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"The Outrage of Marrying Up": Pratiloma, Endogamy, and Caste Patriarchy in Manoj Mitta's *Caste Pride*

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Abstract

This article addresses the practice of pratiloma marriage, a union of a woman in a superior position within the caste order with a man of a lower standing, as a crucial site for understanding the tensions between caste endogamy and patriarchal regulation within colonial Indian legal and reformist discourse. Engaging with Manoj Mitta's Caste Pride: Battles for Equality in Hindu India, B. R. Ambedkar's discussion of endogamy, Uma Chakravarti's conceptualisation of Brahmanical patriarchy, and Nivedita Menon's account of the legal history of inter-caste marriage, this article argues that pratiloma was not a vestigial category defined by scriptural discourse. In the colonial legal and public sphere that this article seeks to historicise, it was a legal-cultural category through which dominant caste publics, colonial courts, and reformist actors negotiated anxieties about female agency and consent, patrimonial authority, conjugal bonds, property, and caste mobility. Attending to Vithalbhai Patel's Hindu Marriages (Validity) Bill of 1918, Bai Kashi v. Jamnadas Mansukh Raichand (1912), and the legislative history of the Hindu Marriage Act of 1955, this article traces how caste difference could be deployed to deny marriages recognition and materiality. This article does not assume the progressive potential of cross-caste unions. However, it seeks to advance the idea of constrained agency, wherein questions of violence, dependence, familial authority, and caste sanction mediated women's marital decisions. In its attention to how marriage across caste could serve as a site for intervening in the lives of castes, this article seeks to illuminate the intimate arenas in which caste inequality was negotiated.

Keywords: Pratiloma, Anuloma, Caste endogamy, Brahmanical patriarchy, Inter-caste marriage

Introduction

Marriage is one of the principal ways through which caste hierarchy has been reproduced. It regulates intimacy, affiliation, property, kinship, and descent; it also establishes the boundaries within which sexuality and reproduction can be socially legitimised. Caste, for Ambedkar, was not sustained merely through abstract hierarchy or ritual belief but rather through endogamy: the containment of marriage within bounded groups (Ambedkar, "Castes in India" 245-51). Chakravarti's reading of Brahmanical patriarchy highlights the gendered stakes of this containment. Caste hierarchy depended upon the reinforcement of women's, especially those belonging to socially dominant castes' sexuality and reproduction as constitutive of lineage, status, and property (579-82).

This article examines pratiloma marriage as one of the fault lines in the caste-patriarchal formation. In canonical Sanskritic taxonomies, anuloma typically referred to a union between a man ranked higher in the hierarchy and a woman ranked lower, whereas pratiloma was the inverse configuration. Neither term referred to a uniform social reality nor did they hold across regions, communities, and historical periods. In colonial jurisprudence and popular debate, however, these conceptualisations acquired new life and urgency as categories of differentiation between a tolerable downward extension of male authority and the more scandalous possibility of a woman's trans-caste marriage in a socially downward direction.

The article's central claim is that in the legal and reform archive that this article examines, pratiloma operated as a juridical and affective technology: it compressed anxieties about caste mobility within the regulation of women's marriage, sexuality, and personhood. The focus is not on celebrating or otherwise each trans-caste union as an exercise of free choice or on locating every woman who entered an inter-caste marriage as an agent outside history. The argument is that the very fact that certain inter-caste unions, and more specifically pratiloma, aroused such intense anxieties in particular juridical and political formations is testimony to the centrality of women's constrained agency to the reproduction of caste. By constrained agency, I mean to refer to actions that are taken, negotiated, or otherwise affected within and often against the pulls of family, caste, economic, social, and legal power differentials. The formulation attempts to move away from the romance of inter-caste marriage and the objectification of women as mere vessels for the reproduction of caste.

Manoj Mitta's Caste Pride: Battles for Equality in Hindu India provides a rich entry into this archive. In the chapter entitled 'The Outrage of Marrying Up,' Mitta recounts the controversy surrounding Vithalbhai Patel's Hindu Marriages (Validity) Bill, introduced in 1918, and analyses the judicial and political opposition to the legalisation of inter-caste unions. Mitta's chapter is read here in conjunction with Ambedkar, Chakravarti, and Menon's study of the legislative history of inter-caste marriage to locate the marriage debate within a wider genealogy of Anglo-Hindu law, colonial jurisprudence, nationalist reform, and post-colonial legal change.

Framework and Archive

Ambedkar's description focuses on endogamy as a process of social reproduction. In "Castes in India," he describes endogamy as the unique mechanism that transforms a class

into a caste and investigates the devices by which caste groups sustain it, including the regulation of marriage, widowhood, and women's reproductive lives (Ambedkar, "Castes in India" 245-51). His later critique of caste in Annihilation of Caste guards against the conclusion that legal permission for inter-caste marriage alone abolishes caste. While intermarriage could challenge caste separation, caste was inscribed in social, religious, and material arrangements that legal liberty alone could not unmake (Ambedkar, Annihilation 288-90).

Chakravarti's conception of Brahmanical patriarchy illuminates why upholding endogamy entailed uneven costs for women. Her account links caste and gender as mutually constitutive: Women's sexuality, labour, and reproductive capacity became objects of social regulation because they were made to guarantee caste purity and continuity of lineage (579-85). This analysis should not be taken to imply that all women experienced caste and patriarchy in the same way. Rather, it is useful to draw attention to the differential modes of surveillance, vulnerability, and authority produced by caste and gender.

Mitta's legal history provides the immediate archive for investigating Patel's bill. This article does not aim to be a comprehensive legal history of Hindu marriage, nor does it claim that textual categories from Brahmanical jurisprudence can be taken to describe all marriages in South Asia. Its scope is more limited: it asks why pratiloma became such a charged category in legal and reformist debates about the validity of inter-caste marriage. Menon's reconstruction is helpful in this regard. After all, it shows how the removal of caste restrictions gradually became a politically viable project because it could be presented as a modernisation of Hindu marriage and a means of forging Hindu unity; she also warns that freedom in the choice of one's spouse did not transform caste's material basis (Menon, "Ambedkar's Illegal Marriage").

The legal archive demands caution. Colonial courts did not merely uncover an unmodified Hindu law; they helped produce Anglo-Hindu law through processes of selective textual interpretation, evidentiary practices, and the search for administrable rules. The cases discussed below should therefore not be taken as transparent expressions of timeless religious law or as comprehensive descriptions of actual marital practice. They are records of legal power: moments at which caste classification, gender, respectability, and property became judicially legible.

Asymmetry, Endogamy, and Paternal Authority

In the Brahmanical legal and public discourses examined here, the distinction between anuloma and pratiloma encoded an asymmetry in social imagination about caste and gender. That an upper-caste man's union with a lower-caste woman could be imagined as an extension of an already-unequal order (the direction of caste and gender dominance was seen to remain intact) meant that a union between an upper-caste woman and a lower-caste man was imagined as reversing its direction. It need hardly be said that one did not necessarily bring the danger inherent in the other, and that the feared consequence of a pratiloma union was due not just to caste difference but to what its possibility meant for how caste endogamy was secured: the paternal and kin-based control of the reproduction of caste.

The language of descent, then, must be exercised with some caution. To say that every pratiloma union involved the very same legal consequence, across all schools, regions, and periods of Hindu law, would be untrue. Nevertheless, the dominant Brahmanical and patrilineal imaginations which found expression in the debates examined here are ones in which such unions could be taken as a threat to the congruence of marriage, paternity, caste status, inheritance, and household authority. The anxiety was genealogical and proprietary, but not reducible to formal property law. It was about who could authorise a daughter's marriage, which kin group could assert its claim to her reproductive labour, and whether caste rank could be upheld through regulated affiliation.

Mitta's discussion of kanyadaan is relevant here (Mitta), in that a sacramental conception of marriage could lead to the bride being seen not as an autonomous contracting subject but as the object of a paternal transfer. This article, however, does not take kanyadaan to be a uniform or uncontested practice, nor one in which the language of ritual was the only determining factor in lived marriage. What made its ideology so effective was the way it could naturalise guardianship and mask consent. Within this patriarchal idiom, the daughter was something to be given, and the father's authority was a precondition for a legitimate transfer. A pratiloma union disturbed the authorised circuit because it was premised on a reversal of the caste terms on which paternal power was expected to operate.

Chakravarti's analysis helps explain how upper-caste women could be assigned symbolic value while simultaneously being subjected to intensified constraint. Their status did not constitute autonomy, but often made their bodies, marriageability, and reproductive potential of particular importance to the project of maintaining caste boundaries (579-82). The language of honour or protection could be the language of discipline, in that it was not simply an individual woman who was being guarded but the caste prestige and kinship order projected onto her.

Colonial Courts and Marital Recognition

The case of Bai Kashi v. Jamnadas Mansukh Raichand illustrates this legal framework. The Bombay High Court decided the case (1912) (14 Bombay Law Reporter 547). The case concerned a Brahmin woman who petitioned for maintenance from Mansukh, a Shudra man and her natra husband. The proceeding centered on whether a marriage between a Brahmin woman and a Shudra man was valid under Hindu law (Bai Kashi 547).

Mitta observes that the woman had been living with Mansukh for about a quarter of a century and had borne him several children. However, the proceeding focused on the validity of the marriage, not on the length of the union or the woman's dependence on her husband (Mitta). The court determined that the woman and Mansukh's bond was a pratiloma marriage and rejected the petition on the grounds of its invalidity (Bai Kashi 547-55). The example should not be understood to mean that all the courts of the British period worked by the same reasoning. The example illustrates that a caste-patriarchal framework could make a woman's intimate bond not a conjugal union but a relationship that did not involve the rights and obligations of marriage.

The comparison to anuloma unions is also relevant. Menon notes that there was no uniformity in British case law with regard to inter-caste unions, so courts could have consistently nullified them or recognised them with certain reservations. Bai Kashi is an illustration of a pratiloma union. However, Menon discusses court decisions concerning Brahmin men and Shudra women's unions, which were handled differently in court (Menon, "Ambedkar's Illegal Marriage"). The comparison is not an illustration of a general rule. However, it shows how the courts naturalised a gendered caste order by granting men conjugal rights and withholding them from women.

It is not claimed that Anglo-Hindu law was a uniform or fixed framework derived from Hindu law or scriptures, nor that it did not change from its beginnings. Anglo-Hindu law was shaped by diverse, sometimes conflicting, influences, including judges, pundits, litigants, jurists, customary law, and statutes. Bai Kashi illustrates how courts could operationalise patriarchal caste rules. The denial of validity was not only a matter of orthodoxy, but it had consequences for the wife's rights and status. The woman's conjugal rights, her maintenance and inheritance rights, and recognition of her husband's paternity were denied.

Other decisions further support this argument by illustrating the heterogeneity of Anglo-Hindu law. In Sespuri v. Dwarka Prasad (1913), the Allahabad High Court was asked to adjudicate on a union that was characterised as pratiloma, between a Thakur man and a Brahmin woman (Menon, "Ambedkar's Illegal Marriage"; Sespuri). In other proceedings, courts heard arguments concerning anuloma unions between Brahmin men and Shudra women. These decisions should not be conflated, since they represent different issues. For this argument, they are useful in demonstrating how courts could distinguish caste differences on gendered grounds.

Patel's Bill and Reform Politics

Vithalbhai Patel introduced the Hindu Marriages (Validity) Bill in the Imperial Legislative Council in 1918. Its proposition held that a Hindu marriage would not be considered to be invalid simply because the parties were of different castes. Patel's speech and the bill itself were couched in terms of the dissolution of a legal disability. Indeed, it was not an eradication of Hindu marriage law but a removal of a specific hindrance that would prevent a Hindu marriage from being valid (Patel 58; Menon, "Ambedkar's Illegal Marriage"). The bill did not establish a modern rights framework of freely negotiated marriage, nor did it dismantle the family's coercive mechanisms or the structural violence of caste. Instead, it aimed to dismantle caste difference as a ground on which a Hindu marriage could be rendered legally invalid.

The proposal met with widespread opposition as it struck at the very heart of caste regulation. Popular discourse about the bill indicates that inter-caste marriage could be conceived as an abstract issue of reform. However, it took on a charged political valence regarding marital affiliation, daughters, inheritance, and caste prestige. Mitta's account demonstrates that the most vehement opposition was expressed towards what was conventionally known as pratiloma (Mitta). Likewise, Menon's archival research reveals that the legislative process involved sustained discussion and committee deliberations rather than

a rapid march from orthodox Hindu law to progressive Hindu law (Menon, "Ambedkar's Illegal Marriage").

The history of the bill problematises the view that its passage marked a turning point in legal history. The Hindu Marriage Disabilities Removal Act of 1946 did not usher in a dramatic change by legalising inter-caste marriage but rather allowed for the removal of disabilities and doubts concerning marriages between persons of the same gotra or pravara and of different sub-division of the same caste (Hindu Marriage Disabilities Removal Act, sec. 2). The Hindu Marriage Validity Act of 1949 went further in stating that a marriage between Hindus would not be invalid merely because the parties were of different religions, castes, sub-castes, or of different sects. It specifically included Sikhs and Jains within the statute's definition of Hindus (Hindu Marriage Validity Act, secs. 2-3). The Hindu Marriage Act of 1955, in turn, abrogated earlier laws but retained, in section 29(1), the provision that a marriage that was otherwise valid would not be void or invalid merely because the parties were of different religions, castes, sub-divisions of caste, gotra or pravara (Hindu Marriage Act, secs. 5, 29).

This legal trajectory helps explain why the legalisation of inter-caste marriage needs to be understood. These acts took away certain caste-based grounds of invalidity. They did not render marriage universally available, dismantle the material basis of caste difference, or ensure the safety of couples. Menon's argument that freedom of choice in spouses could be construed as a modernising project for Hindu marriage law while leaving the foundations of caste untouched is particularly apt in this context (Menon, "Ambedkar's Illegal Marriage"). The importance of formal liberty could not be overstated, particularly in cases where the law had denied a wife the right to maintenance or marital recognition. However, it was not synonymous with social change.

Nationalism, Liberalism, and the Limits of Reform

The marriage-validity debate revealed tensions which ran through nationalist and reformist politics. Reform was not a matter of whether a single leader was 'for' or 'against'. It was a question of whether reform was possible when its consequences could threaten caste authority in the domain of kinship. Mitta finds support for Patel's intervention in the writings of figures such as Rabindranath Tagore and Lala Lajpat Rai, while noting the reservations and opposition of prominent public actors (Mitta [insert verified pages]). Divisions of this sort suggest that anti-colonial political aspiration did not automatically translate into a willingness to transform caste relations.

Such considerations call for cautious treatment of Gandhi. His position on caste, varna, untouchability, and inter-caste marriage was not fixed but shifted with context and period. In the debate that Mitta reconstructs, Gandhi's response to the proposal for reform remained conditioned by reliance on a reformed conception of varna rather than by a wholesale repudiation of the caste order (Mitta). The point is not to reprove Gandhi for personal inconsistency, but to note that reformist positions could continue to distinguish between criticism of particular caste abuses and a willingness to confront endogamy and kinship hierarchy at their foundation.

The debate also brings into view the ambivalent nature of liberal formulation. The rhetoric of conscience, civil liberty, or individual choice could challenge caste restrictions, but it did not always entail engagement with the social realities that rendered choice unsafe or unevenly available. The woman denied familial support, property, security, or legal recognition, did not stand on equal terms with the socially privileged male subject in relation to marriage. The legal history of pratiloma cannot be told as a story of individual liberty alone. However, it must also be told as one of the differential capacities to realise that liberty.

Constrained Agency and Caste Reproduction

The category of women's marital choice presents analytical difficulties. It cannot be claimed that in every pratiloma union the choice was necessarily exercised freely or that such unions were necessarily emancipatory. Marriages can be forced, violent, economically compelled, family- or peer-pressured, or asymmetric in terms of age, caste, gender, or class. Neither does crossing caste automatically entail the dissolution of caste consciousness nor the establishment of egalitarian domestic relationships within the newly formed conjugal unit. Menon's caution that marriage reform is partial and Ambedkar's critique of caste's overall inadequacy as a social form are both resistant to such assumptions.

It would, however, be equally misleading to ignore the potential for agency in women's marital practices and performances. As this book's analysis of the legal and public debates demonstrates, the crossing of caste in marriage could also be construed as an issue of parental authority, household honour and inheritance, community boundaries and public order. The response demonstrates that endogamy depends on certain enabling and regulating features, beyond the mere existence of rules and prohibitions. These include consent, coercion, surveillance and family control.

The idea of constrained agency incorporates these insights. It acknowledges that actions are socially located and differentially risky, while rejecting the assumption that constraint precludes action. A woman's use of legal action to claim maintenance, demand recognition of a conjugal relationship, refuse a family-arranged match, or live in an unapproved union may not fit into a liberal conception of individual autonomy, but may still reveal how caste patriarchy operates in intimate realms. Bai Kashi's litigation is significant in this regard. Whether her relationship can be seen as one of unfettered choice or not, her action forces the court to come to terms with a domestic situation that has continued for many years, regardless of caste differences between the partners.

Pratiloma, then, should not be seen as an unequivocal means of emancipation but as a category that makes the parameters of caste-patriarchal legitimacy visible. For the archive examined here, men's crossing of caste could be more easily accommodated than women's, because the latter threatened control over daughters, lineage, and social reproduction (Mitta [insert verified pages]; Menon, "Ambedkar's Illegal Marriage").

Conclusion

Pratiloma marriage is not simply an archaic classification. In the body of laws concerning inter-caste marriage, it took shape as a manifestation of caste-patriarchal unease. It was an articulation of the potential for a union to disturb the congruence of paternal

authority, endogamy, marital legitimacy, caste rank, and the patrilineal imagination. Reading Mitta alongside Ambedkar, Chakravarti, and Menon, we see that the opposition to such a union cannot be reduced to its scriptural basis. It must also be understood as an attachment to the intimate institutions that facilitate caste reproduction.

The decision in Bai Kashi reveals the power of such a regulation: caste classification could dictate whether a long-term relationship would receive the legal validation required for its maintenance and status. The passage of Patel's 1918 bill and subsequent legal reforms in the following decades indicate the potential for legal intervention to erase caste difference as a ground for invalidity. However, the troubled passage of legislation from colonial case law, the Hindu Marriage Disabilities Removal Act of 1946, the Hindu Marriage Validity Act of 1949, and the Hindu Marriage Act of 1955 indicates the limits of statutory intervention on caste's social foundations.

The broader implications of this article's findings are both limited and significant. The study of pratiloma reveals the role of caste power in intimacy: its capacity to predetermine the terms of relationships, such as marriage, the recognition of consensual unions in law, and the material protections of certain familial configurations. Furthermore, this article's research sheds light on why women's restricted agency figures so prominently in the history of caste. In this archive, the apprehension concerning "marrying up" was not solely an objection to a prohibited union. It was an anxiety concerning the potential that caste's endogamy, reinforced through the regulation of women, might be challenged from within society.

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