthood was not to be flaunted openly. The Urhā won recognition, if only in implied or unstated form, for the ability of their jajmān to accept cooked rice served by their caste. According to the written compromise, all the outcasted Vajracharya and any of their sons who, because they were born after 1926, had been denied the right to undergo achā luyegu were to be re-instated as members of their caste, its Acharya Guthi; their vihāra, its sangha and guthi; their kin group and its guthi; and they were to enjoy all the rights and privileges of such membership including that of being able to interdine and intermarry with all other members of their priestly caste, even though it tacitly was understood that the issue of their continuing to interdine with their Urhā jajmān remained ambiguous. Those that did accept cooked rice from the Urhā could do so without penalty. Those that did not want to interdine with the Urhā need not do so. Neither position was to become the only officially recognized caste position but rather diversity was to be tolerated.

In one way this compromise marked an absolute victory, if only in a very limited sphere, for the Urhā. Their own priests were to be permitted to accept their prepared foods; and this sort of exchange even came to be seen as a 'traditional' practice. That this was so meant that their caste identity had been altered successfully. They now possessed the caste status of people of high enough rank at least to serve cooked rice to their Vajracharya purohit, if not to all Vajracharya. This transformation was so complete that by 1956, when Colin Rosser came to do his research in Nepal, he was the Urhā as a caste which had not forced themselves upward into a new status but rather as a caste which merely had regained an unjustly lost position or original prestige (Rosser, 1966: 105-134). In turn, having won this victory, the Urhā became more closely tied to the Vajracharya, for their connection to their jajmān who accepted rice served by them became the measure of their own status and purity. Now secure in their newly won socially and ritually defined position, the Urhā returned to their traditional role as the great patrons of Newar Buddhist practice and of the Vajracharya priesthood. Members of Urhā families who at one time had fought vociferously and angrily against the Vajracharya as instigators of a Hindu-based hierarchy which they considered false are now equally vociferous and angry when any of their family or fellow caste mates defile their caste by interdining or intermarrying with members of inferior castes.

In one important sphere the Urhā failed. They were unable to force the Vajracharya to intermarry with them in such a fashion that children born of unions between their daughters and Vajracharya or Bare husbands are Vajracharya or Bare and not Urhā. It is interesting to note that this aspect of the dispute conveniently has been forgotten. While the Urhā were able to convince Rosser of the truth of their contention that the Urhā traditionally inter-dine with the Vajracharya they most judiciously avoided that part of the tale which had to do with intermarriage. However, the Newar institution of marriage which differentiates between ritual and mortal husbands and between primary and secondary unions was one of the most crucial elements giving rise to the dispute between the Urhā and the Vajracharya. To overlook this is to fail to understand what actually occurred and why.

Marriage for the Newars of the Rana period was one of the most important institutions concerned with hierarchy and status, particularly from the point of view of women. Should a Newar woman have married a man of an inferior caste, she was outcasted. If the caste of her inferior husband accepted cooked rice from members of her natal caste, then she became a member of her husband's caste, bringing added lustre and prestige to her husband, his family and their children. For the Vajracharya as caste policy to have come to accept the Urhā as a caste from whom cooked rice must be taken would have meant that the Urhā wives of Vajracharya men and children born from such mixed marriages were not Urhā but Vajracharya. The acceptance of such a policy was rejected by the elders of the Vajracharya Āchārya Guthi and by the vast majority of Vajracharya priests. It was this issue which lay at the heart of the disputes between the two castes.

The Rana regime played a significant part in these disputes. The disputes arose against the background of a despotic and backward political structure which sought to perpetuate religious, ethnic and caste based inequalities and which severely punished any attempt to alter or transform traditional hierarchical relationships. This policy was justified as one which adhered to and indeed embodied the highest principles of Hinduism. In this view the law of caste was seen as the very foundation of a just Hindu state. Hence all ceremonial as well as matrimonial customs and practices became matters of great concern to the state and its judicial apparatus. The legal code, (Muluki Ain) first set forth by Jung Bahadur and later modified in minor ways by his Rana heirs, set forth multifarious provisions regulating all aspects of religious, social, and domestic behaviour. The Rana Prime Ministers' control over the judiciary was absolute. His office constituted the final appellate court in the land. It was because of the support given by this Rana judiciary that the Vajracharya were able to contain, as they did during the Rana era, the challenge to their supreme position of ritually defined purity and monopoly over Newar Buddhist institutions and its priesthood.

FOOTNOTES

- 1 For a full discussion of the career of Prithivi Narayana Shah, as well as of the emergence of the modern nation of Nepal, see Ludwig, F. Stiller's The Rise of the House of Gorkha.
- 2 In the text quoted above Joshi and Rose used the spelling Jang Bahadur. However, I prefer to employ the more commonly followed practice of spelling the name Jung Bahadur.
- 3 The Putwar are also known as Dui, Dali, Lamo and Raputar.
- 4 In "Kingship and Caste" I discussed this elevation of the Saimi by Jung Bahadur. Mrs. Anne Stahl argues that this raising of the Saimi's caste status pertained only to Bhatgaon: "La legende citee par Greenwold, qui justifie le status inferieur des Manandhar, est une legende locale de Bhatgaon qui ne concerne pas les Manandhar de Kathmandou et de Patan" (Stahl: 314). As evidence she offers the oral tradition of the Manandhars of Kathmandu that they came from India with the Malla kings as military engineers and only after settling in Nepal did they become oil pressers, an occupation often associated with pollution and defilement in India. This oral tradition of Indian origins is part of the Manandhar's attempt to remove all trace of their unclean status which they formerly possessed until the reign of Jung Bahadur. And, indeed, most Saimi today, particularly in the capital city of Kathmandu, deny that they ever were of unclean status. However, two of my research assistants were Saimi. Thus my contacts with this community were intimate and extended throughout my two year stay in Nepal. I, too, was told by the Saimi of Kathmandu that they came from India and that they were never of unclean status. However, when pressed the Saimi themselves did acknowledge they were untouchable, but then immediately added that prior to their holding a degraded and defiled position they had been of clean caste status. Other castes readily talked of the Saimi's former status. It was not uncommon to be told by a high-caste Newar in Kathmandu that his grandfather or great-grandfather would not take water, much less food from the hands of a Saimi, but that the Saimi were no longer unclean so that all can and do interact with them as with any other clean caste.
- 5 The legal code introduced by Jung Bahadur is the earliest record of Nepalese law which still is available to historical or legal research. Our knowledge about the earlier codes, such as those of Jayasthiti Mall or Ram Shah is based upon discussions found in the traditional chronicles concerning the codes or upon references in Jung Bahadur's Muluki Ain itself. This code was in force from the 6th of January 1854 until 1963. However, it was modified and reformed by Bhim Shamshere, Chandra Shamshere and Juddha Shamshere, all of whom were Rana Prime Ministers.

- 6 The Newars were an exception to the potential enslavement of all matwali castes. Slavery was abolished in Nepal in 1924 by the Rana Prime Minister Chandra Shamshere.
- 7 Proper initiation was an essential and necessary condition for the confirmation of a Bare's caste identity. This rite had to be performed before his marriage. That one could not become a Bare without having been initiated was a point which gave great power to the caste elders who could withdraw their services or the right to undergo initiation in a vihara therefore condemning a boy to the status of Urhā. Such withdrawals did, in fact, occur.
- 8 Gubhaju being another name for the Vajracharya.
- 9 The seniority of the Vajracharya determined by the length of time a man had been a member of his monastery's Ācharya Guthi. Hence, a certain advantage was gained by undergoing acha luyegu at the earliest age possible.
- 10 See Colin Rosser's article "Social Mobility in the Newar Caste System" (Rosser, 1966) for a detailed analysis of the process where Jyapu individuals were able to transform themselves into Shrestha.
- 11 Rosser (1966) presents a completely different interpretation of the conflict between the Vajracharya and the Urhā.

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