

## **Land, Caste and Property: A Theoretical and Historical Review**

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### **Abstract**

Caste analysis could be done within the framework of the "property" inquiry, as the land and caste are intertwined themes in Indian culture. The way that the dominant caste communities allocate their resources—land and caste—allows them to directly control the systems of political, social, cultural, and economic dominance. In the Indian context, the discourse surrounding property must be understood in conjunction with the two crucially important but interrelated concepts of land and caste. In actuality, land is both a sociological phenomenon and merely a spatial category. Indian society's hierarchical structure reflects the uneven distribution of land among the various caste groups. Having land as a resource puts a caste member in a position of easy power over others. As a result, the caste of landless people suffers more from society's lack of property ownership.

**Keywords:** Caste, Property, Land, Dalit, Ownership, Labor, Capital.

### **Introduction**

In the Indian context, the land and caste are interrelated themes and caste has to be analysed within the inquiry of 'property'. The land and caste are the arrangement of resources for the dominant castes communities through which they directly exercise the mechanisms of economic, social, cultural and political power. "In the social science, the concept of property or property rights refers to social mechanisms that control the use of valuable resources and create opportunities and incentives for private and public actors. Those mechanisms have profound consequences for social

outcomes and over time are shaped by social outcomes.”<sup>1</sup> The land as property, in Indian caste-ridden society, has been considered as ‘social capital’, which gives dignity and identity. This article aims to understand the philosophical and theoretical base of the term ‘property’ and the historical interconnection of categories like caste and identity with the property of land.

### **The Concept of Property: Western Context**

Various dimensions of property such as land, capital along with their connection to ownership rights have been extensively examined in Western as well as Eastern philosophical thought. The history of property begins with the early history of mankind which was divided into savagery and barbarianism, while the golden age is considered the classical period of mankind within which everything was common. Plato says man’s original form was idyllic pastoral life and all the properties were shared equally and believes that the utopian primitive communism is the best possible picture of the ideal state. He explains when a group of people collects and settles in one location, each with their own set of needs, this is referred to as a state. This understanding of what society should be, and ultimately is, serves as the foundation for all of Plato's ideal state theories.

According to Plato, everyone in society needs different things and the requirements are to work together with gatherings having a mutual exchange system. Food and shelter are the necessary things for society and each individual works to satisfy his needs in early society. He further argues that collective ownership must be continued for better conditions in the society, otherwise, the people are divided into various categories and it may destroy the commonness in the society. Plato says “In the first place, none of them should have any property of his own beyond what is absolutely necessary; neither should they have a private house or store closed against anyone who has a mind to enter; their provisions should be only such as are required by trained warriors, who are men of temperance and courage; they should agree to receive from the citizens a fixed rate of pay, enough to meet the expenses of the year and no more; and they will go and live together like soldiers in a camp.”<sup>2</sup>

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<sup>1</sup> *International Encyclopaedia of Social Sciences*, Vol.2, by William. A. Darity jr., (USA: Macmillan References, 2008), p.549, accessed April 24, 2020.

[http://philosophy.com/UPLOADS/\\_PHILOSOCIOLOGY.ir\\_INTERNATIONAL%20ENCYCLOPEDIA%20OF%20THE%20SOCIAL%20SCIENCES\\_Second%20Edition\\_%20Darity\\_5760%20pgs.pdf](http://philosophy.com/UPLOADS/_PHILOSOCIOLOGY.ir_INTERNATIONAL%20ENCYCLOPEDIA%20OF%20THE%20SOCIAL%20SCIENCES_Second%20Edition_%20Darity_5760%20pgs.pdf)

<sup>2</sup> Plato, *The Republic*, trans. Robin Water Field (New York: Oxford, 1993), p.273.

The entire idea of Plato on property is reliant on common feeling instead of individuality, believing that the common interest of the community would disappear with the emergence of private property. For Aristotle, ownership over property produces a free man in society which is good for citizenship. Aristotle rejects the idea of communal property originally proposed by Plato and argues that only private property can provide opportunities which would help the citizens to act morally in society. Communal ownership of property does not provide any opportunity in society; therefore, it creates various inequalities in society. He further says property is part of the individuals, human existence is not possible unless they get the sufficient necessities in the society, in the case of the worker she needs the proper instruments of her work. Property is an art of getting wealth in society; therefore, having a slave is part of owning property.<sup>3</sup> Aristotle argues for the individual right over the property in the societal functions.

Thomas Aquinas who developed a concept of property in the medieval period followed the Aristotelian idea of property that there wouldn't be any value among people unless the people own the individual property. He believes that human beings have the right to procure the necessities for their human subsistence; property on earth is common to all by nature. Thomas Aquinas tries to understand property through the perspective of teleology.<sup>4</sup>

John Locke is one of the illustrious modern political philosophers who expounded on property and its relationship with the state. Locke's theory of property is based on the canonical understanding, which believes that God has given this land to all people; therefore, any individual possessions would be treated as a moral problem. Locke explains, "Though the Earth and all inferior creatures are common to all Men, yet every Man has a Property in his own Person. This no Body has any Right to but himself. The Labour of his Body, and the Work of his Hands, we may say, is properly his. Whatsoever then he removes out of the State that Nature hath provided, and left it in, he hath mixed his Labour with and joined to it something that is his own, and thereby makes it his Property. It being by him removed from the common state Nature placed it in, it hath by this labour something annexed to it, that excludes the

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<sup>3</sup>Aristotle, *The Politics of Aristotle*, trans. Benjamin Jowett, rev.ed. (Ontario: Batoche Books, 1999), p.67.  
<https://socialsciences.mcmaster.ca/econ/ugcm/3ll3/aristotle/Politics.pdf>

<sup>4</sup> Thomas Aquinas, *St. Thomas Aquinas on Politics and Ethics: Norton Critical Edition*, Trans. Paul E Sigmund (New York: Norton and Co, 1988), p.82.

common right of other Men.”<sup>5</sup> Here, he tries to combine the significance of labour with the first occupancy theory and identifies the labour of his body and his work as something which belongs only to him. Thus if any individual does not own property in the community, he cannot claim that he belongs to that community.

Nevertheless, Locke believes that private property existed in nature itself at the beginning of time and that therefore man has the right to preserve it as long as it exists. Gough observes that for Locke, “private property is an institution which owing its existence to civil society had existed in the state of nature itself and the prime task of government was to preserve it unharmed.”<sup>6</sup> For Locke, everything common in society and his philosophy of property is connected to the theory of the first occupant proposed by Rousseau. Locke says that the state does not provide any property to the society, therefore, the state has to protect the ownership rights of the people, and also the state does not have any right to take it back. According to Locke, the idea of property is collective not individual but private occupation is needed for the subsistence of the society.

Immanuel Kant metaphysically theorises property and discusses property along with the question of the agency of the state and is seriously concerned about the concept of rights, especially property rights. He believes that the individual in society would argue for their possession to claim against other’s assets. Kant says that people try to negate others’ possessions by claiming their property in society, and advocates for the legality of property and its rightful acquisition as an inherent right to all claims. He describes the right to property in things that begin with land, contract rights, and the right to person similar to the right to things. For Kant property rights are essential for having freedom, thus he argued for private rights to an object which is physically related to a person. In his work *In Ground Works of Metaphysics of Morals*, Kant talks about the innate rights of property and its legality. He says that the state should act as an agency or authority to deal with property by maintaining an account or record of the property that belongs to it with survey reports. For Kant, the land is not merely private property, which explains the need for publically recognized land and a publically accessible record of the survey undertaken by the government. He further

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<sup>5</sup> John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988), p.116.

<sup>6</sup> John Wiedhofft Gough, *John Locke's Political Philosophy: Eight Studies* (Oxford: Clarendon Press, 1973), p.80.

says that property rights could be made determinate and enforceable by the state only.<sup>7</sup> It was against the viewpoint of Locke's argument of justifying private property.

Jean Jacques Rousseau's famous work, *Discourse on Political Economy and the Social Contract* translated by Christopher Betts, reveals the various dimensions of property discourses. Rousseau defines property as "that which is earned properly in order to assert a valid claim to one's assets." Right does not equal might, according to Rousseau, and a right can never be derived from force. A right must be granted properly, which implies it must be bound to the right by a moral and legal code, making it a contract in which one's rights are applied to the rights of everyone. Once a right has been established, it is useful and important for the individual to use that right efficiently in his and the community's best interests. This drive is aimed at forming a community and so forging a social compact between individuals who band together to behave as a unit. Rousseau says that the right of the property is related to the right of the first occupant and this occupancy has three important forms: no priority for inhabitants, it is dependent upon their need for subsistence, not their greed and lastly, the land should be for cultivation. If the piece of land becomes combined with the public territory then the rights will have the protection of the state, which is not practicable with a bad government.<sup>8</sup>

Rousseau believed that private property is evil when it comes to monarchy or feudal relations, the state must be the supreme power on property and other goods through social contract. Rousseau, concludes that the right of all individuals over their property is always subordinate to the right of the community and the community has the right over every people. Otherwise, it will lead to a lack of true power and the weakness of the sovereign. Rousseau discusses how primitive society does not have law and morality which was the first form of the state of nature, and says that the division of labour and private property was needed in the developed society. The inequality in society comes through possession and it is overcome by the lack of natural rights. J. I. Macadam says that "Rousseau goes deeper than Marx in holding that personal property is itself an effect of the furore to distinguish oneself. The possessions enable those who have to dominate those who have not, because being is

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<sup>7</sup> Immanuel Kant, *Moral Law Ground Work of the Metaphysics of Morals*, trans. H.J Paton (New York: Routledge, 2013), p.96.

<sup>8</sup> Jean Jacques Rousseau, *A Discourse on Political Economy*, trans. Christopher Betts (Oxford: New York, 1994), p.60.

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having. Rousseau recognises that this inequality is a species of dependence in the sense that your superiority over me, through your possessions.”<sup>9</sup>

Rousseau believed that with the emergence of political societies, inequalities had increased in society; the establishment of private property rights was the reason for this inequality. The set of laws will remove all arbitrariness from one human being to another and the law of legitimacy would determine the interest of all the individuals in society and it may cause the lack of arbitrariness, finally each individual has to depend on others. Rousseau was trying to differentiate between primitive and modern understandings of property, based on general will through his political philosophy.

Philosophers like Ferguson also developed ideas on the concept of property. According to Ferguson, private property is the precondition of man’s higher development, believes that man has been alienated from his original condition and in the process of development society came to know the difference between poor and rich. He divided the history of mankind into two phases that are savage and barbarian, finally property is a matter of progress.<sup>10</sup> In the 19th century, this thought encouraged scholars to enquire about the history of property. Anthropologists have done work with existing primitive people.

Lewis H Morgan also worked on the history of property says that, during the savage life crude weapons, fabrics, utensils, stone and bone, and personal ornaments were the chief items of property, the land hardly a subject of property and no importance. Morgan says that after barbarianism the property transferred through inheritance, the ownership of all the arable land and other material goods primarily belonged to the clan, it eventually transferred to the family and finally to the individual.<sup>11</sup> By the time towns and nations appeared, property had become divided between state property and individual property. Marxist scholars give more importance to Morgan’s concepts on property. Morgan studied the three stages of man’s nature - savagery, barbarianism, and civilization to analyse the history of property. Marx and Engels welcomed Morgan’s theory.

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<sup>9</sup> J. I. Macdam, “The Discourse on Inequality and the Social Contract,” *Philosophy*, Vol.47, No.182, (1972), p.312.

<sup>10</sup> Adam Ferguson, *An Essay on the History of Civil Society* (London. Cadell, 1782).  
<https://oll.libertyfund.org/title/ferguson-an-essay-on-the-history-of-civil-society>

<sup>11</sup> Lewis H Morgan, *Ancient Society*, rev.ed. (New York: University of Arizona Press, 2003), p.19.

Karl Marx's materialist history is related to the history and origin of property and says that property relations are a legal expression of the social relations of production both refer to the same phenomenon. Marx writes that there are two types of property: economical and legal. He describes private property as the antithesis between labour and capital because private property is the result of alienated labour.<sup>12</sup> Communism is the synthesis which means it is the negation of the alienation. According to Marx in the process of historic evolution, private property arises within the higher development of the productive forces, the beginnings of the social division of labour and the exchange of the products of labour. Production should be considered in its broadest sense and Marx describes it as the 'appropriation' of nature on the part of an individual within a specific form of society.

Engels pointed out that forms of production in primitive societies were collective, similarly, consumption was also collective in the smaller communities, later, however, the masters controlled the process of production. Agricultural and artisan production increased as a consequence, giving rise to surplus production, for the maintenance of it additional labour was required. This was provided by slavery.<sup>13</sup> Engels explains that the slaves were part of the process of production, thus they were considered as the property of the masters. He argues that personal and collective ownership existed in the primitive society.<sup>14</sup> Thus, according to the Marxist's materialist conception of history, property can be defined only within the context of production relations.

### **Land, Caste and Property: Indian Context**

Property discourse, in the Indian context, has necessarily to be explained along with two interrelated important concepts of land and caste. Land is not only merely a spatial category but also a sociological phenomenon. The hierarchy in Indian society is the reflection of unequal land distribution among various caste groups. The caste person who owns land as a resource could easily dominate others. Thus landless caste suffers more due to the lack of property ownership in the society.

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<sup>12</sup> Karl Marx and Friedrich Engels, "*Economic and Philosophical Manuscripts of 1844 and the Communist Manifesto*," trans. Martin Milligan, (New York: Prometheus Books, 2009), p.83.

<sup>13</sup> Friedrich Engels, *The Origin of Family and Private Property and the State*, trans. Alice West, Vol.3, (Marx/Engels internet Archives, 2000), p.87.

[https://www.marxists.org/archive/marx/works/download/pdf/origin\\_family.pdf](https://www.marxists.org/archive/marx/works/download/pdf/origin_family.pdf)

<sup>14</sup> Ibid.

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Domination of dominant social categories, it is argued, in India derives from them having ownership over land as well as the privilege of caste.<sup>15</sup> The concept of property in the Indian case is relatively different from the universal perspective of historical social process. The specific character of this process in Indian society is that the untouchable castes were prohibited from holding property, especially the land, because of the customs of entrenched caste structure. Therefore, present-day society also witnesses the awful landlessness among lower caste people, especially the Dalits. To hold ownership over property as a right has been denied to the Dalits by caste Hindus until recent times. This graded inequality originated in Indian society by the laws of Manu, the Sudras, the fourth Varna had only to drudge in service and must remain *Adhana*, or without any property, were not allowed to hold or possess any property. Out of seventeen ways only one way the *Seva* (to serve) is recognised for Sudras.

The untouchables are barred from property like land, cows, gold so on due to the Varna system.<sup>16</sup> Presently the Dalit masses live in villages and more than eighty per cent of them work as landless agricultural labourers in landlords' fields. They depend on others' land holdings to get employment in their field, and consequently, they are forced to do other menial jobs than their work. The question of land and its relation to caste begins with ancient history and land has played an important role in the temple-centred economy, especially in south India. Some historians say that the land was considered territory not property for various tribal units.

D. D. Kosambi says that the Aryan people were not a race, their distinctive feature and language indicates that they are a pastoral-nomadic patriarchal tribal unit. There was fighting as well as coalitions between Aryans and primitive forest tribes existed in India and the primitive Indian tribe continued through Aryanization. He says, "For this neo-tribal economy land is territory, not property. Cattle have been common tribal brand, hence are held in common."<sup>17</sup> The king considered weapons and tools as his private property. Kosambi analysed that these tribes are not primitive, and have the rudiments at least of a class structure, there was no separate claim over surplus product, they being as a tribal property.<sup>18</sup>

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<sup>15</sup> Rajendra Singh, *Land, Power and People: Rural Elite in Transition 1801-1970* (New Delhi: Sage, 1988), p.12.

<sup>16</sup> *Encyclopedia of Dalits*, by Uday Veer and Bharat Singh (New Delhi: Reference Press, 2004), Vol. 4, p. 21.

<sup>17</sup> *Ibid.*, 45.

<sup>18</sup> D. D. Kosambi, *Combined Methods in Indology and Other Writings*, ed. Brajudulal Chattopadhyaya, (Oxford: New Delhi, 2005), p.62.



Kosambi applies the Marxian analysis of relations of production to interpret the formation of early Indian history and also believes that the Asiatic mode of production existed in India, hence there was no actual history or historic development. India has a unique social division, the endogamous caste system, which explains that the caste is a class at the primitive level of production, a religious method of social consciousness in such a manner that the primary producers are deprived of their surplus with the minimum coercion.<sup>19</sup>

Kosambi's idea of caste and its relation to property can be contested at various levels. First of all, the reading of caste as class is problematic, though the Varna system had a class nature; each Varna is a mixture of caste groups which was functional at every level as a long-standing institution. Kosambi says that the early Indian civilization especially the Indus Valley culture was a pastoral nomadic tribal system and as a result, two caste groups existed there, later it developed into four caste classes by 800 BC and primitive feudal culture existed in the Satavahana period. According to him, "The emergence of private property, even in the land began earlier than AD 400 before the prime of the Gupta Empire. Pure feudalism began in the later Gupta period but was enormously stimulated by Muslim trade and military penetration after AD 1200. Modern capitalism, culminating in the rule of the new indigenous bourgeoisie that came into being less than a hundred years ago through European trade, factory production, share capital, under British colonial rule."<sup>20</sup> The notion of property was a reality, at the same time people might have had distinct rights over their property in ancient India. R. S Sharma says that the laws on property began to be written in the middle of the first millennium B.C. One of the earliest law books, the *Dharmasastras*, gives some information on the subject of property, and this was the source through which property was acquired by higher castes. There were three sources to acquire the property: inheritance, sale and gift. The Brahmins acquired the property in different ways: gifts and sacrificial fees. Kshatriya acquired the property through conquest. Vaishya acquired it through agriculture and cattle rearing. Sudra acquired it through service.<sup>21</sup> He further says there is no mention of private property in land in law books. Cattle were considered an important property. Weapons and utensils were categorised

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<sup>19</sup> Ibid., 59.

<sup>20</sup> Ibid., 58.

<sup>21</sup> R. S. Sharma, *Early Medieval Indian Society: A Study in Indian Feudalism* (Kolkata: Orient Longman, 2003), p.177.

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under movable property. In the Gupta period, Brahaspati and Katyayana made a distinction of property between ‘*Sthavara*’ or immovable, and ‘*Jangama*’ or movable.<sup>22</sup>

Historically, the structure of property relations, in India, begins with the classification done by Yanjavalkya who categorised three forms of properties, land (*bhu*) *nibandha* (maintenance or source of subsistence) and gold jewellery (*dravya*), the term *nibandha* also means as land. The early law books did not provide much attention to land or immovable property, but they were concerned with the problem of possession. The possession of property was legitimised by a certain period and it did not apply to the Brahmanas and Kings. The early law books considered the property or possession in terms of ‘*bhukti*’ or enjoyment, but by the Gupta period, it was ‘*agama*’: a title which was introduced by Manu.<sup>23</sup> The concepts *agama* and *bhukti*, indicate ‘title’ and ‘possession’, interestingly, the possession is backed by the titles and the title might have received more importance than simple possession; as a result, it was truly beneficial to Brahmins who gave land to the villagers for cultivation by lease. The Brahmins were able to take back their land through a royal charter whenever disputes arose between villagers and themselves over the question of possession. In fact, the Brahmana lawgivers helped the landlords to continue their landlordism by these charters, whoever was on the top of the social structure enjoyed the position of power through the subjugation of others who were at the bottom.

Marxist historian Romila Thapar says that the traditional Indian economic structure can be understood as pyramidal, the king was at the top and the self-sufficient village communities were at the bottom, the village community was self-sufficient because agriculture and manufacturing were located among them and land was not considered as private property, the subjugation was needed to get maximum surplus to the king.<sup>24</sup> According to Thapar, “the land as a factor in historical evolution land being the continuous and basic economic unit. This relationship can be seen from many perspectives such as the proliferation of agrarian village communities and settlements of new land, the question of new land ownership which involves ascertaining not only who owned the land but equally who worked the land and how the agrarian surplus obtained.”<sup>25</sup>

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<sup>22</sup> Ibid., 178.

<sup>23</sup> Ibid., 179.

<sup>24</sup> Romila Thapar, *The Past and Prejudice* (New Delhi: Ministry of Information and Broadcasting, Govt. of India Publication, 1973), p.36.

<sup>25</sup> Ibid., 37.

However, the question is, who worked on the land has to be enquired further because the higher castes like Brahmins do not cultivate the soil. The *Dharmasastras* and other texts give the idea that the Sudras were the cultivators, therefore the term Sudra needs more analysis. It is believed that the term Sudra includes cultivators, artisans, slaves and hired labourers. Land relations have been changed by the prevalence of the post-Gupta period and the land grants were started by this time, thus the struggle has emerged to acquire the power in the society and it has been continued till the changes of land relations in the colonial period.<sup>26</sup>

The relation between land and caste is allied to the production of surplus from the time when land was considered private property in the post-Gupta period. Interestingly, the Brahminic literature does not provide much information about the cultivators who produced surplus, whereas the Buddhist texts give equal reference to slaves and hired labourers who worked on the land of wealthy landowners.

The division in society emerged through the accumulation of surplus concentrated in people who are at the apex of the caste structure, but it may be more controversial towards the division among the labourers in this context. Specialised skilled labourers, permanent settlements, private ownership of land and trade were also needed for plough cultivation, thus, the change from tribal to peasant society happened through plough agriculture. Tribal identity decreased with the creation of social division. It is believed that the use of plough technology created a new techno-centric agrarian foundation in the Mauryan Empire. By the spread of this technology in the village economy the private ownership of land was also established. The possession of land had to be established to preserve the family history of caste. The genealogical records of families along with property are considered proof of arrangement in ownership.<sup>27</sup>

Another argument placed by historians is that the earlier development in historical times is not done only with technology, of course, other developments also happened. Tribal identity paved the way to territorial identity, lineage, speech and customary law were the three criteria of identity and status in the earlier tribal society, but lineage was central to political control and land ownership. Ksatriya tribe possessed land in tribal society and they became the royal lineage in later centuries. The cultivated land

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<sup>26</sup> Ibid., 43.

<sup>27</sup> Ibid., 40-41.

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was owned by the Kshatriya tribe, and the real tilling was done by *Dasas* (slaves) and hired *Britakas* (labourers and servants). The new formation of territorial identity is also called *Janapadas*. Lineage rights include the land ownership keenly recorded, the terms *Jati* were used for the stress on kinship ties and this term appeared in the later texts (Katyayanas' Srauta Sutra) which were used in the sense of an extended family. After the appearance of the term *Jati* the term *Jana* declined (tribe) and the term *Jati* became more widespread. The Buddhist texts defined the term *Jati* in the sense of caste, implying an endogamous kinship group ranked in a list of specialized occupations and service relationships reflecting an increase in social stratification.<sup>28</sup>

The question of caste about land is highly debatable and quite complex. It is argued that only the Kshatriya tribe were landowners and the Sudras were the tilling since the formation of territorial society. In fact, the cultivation was taken up by slaves and hired labourers including the strata of Sudra Varna. However, it is difficult to categorise which caste worked as hired labour or slave caste. The classification emerged after the formation of wealthy Kshatriya families in the later Vedic period.

Romila Thapar argues that "The emergence of larger estates owned by individual Kshatriya families during the time of Buddha (sixth to fifth century AD) was a major change in the agrarian structure, and the criterion of wealth came to be associated more with land and money, rather than cattle, which had been the measure of wealth in earlier Vedic period literature. The land was primarily transferred within the same social group that had previously shared joint ownership. As a result of the rise of the landed class, the number of wage laborers, hired laborers, and slaves has increased noticeably."<sup>29</sup> The ownership of land has continued as a debatable issue in Indian social history, therefore, truly relevant to any inquiry into the historical past to understand the social structure of ancient India. According to Bongard Levin, "the epigraphic data on land ownership appeared not earlier than the first centuries A.D and the Sastras setting forth the principles of the Brahminic schools vis-a-vis land ownership rights are even more recent."<sup>30</sup> There are various debates among scholars about the ownership of land in ancient India. The first view is that the land is owned by the state, for that they give examples from Arthashastra and the report by Megasthenes who said the land tiller paid this land tax to the king. Another group of

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<sup>28</sup> Romila Thapar, *Ancient Indian Social History: Some Interpretations* (Hyderabad: Orient Longman, 1978), pp.42-43.

<sup>29</sup> *Ibid.*, 43.

<sup>30</sup> Bongard Levin, *Mauryan India* (New Delhi: Sterling, 1986), p.139.

scholars believe that the private ownership of land was practised in ancient India. The third view is that the ownership of land was communal.<sup>31</sup>

The *Dharmasastras* described the possession of property in various ways. For Yanajavalkya possession (*bhoga*) is valid when it is accompanied by a class title, and the owner who has no legal right is treated as a thief. According to Narada, a person using land without a written document is to be punished for theft. Further, Yanjavalkya clarifies the possession of property for three generations and gives the owner the right to legal ownership. The *Visnu-Smriti* says that if somebody possesses something with a property title it can be never taken away from him.<sup>32</sup> It is very clear that the importance of land became high when agriculture developed, and it is considered an important object for wealth. It is believed that the state considered the right to ownership only applicable to the cultivable land where the state did not make any claim over the wasteland.

The Buddhist texts (*Mahavastu*, *Divyadana*, *Therigatha*) give a lot of examples of private ownership of land in ancient India. The private estates owned by Brahmins and Kshatriya Rajas were very common in the Mauryan period. The *Suttanipata*, one of the earliest Buddhist canonical writings, mentions a household where 500 ploughs were used. Big estates belonged to the Brahmins and Kshatriya Rajas. The large agricultural fields were tilled by the slaves and hired labourers (*Karma Karas*).<sup>33</sup> One can conclude from this debate that the ownership of land in ancient India is both community-centric as well as state-centric. The property transactions also take place with the participation of the state.

According to the *Dharmasastras* the King was the supreme power called the lord of the soil which means the owner of cultivable land. The King collected taxes for the sake of his subjects, and at the same time, the king was the real owner of the royal lands. The royal lands were tilled by the slaves, hired labourers (*Karma Karas*) and people paying off their fines by personal labour, as well as by tenant farmers who received half of the produce and sharecroppers.<sup>34</sup> The historical works hardly give any information about the hired workers and slaves and it is believed that these people might have belonged to the lower sections of the society. Many historians say that it is

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<sup>31</sup> Ibid., 140.

<sup>32</sup> Ibid., 34.

<sup>33</sup> Ibid., 142.

<sup>34</sup> Ibid., 148-49.

difficult to identify their caste, but it is clear that the hired labourers were directly attached to the soil. The mortgage system also existed in ancient Indian society. The Sastras make one thing clear the Brahmins lived as priest groups who got land from the King and it was exempted from land tax.

B. D. Chattopadhyay quotes R. S. Sharma, “a good portion of the produce of the land went as tax to the rulers who were called Kshatriya. Another portion went to the Brahmanas and the other religious elements in the form of gifts. For supplying labour to the three higher varnas including the Vaishya peasants and merchants, the Sudras were considered to be the common source. But Sudra labour seems to have been utilised more by landowning communities or individuals comprising Kshatriya and Brahmana who were exempted from taxes.”<sup>35</sup>

The non-tax land system Brahmadeya existed in south India too. As a community the Brahmins could occupy land from the rulers, wherever they existed and the priesthood position of this community helped them hold power in the land where they lived. Burton Stein observes “In the Brahminic locality power associated with the land control, south India appears unique. South Indians temples of the medieval period were unique in the degree to which they provided the message for Brahman temple functionaries to exercise not only ritual primacy over all other castes and religious institutions, but also in that temples were headquarters of *bhakti* sects through which organizations the religious allegiances and the ritual activities of most Hindus were ordered.”<sup>36</sup> Thus, the ritual supremacy helped the Brahmins as a community get power over various properties like land, temples and so on. The Sanskritization process in the bhakti tradition made them build up a temple-centred economy, eventually, they possessed the land near the temples they lived in. It could easily be assumed that the ritual communities could possess property like land through their priesthood positions in India.

Thus land has played an important role in the Indian agrarian system, hence it gets a more important place in the property analysis discourses. It could be proved with the case of Brahmadeya (Brahmin Property) villages in south India, in which the Brahmins were in the position of spiritual preceptors and they could make a peasant group to work in their fields. The land became the basis for a social relationship among various

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<sup>35</sup> B. D. Chattopadhyaya, “State and Economy in North India,” in *Recent Perspective of Early Indian History*, ed. Romila Thapar (Bombay: Popular Prakashan, 1995), p.330.

<sup>36</sup> Burton Stein, *Peasant State and Society in Medieval South India* (New York: Oxford, 1985), p.53.

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caste groups; as a result, the system could make certain castes an important part of an agrarian economy. Apart from Brahmins, the cultivating groups also possessed power over the economy. Stein argues that an agrarian system is a social arrangement involving the uses of land and its products, it is to those persistent and normative relationships among social groups that one turns first. The core social relationships involving the land in medieval south India were that between Brahmanas and peasants.<sup>37</sup>

Stein further says that the most important cultivating groups, such as Vellalars, Reddies, and Kammas along with Brahmanas. The peasantry in south India helped the Brahmin community to be the centre of devotional Hinduism. The essential cohesion in religion made several fundamental relationships in South Indian society; after all, the people who were in the upper strata of the society only benefitted from the peasantry in South India.<sup>38</sup> In south India, three groups subsequently had the rights over land. The state in the top position collected surplus from land. The Brahminical intermediary groups held the second priority in land rights, and the tenant cultivators at the bottom.<sup>39</sup>

The land was owned by the rulers and local chiefs, the Brahminical groups held their property (Brahmasvam) and the property of the temple (Devasvam). Subsequently, the tenants (Karalars), occupants (Kutiyalars) and labourers (Adiyalars) were at the bottom. There were service tenure labourers too; it shows that the lower caste remains as labourers without any rights over property like land. The tradition of *Dharmasastras* gives the rights only to the higher caste to hold land in the society which was also exempted from tax.<sup>40</sup> It is believed that a variety of land rights existed in India. Hence how different caste groups enjoyed the rights over the land has to be clarified. The *Smruti* commentators say that individuals were the owners of the property, therefore ancient India might have had individual land ownership. Hence there is no proper understanding of who owned the property like cultivable land on a broader level.<sup>41</sup>

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<sup>37</sup> Ibid.

<sup>38</sup> Ibid., 63.

<sup>39</sup> Kesavan Veluthat, *The Early Medieval South India* (New Delhi: Oxford, 2009), p.33.

<sup>40</sup> Ibid.

<sup>41</sup> Om Prakash, *Economy and Food in Ancient India* (Delhi: Vidya Prakashan, 1987), p.32.

In addition, land was considered as property in Indian history therefore one can prove that the different caste groups occupied different ownership rights. According to *Arthashastra*, there were two types of cultivable land. One belonged to the King and the income from this land was called 'Sita'. Another category was the fields of individuals who had to pay land revenue to the King, which is called 'Bhaga'.<sup>42</sup> Moreover, in India the religious system and caste hierarchy paved the way for the practice of feudal property relations on land, otherwise, the hierarchical relations of caste among various communities helped the unequal property relations over land easily. It can be assumed that the victims of caste did not benefit from land relations.

The unequal distribution of land started in ancient times when the land was considered property in society. These divisional hierarchies over land became more prevalent at a large scale by the eighth century onwards. These hierarchies were almost the same both in the southern and the northern parts of India. There were five gradations of land ownership by the time of Colas of Tanjore. This gradation created a new landlord division as well as a tilling group in the society. Thus the gradation attached the tillers to the soil as wage labourers.<sup>43</sup> In a sense, the actual tillers of the soil did not benefit from this various gradation. In reality, the landlords and the intermediaries were the real beneficiaries of this system.

As property, land has reached the hands of various communities in different ways, in other sense, various strategies might have been played by the different caste groups to occupy the land for their subsistence. "The Brahmins acquire it through sacrificial fee, Kshatriya through conquest, Vaishya through agriculture and cattle rearing and Sudra through service."<sup>44</sup> There is no mention of the untouchable castes, and historians did not give any attention to the unwritten past of untouchables. It can be assumed that the relationship between the untouchable and property was that of a slave labourer.

The concept of property in the form of land became prevalent in the modern period, most possibly, the pre-industrial period. The caste system helped the agrarian structure, importantly; the landlords benefitted by the means of production belonging to the higher castes in India. In this context, the untouchables even if they owned land were difficult to produce something in their field because public tanks and wells were

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<sup>42</sup> Ibid., 34.

<sup>43</sup> Ibid., 86.

<sup>44</sup> Ibid., 177.



not accessible to them and even if they possessed land, they could not have benefited from the production.<sup>45</sup>

The caste system alienated Dalits from the production system; therefore, they were not able to possess any form of property. In other words, being in the Dalit status meant being forcibly shunned from the production system. The gap between the production systems was one of the reasons for the formation of the feudal system in India which further stratified the society based on class. R. S. Sharma observes that by the 4<sup>th</sup>-6<sup>th</sup> centuries AD ancient India had become feudal by large-scale land grants. Apart from princes and warriors, no one had social and spatial mobility which favoured the growth of the caste system based on hereditary occupation.

The marriage within the caste, rusticated inter-dining so on in fact, disconnected the untouchable's connections to the relations of production which might have forced the Dalits into menial labour though they were kept away from the feudal production system. Interestingly the people who moved away from physical labour as well as primary production were categorised as purer and noble. The lower caste in general and the Dalits in particular had to work as undignified labour which placed them in the graded caste system supported by feudalism.<sup>46</sup>

Indian society has primarily been stratified based on social categories like caste, though the lower and higher gradations are categorised based on caste it has connected with other property resources. Feudal formation, historically, was one of the reasons for the unequal distribution of property among various caste groups. Thus, the caste hierarchy restricted ownership rights to certain communities; consequently, the entire society had to accept the words of feudal lords. Historians say the citizenship right was only applicable to the twice-born communities in India; the twice-born could easily occupy the social surplus in the feudal society. Secondly, citizenship made them achieve more surpluses in feudal production as well as other material benefits. The primary producers did not have any right over the product which they produced. Sharma says that the categorical differentiation based on occupation in the Varna system might have led to the formation of the untouchable community in India.

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<sup>45</sup> Ibid., 85.

<sup>46</sup> R. S. Sharma, *Perspective in Social and Economic History of Early India* (New Delhi: Munshiram Manoharlal, 1988), pp.24-32.

According to the R. S. Sharma “the twice born were entitled to Vedic studies and investiture with sacred thread, and fourth Varna or Sudras excluded from it, the twice born called citizens and Sudras non-citizens, therefore the Brahmanas were not allowed to take to the plough and manual work. Gradually the contempt of the higher Varnas for manual work reached such limits that they developed hatred for the hands that practiced crafts and thus came to look upon certain manual labours untouchables.”<sup>47</sup> Moreover, according to *Dharmasastras*, the untouchables do not have any rights over property in society; this is one of the reasons for the lack of property like land even in the present day.

Property relations especially about landed property continued as a puzzle in history and it is very clear that there is a strong connection between the Varna system and the ownership of property in India. The feudal state itself originated to protect women and property and the Brahminical law endorsed it. Conceptualizing property is more complex where human beings are treated as property in the society by the principles of *Dharmasastras*. In India, specifically South India, the lower caste community was the property of feudal lords who had better positions in the civil society, whereas the lower caste remained in a pathetic situation creating unequal divisions among the various caste groups. Historians hardly admit this fact about social order which created new servitude in the society.

In fact, the economic understanding of history may not be enough to interpret certain Indian realities like caste. Ambedkar argues that “religion, social status and property are all sources of power and authority, which one man has to control the liberty of another, one is predominant at one stage that is the only difference.”<sup>48</sup> Thus it is clear that there were some other resources to help the *dvija* caste to occupy property like land in India. To put it differently, the dominant religion created an easy way to occupy a social status by the accumulation of property. It can be argued that unequal property relations originated in the principles of the Hindu social order.

## Conclusion

Since the social structure forbade individual choice, marginalized groups were unable to acquire property like land. Although individual liberty allowed European society to

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<sup>47</sup> Ibid., 30.

<sup>48</sup> B.R. Ambedkar, *Dr. Babasaheb Ambedkar: Writings and Speeches* (Bombay: Government of Maharashtra, 1989), Vol.1, p.44.

acquire land and other resources, the Dharmasastras fixed an individual's choices based solely on their birth, and this social structure prevented a person from moving from one class to another. As a result, graded inequality has persisted unabated. The concept of unequal social status was actually introduced into society by the fixity of occupation; as a result, the higher caste's occupations became more valuable and those who performed menial labour were viewed as belonging to a lower caste or having a lower social status. As a result, the graded order was unable to recognize the equality principle or allow for any free unity amongst various communities. This social structure, which created isolation between the various caste groups, gave rise to people's fixation on their respective classes. The emergence of privileged and impoverished classes, as well as masters and servants, may have resulted from this isolation. People from higher social classes in these circumstances had ample opportunity to obtain property, such as land, with the aid of this social structure. Furthermore, citizens of the same social order are granted varying rights according to their place of birth.

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