

Disciplining *Dakans*: Witchcraft, law and everyday lives in eighteenth-century Marwar

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In the eighteenth century, numerous legal appeals concerning witchcraft, either by women labelled as dakans (roughly translated as ‘witches’) or by their accusers, were brought to the attention of the Marwar state for adjudication. Through an examination of these legal petitions, this article contributes to the scholarship on witchcraft in the subcontinent and other regions. Though speaking to this literature, this article will diverge from it in two ways. First, the article will shift the gaze from tribes to castes in precolonial India and, thereby, question the deep-seated assumption that the belief in witchcraft and other superstitions was confined to the former. Second, moving away from an imagination of witchcraft as being marked by incredible violence emanating from public spectacles of pain and torture, this article will make a case for reconceptualising witchcraft in the Marwar region as a phenomenon in which the occult coexisted with surprising ordinariness in the everyday lives of people.

Keywords: *Dakan*, witchcraft, occult, Jodhpur, Marwar, law

Introduction

Witchcraft studies have attracted the interest of scholars across disciplines, ranging from anthropology and history to sociology and psychology, among others. The scholarship has employed witchcraft as an entry point to address questions of mentalities, magic, popular culture, medicine, religion, law, power and the state, to name a few, in the Americas, Europe, Africa and Asia. In Europe, the identification and violent prosecution of thousands of alleged witches between the mid-fifteenth and mid-eighteenth centuries have attracted extensive historical scrutiny. Brian Levack has labelled this historical development as the European witch-craze or the European witch-hunt.¹ Although Levack cautions against the uncritical use of the term ‘craze’, it encapsulates what scholars identify as a deeply hysterical and violent pursuit of alleged witches that gripped entire communities in early modern Europe. Western scholarship on witchcraft has highlighted the belief’s intricate connection with religious thought. In early modern Europe, the canonisation of

¹ Levack, *Witch-Hunt*, p. 1.

witchcraft by Christian theologians, through works like the *Malleus Maleficarum* (1486), inextricably cast witchcraft in opposition to Christianity. In such writings, witches were believed to have formed a pact with the devil, whom they worshipped and from whom they derived their power. In addition to performing malicious acts, targeting children, adults, crops and livestock, it was believed that witches congregated and engaged in obscene, sexual acts with the devil. They were, therefore, accused of heresy as well as acts of *maleficia* or harmful magic.² Christina Larner, in her study of witchcraft in Scotland from 1563 to 1736, argues that the term ‘witch-hunt’ is preferable to ‘prosecution of witches’ because witches had to be searched for. It encapsulates, according to Larner, the mobilisation of the resources of the administration to ensure the large-scale pursuit and identification of witches.³ In recent times, however, Euro-American historiography on witchcraft has shifted its focus from moments of violence, that is, witch-hunts, to study more broadly magic, possession, exorcism and popular religious beliefs.⁴ Further, the scholarship has located witch trials against the backdrop of strain in community obligations in the transition to capitalism, Reformation and Counter Reformation and the rise of the absolutist state.⁵

As witchcraft studies expanded beyond Europe and North America, the use of the term ‘witchcraft’ itself has come under scrutiny. Scholars studying Africa, for example, argued that witchcraft fails to capture the range of terminologies and beliefs that emerge in non-western contexts.⁶ Peter Geschiere, in his research on Cameroon, critiqued the use of terms like sorcery and witchcraft as ‘misleading translations of African notions’,⁷ which led to narrow and moralistic connotations associated with the term. In eastern Cameroon, Geschiere noted, the belief in *djambe*—a power that lives in a person’s belly—could be translated to witchcraft. However, *djambe*, unlike witchcraft, was employed for both malevolent and benevolent purposes, underscoring the limitations of western categories.⁸ Even as he acknowledged that terms like sorcery and witchcraft cannot be completely done away with, Geschiere advocated for the use of more ‘neutral’ terms like *ocult* which, according to him, could be wielded for both good and evil.⁹ Furthermore, witchcraft, rather than being a phenomenon of traditional, precolonial societies, has come to be seen as critical in many modern societies. In the case

² *Ibid.*, pp. 4–8.

³ Larner, *Enemies*, pp. 1–2.

⁴ Van Gent, ‘Current Trends’, pp. 611–13.

⁵ See Macfarlane, *Witchcraft*; Rowlands, *Witchcraft Narratives*; Clarke, *Languages*; Barry and Davies, *Palgraves Advances*.

⁶ Kroesbergen-Kamps, ‘Witchcraft’, p. 862.

⁷ Geschiere, *Modernity*, p. 13. The limitations of the use of ‘ill-fitting Western categories’ like witchcraft has been raised by other scholars studying Africa like Jean and John Comaroff. See Comaroff and Comaroff, *Modernity*, p. xviii.

⁸ Geschiere, *Modernity*, p. 13.

⁹ *Ibid.*, pp. 13–14.

of Africa, as argued by Comaroff and Comaroff, witchcraft has intervened in 'conquest and colonialism, in state building and stratification, in the advent of markets and the marginalization of local economies'.¹⁰ So, while in Europe, the question of the decline of witchcraft has been a crucial research question and, today, women in the west can easily self-identify as witches, in Africa and other parts of the world, the label of the witch still evokes stigma and fear and 'signs and practices of witchcraft are integral to the experience of the contemporary world'.¹¹ This is true for South Asia as well, where women, to this day, continue to be labelled and violently persecuted as witches.

In South Asia, the scholarship on witchcraft has been largely limited to the colonial and contemporary periods. This is predominantly due to the scarcity of primary sources as well as legal and ethnographic records for precolonial times. Despite the lack of sources, scholars have studied witchcraft in India through the lens of gender, conceptions of healing and disease, law and the state, among others. Ajay Skaria and Shashank Shekhar Sinha, for instance, have brought to the fore gender and patriarchy as triggers for witchcraft accusations in the tribal regions of western India and Chotanagpur, respectively, during the transition to colonial rule. Skaria argues that women were overwhelmingly accused of witchcraft because of their presumed weaker nature, which made them vulnerable to possession by a specific kind of spirit—the *jogani* or female vampire—that turned them into *dakans*.¹² In Sinha's research on the Chotanagpur region, accusations of witchcraft were located against the backdrop of denial of land rights to women, control over women's sexuality, prevalence of comprehensive taboo regimes and absence of political representation, all of which intensified due to the pressures of colonial legislation.¹³ Sinha has also explored how the weakening of colonial law and order over the Chotanagpur and Santhal Parganas during the Santhal Hul and the 1857 revolt led to a surge of witch killings. As the colonial government's policies to criminalise violence against alleged witches were met with anxiety and anger among the local population, hunting witches, according to Sinha, became part of the larger politics of anti-colonial resistance.¹⁴ Dev Nathan, Govind Kelkar and Yu Xiaogang argue that the tensions arising over women's rights to land were key reasons for the gendered nature of accusations among the Santhals and Mundas of Jharkhand.¹⁵ In their recent book on witch-hunts, Nathan and Kelkar have expanded their territorial focus to contemporary indigenous societies of central India, Africa, as well as early modern Europe, and concluded that witch-hunts result from 'a culture of witchcraft beliefs; gender struggles leading to the

¹⁰ Comaroff and Comaroff, *Modernity*, p. xviii.

¹¹ *Ibid.*, p. xxv.

¹² Skaria, 'Women, Witchcraft'.

¹³ Sinha, 'Adivasis, Gender, and Witch-Hunting'.

¹⁴ *Ibid.*, p. 115.

¹⁵ Nathan, Kelkar and Xiaogang, 'Women as Witches', p. 62.

creation and re-creation of patriarchy; and structural or major socio-economic transformations, including the formation of private property and of the capitalist market economy'.¹⁶

Differing from these works, Soma Chaudhuri has studied accusations of witchcraft against migrant adivasi women (mostly belonging to Oraon, Munda and Santhal communities) in the tea plantations of Jalpaiguri in West Bengal. Here, accusations are not tied to contentions over land rights but are rooted in the transformation of agricultural workers to industrial wage-earners and the tensions between the adivasi tea-plantation workers and its non-adviasi management over wages, job security and living and working conditions.¹⁷ For Chaudhuri, witch-hunts in the tea plantations of Jalpaiguri are, therefore, the 'products of alienation experienced by workers within a capitalist mode of production'.¹⁸ In contrast to regions where accusations of witchcraft largely, if not wholly, targeted women, Nandini Sundar's research on Bastar has thrown light on witchcraft practised by men and located it within popular conceptions of illness and death.¹⁹

However, scholars using the colonial archives have, I argue, inadvertently perpetuated certain colonial stereotypes on witchcraft. In colonial writings on witchcraft, the belief was largely associated with tribes. John Malcolm, an East India Company administrator, for instance, recorded, 'the belief in witchcraft is common to almost all classes in India; but the Bhills [Bhils], from their wildness and ignorance, are deeply tinged with this superstition'.²⁰ The British official William Crooke also observed that the belief in witchcraft was 'primarily the heritage of the more isolated and least advanced races, like the Kols and Bhils, Santals and Tharus'.²¹ As colonial ethnographic and legal records on witchcraft, later used by scholars, pertained to tribes, the secondary literature has inadvertently sustained the view of forested tribes and their relation to witchcraft. In her anthropological work on witchcraft accusations in Chhattisgarh, Helen Macdonald has underscored how popular associations of witchcraft with adivasis resulted in problems while identifying her field site.²² Overlooking such viewpoints, Macdonald's book effectively combines ethnographic and archival research to explore witchcraft accusations in both adivasi and non-adviasi caste-based agricultural regions of central Chhattisgarh. But such works remain far and few.

Furthermore, I argue that the language used in nineteenth-century colonial records on witchcraft magnified the bodily violence and torture of accused witches. Legal records on witchcraft from nineteenth-century Rajputana were

¹⁶ Kelkar and Nathan, *Witch Hunts*, p. 191.

¹⁷ Chaudhuri, *Witches*, pp. 3–6.

¹⁸ *Ibid.*, p. 115.

¹⁹ Sundar, 'Divining Evil'.

²⁰ Malcolm, 'Essay on Bhils', p. 78.

²¹ Crooke, *Popular Religion*, Vol. 2, p. 261.

²² Macdonald, *Witchcraft Accusations*, p. 23.

mostly filed as cases of ‘witch-swinging’, referring to the hanging of suspected witches upside down and swinging them until they confessed to their crimes.²³ The language in the archival records, therefore, sought to highlight the violent, public spectacles that the superstitious belief in witchcraft elicited among ‘ignorant’, ‘superstitious’ tribes. In contrast, the precolonial legal petitions concerning witchcraft, to be discussed in detail in the next section, were shorn of the vivid, dramatic language of the colonial archives. In these archives, witchcraft cases coexisted seamlessly with other cases, such as theft and social conflicts, concerning the everyday lives of the people of early modern Marwar.

Thus, this article will shift the gaze from tribes to castes in order to underscore the prevalence of the belief in witchcraft among the *jatis* (castes) of early modern Rajasthan. This will be studied by examining the cases concerning witchcraft brought to the attention of Marwar state either by accused *dakans* who protested against the false accusation (*tohmat*) of witchcraft or by accusers who sought stringent punishments against *dakans* they had identified. Furthermore, this article will argue that while witchcraft was the naming of the moment of accident, illness or misfortune, it could also be studied as a phenomenon in the everyday lives of the people of early modern Rajasthan, thereby marking it with a certain ordinary characteristic.

The Kingdom of *Shri Hujur*

The state of Marwar, also referred to by the name of its capital Jodhpur, was in the arid region of western India bordering the Thar desert. Its name is derived from *maru* (desert), referring to the Thar desert and the harsh climatic conditions of the region. The kingdom in the eighteenth century was ruled by the Rathor clan of Rajputs, who in the previous centuries had leveraged their alliance with the Mughals to expand their political control over new territories. In the eighteenth century, however, the region—ruled by various Rajput rulers—witnessed political realignments as the Mughal influence in the region waned and the Marathas, another regional power with their base in the Deccan, grew powerful. The state of Marwar was repeatedly subjected to Maratha incursions, and its political authority, faced with successive military defeats and tribute demands from the Marathas, attempted to pass off their financial burden to the people.²⁴

²³ See National Archives of India (NAI), Foreign Department, Branch-General B, November 1862, nos. 186–188, ‘Case of Witch Swinging in Beechabara’, New Delhi; NAI, Foreign Department, Branch-General B, November 1874, nos. 77–78, ‘Witch Swinging in Bugduree in Doongurpoor’; NAI, Foreign Department, Branch-A, General I, January 1883, nos. 51–58, ‘Meywar Durbar’s Punishment of Kaliawas Bhils in Connection with a case of Witch Swinging’.

²⁴ Sahai, ‘Artisans’.

The framework of decline and chaos, however, does not sufficiently explain the eighteenth-century Rajput states.²⁵ The state of Kota in eastern Rajasthan, to illustrate, argues Norbert Peabody, improved agricultural productivity by colonising forest tracts and reclaiming wastelands. Under its Prime Minister Zalim Singh, Kota successfully navigated Maratha political pressures and emerged as a strategic trading centre with a sizeable urban base.²⁶ In the second half of the eighteenth century, under its ruler Vijai Singh (r. 1752–93), the Marwar state displayed features of early modernity, namely, an expanding bureaucracy and the shift to a standing army.²⁷ Furthermore, research on ‘Marwari’ trading communities has highlighted the growing political and social clout of the region’s mercantile communities, who inserted themselves into trans-regional and global trade networks.²⁸ Shifting registers from the predominant focus on political units to geographical regions, Tanuja Kothiyal’s work on the Thar desert has highlighted the region as a mobile space linked to networks of circulation of people and commodities.²⁹ Drawing insights from her work, this article will also present a case for the deployment of geographical lens to study witchcraft in early modern South Asia.

A notable shift in eighteenth-century Marwar was seen in the development of a new documentary culture. The documents referenced and used as my primary sources are the *Jodhpur Sanad Parwana Bahis* (hereafter, *JSPB*). Consisting of 102 volumes, the *JSPB* are administrative ledgers or *bahis* from the state of Marwar, covering the period 1764–1938 and presently located in the Rajasthan State Archives in Bikaner. The *bahis* are compilations of legal appeals to the Marwar state, challenging the earlier decisions of panchayats or rural power holders (such as *jagirdars*) who dispensed justice at the community level. The Rajput ruler, referred to as *Shri Hujur* in the *bahis*, was the highest court of appeal in the state. However, the judgments need not be made by the ruler himself, but by offices of the district magistrate (*pargana kachedi*) and the city magistrate (*kotwali chauntara*), both of which had the power to adjudicate the appeals in the name of the ruler. The *bahis* deal with a range of concerns emerging in early modern Marwar, including property disputes, disputes over theft, taxes, marriages, sexual assault and litigations over witchcraft. In the witchcraft petitions,

²⁵ Argued by some scholars as a period of decline and by others as a century of continuity and vibrant economic activities, the eighteenth century has been a subject of intense scrutiny. See Alavi, *Eighteenth Century*; Marshall, *Eighteenth Century*.

²⁶ Peabody, *Hindu Kingship*, pp. 125–36.

²⁷ In recent writings on the sixteenth to eighteenth centuries, the category of early modernity has gained prominence. The scholarship has highlighted that the early modern period witnessed the emergence of large, stable states, expansion of agriculture, insertion of the states and its communities into wider geopolitical and trade networks, new technologies of print, circulation of knowledge and technology, etc. See Richards, ‘Early Modern’; Subrahmanyam, ‘Connected Histories’; Bhargava and Nath, *The Early Modern*, pp. 1–42.

²⁸ Cherian, *Merchants*, pp. 1–42.

²⁹ Kothiyal, *Nomadic Narratives*, pp. 28–41.

the litigants—accused *dakans* and their relatives or their accusers—appealed for the state’s intervention in resolving disputes. For instance, a petition from Nagour *pargana* (district) in 1778 records:

Khandelwal [merchant caste] Deve came here and reported that Khushiyala’s daughter-in-law is a *dakan* as she took his [Deve’s] two children. She has also taken ten or eleven children from others like khandelwal Guli, mahajan Likhma, Rudha’s niece, Gumana’s son, etc.

Shri Hujur [the ruler] ordered: ‘if these many children have been taken, then conduct an investigation. If she is guilty, boycott her from the village’.³⁰

The above petition underscores the significance of the *JSPB* for writing the history of witchcraft, gender and law. The petitions, in most cases, mention the *jatis* to which the accused women and their accusers belonged. They also give insights into the social tensions emanating from witchcraft accusations and provide a window into the legal history of the period, with information on the earlier judgments of the panchayats and the state’s responses to the appeals made in witchcraft cases. Further, both ‘high’ and ‘low’ castes find mention in the petitions of the *JSPB* and, therefore, offer insights into the dynamics of caste politics in witchcraft accusations.

The *bahis* show the shift from Persian, the court language of the Mughals, to old Marwari as the administrative language of the Marwar state. However, despite shifting to the use of Marwari, Persian terms, mostly vernacularised, continue in the documents.³¹ For instance, the Jodhpur ruler is referred to as *Shri Hujur*, combining the Sanskrit honorific *Shri* with the term *huzur* (superior authority). The legal language is also inscribed with vernacularised Persian terms such as *hukum* (command or order), *wajabi* (legitimate) and *gair wajabi* (illegitimate). The language of the *bahis*, then, underscores the fusing of Persian idioms in Marwari vocabulary and locates it at the intersection of various literary cosmopolises.

The narrative style of the petitions is in the appeal–response format: appeal by, in the above case, the accuser who petitioned the Rajput state to prosecute Khushiyala’s daughter-in-law for witchcraft and the response by *Shri Hujur* to investigate the matter. The homogeneity in language and narrative of the witchcraft petitions of the *JSPB* highlights the difficulty in writing a history of women, because their testimonies, as argued by Diane Purkiss, do not constitute a pure or unconstrained form of female authorship.³² Women’s depositions were inscribed by male scribes who may have homogenised them to fit the narrative style or altered them with the addition of legal jargon. In fact, in some petitions, the names of the accused women are absent because their identity marker is the name of the

³⁰ Rajasthan State Archives (RSA), Bikaner, *Jodhpur Sanad Parwana Bahis (JSPB)*, no. 20, Vikram Samvat (VS) 1835/ 1778 CE, p. 40 B.

³¹ See, Thelen, ‘Disputed Transactions’.

³² Purkiss, *Witch in History*, pp. 92–93.

head of the household and their relation to him, their *jati* and/or the village or *pargana* where they resided. As argued by Nandita P. Sahai, the senior-most adult male of the household was the site of all engagements with the ‘public sphere’ in early modern Jodhpur.³³ So, in the above-mentioned petition, the accused *dakan* is identified as ‘the daughter-in-law of Khusiyala’ from Nagour *pargana*. Further, the ambiguity in the language of the *bahis* is also visible in the limited information about the nature of and outcomes (including judgments) from the investigations conducted by the local judicial agencies or at the community level. Despite these limitations, the petitions of the *JSPB* are a valuable source for the study of the belief in witchcraft in Jodhpur, giving insights into the *jati* of the accused women, prior decisions of the panchayats, the protests registered by petitioners against its judgments and, finally, state responses to appeals.

The *Dakan’s* Wrath

So, who was a *dakan*? *Dakans*, roughly translated to witches, were women believed to possess extraordinary power, which they used to inflict harm and misfortune on their victims. The working of a *dakan* could explain unexplainable incidents, illnesses and death in the family and community. How *dakans* came to acquire their power was subject to different interpretations: Some were believed to have become *dakans* at birth, likely due to being born at an inauspicious hour, some because of possession by an evil spirit, but one of the most common beliefs was that of a woman becoming a *dakan* after consuming dirty substances like faeces or urine.³⁴ Elderly or childless women, women with bodily deformities or those with aggressive personalities were more susceptible to being labelled as witches. William Crooke, for example, documented that ‘persons afflicted with ugliness, deformity, crankiness of temper, liability to sudden fits of passion, epilepsy, and the like’ were more likely to be targeted as *dakans*.³⁵ In his anthropological study on the Sujarupa village of Udaipur between 1950 and 1981, G. M. Carstairs observed that an elderly woman named Dhapu was linked to the deaths of several mothers and young children in the village. Dhapu’s formidable personality and command over offensive sexual swearwords, noted Carstairs, made her more susceptible to witchcraft accusations.³⁶

Among the potential victims of witchcraft, it was the fear of the piercing gaze of the *dakan* which evoked much consternation. This was because of the belief that the predominant medium of witchcraft violence was casting the evil eye or

³³ Sahai, ‘Some Were’, p. 46.

³⁴ Dwyer, *The Divine*, p. 70. In Chhattisgarh, witches are believed to have made a pact with Bhairo, a fierce manifestation of Lord Shiva, in front of whom they dance in the nude. See Babb, ‘Marriage and Malevolence’, pp. 145–46.

³⁵ Crooke, *Popular Religion*, Vol. 2, p. 262.

³⁶ Carstairs, *Death of a Witch*, p. 14.

'*buri najar*'. Referred to as '*najar lagana*' (casting the evil eye), it was believed that harm or misfortune was inflicted on victims and their material possessions by the evil look of the *dakan*. Presumed to be rooted in jealousy, the evil eye could also be transmitted by touch or verbal expression of envy or excessive praise. The Rajasthani adage '*dakan ri meet kalja mathe*', meaning 'the eyes of the *dakan* are on the liver' encapsulates the popular belief that the *dakan*'s glance led to weakening of the victim's bodily strength.³⁷ James Tod, the British political agent to the western Rajput states, recorded that witches were referred to as *jigarkhor* or 'liver-devourers', as they could slowly devour the viscera of their victims through charms and incantations.³⁸ Mention of the evil eye or *buri najar* is made in the petitions of the *JSPB* as well. For instance, in 1787, Budhar's mother, who belonged to the *sunar* (goldsmith) *jati* was identified as a *dakan* by jat Lakha and rajput Gumana. The accusations were prompted by the deteriorating health of Lakha's daughter and Gumana's son, and the children's ailments were linked to the casting of the evil eye by Budhar's mother. Children, by nature playful and spirited, were believed to be more vulnerable to the *dakan*'s envy. In his account of nineteenth-century Gujarat, the colonial official James Campbell recorded that 'if the glance of an ordinary witch falls on a handsome richly-clad child, the child sickens'.³⁹ In early modern Rajasthan, profound anxieties surrounded the health of children, newborn babies in particular.⁴⁰ Their unexplainable illnesses could easily be attributed to the workings of a jealous, malevolent *dakan*, as attested by the petitions in the *JSPB*. For example, in 1777, gujjar (pastoralist) Sukha residing in Nagour *pargana* accused jat (agriculturalist) Andiya's wife of being responsible for the disappearance of his son.⁴¹ In 1789, mahajan Naga's daughter-in-law was held responsible by chaudhuri Ujje for 'eating' his granddaughter.⁴²

Witchcraft, then, was rooted in local perceptions of the causes behind sickness and death. It is instructive to note that witchcraft was one among the many 'possessions' that explained the cause of sickness. Ancestral spirits, feeling slighted due to neglected rituals, could also possess their victims' bodies and cause fits or infertility.⁴³ Similarly, gods and goddesses could turn malevolent and possess individuals if angered, for instance, due to an unobserved pilgrimage.⁴⁴ Diseases like smallpox, chickenpox and measles were believed to be caused by the presence of the goddess Sitala Mata or 'cool mother' in the ailing person's body.⁴⁵ The

³⁷ Detha, *Rajasthani*, Vol. 3, p. 1433.

³⁸ Tod, *Annals*, Vol. 3, p. 1615.

³⁹ Campbell, *Hindu Castes*, Vol. 2, p. 427. Also, see Gold, 'Outspoken Women', pp. 114–15.

⁴⁰ Ann Gold has recorded a song that expresses both the joy of becoming a new mother and the fear of the evil eye. See Gold, 'Outspoken Women', pp. 114–15.

⁴¹ RSA, *JSPB*, no. 18, VS 1834/1777 CE, p. 11 A.

⁴² RSA, *JSPB*, no. 40, VS 1846/1789 CE, p. 321 A.

⁴³ Bharucha, *Rajasthan*, p. 125; Babb, 'Marriage and Malevolence', pp. 143–44.

⁴⁴ Dwyer, *The Divine*, pp. 27–28; Bharucha, *Rajasthan*, p. 119.

⁴⁵ Lambert, 'Illness', pp. 256–57.

goddess was, therefore, propitiated through worship and offerings to avoid a malignant turn in the diseased person's condition.⁴⁶ Thus, aetiological causes could range from angered deities and ancestors to *dakans* casting the evil eye.

In precolonial Rajasthan, various strategies were devised to protect oneself from the malevolent power of the *dakan* and, if that failed, to counter their sorcery. The Dutch traveller Francisco Pelsaert observed that the people of north India brought back water of the holy river Ganges and kept it in their homes in order to protect themselves from sorcery and witchcraft.⁴⁷ In western India, when people dressed up a child, a round mark using soot was applied on the child's cheek or near its ear as a shield from the ill effects of the evil eye. Such practices were based on the belief that the evil eye had no power against black-coloured things, holy objects and other elements such as iron. Another tactic was to string two black-coloured beads around the neck or wear the claw or tooth of a tiger set in gold, silver or copper.⁴⁸ In the *JSPB*, another recorded method to counter the pernicious effects of witchcraft was to coerce the alleged *dakan* to spit on her victim. For example, in 1783, the daughter-in-law of *srimali* (trading caste) Gomadram residing in Merta *pargana* was identified as the *dakan* responsible for *srimali* Jogeshwar's grandchild's illness. She was pressurised to spit on the child to counter the effects of witchcraft, which she declined.⁴⁹ Since the *dakan*'s use of the evil eye was believed to be rooted in jealousy, the act of spitting most likely symbolised the devaluing of her victim and, as a result, countering the effects of witchcraft. Interestingly, the records also suggest how the outcome after spitting on their victim was used by the accused *dakan* to prove her innocence. This can be illustrated by a petition from Parbatsar *pargana* in 1787:

Jaisa's mother belonging to the kumbhar [potter] caste from the village Thawali approached Shri Hujur. She complained: 'gujjar Sukha from my village has put the blame of being a *dakan* on me. After Sukha's son became unwell, with his body becoming weak, he made me spit on the child (*thuthko dhalayo*). Despite this, Sukha's son died. Why would the death happen even after I spat and removed the ill effects?''⁵⁰

In the above petition, Jaisa's mother 'logically' countered the accusations against her, contending that the death of her alleged victim, even after she supposedly undid her sorcery by spitting on the child, proved that she was not a *dakan*. The child's death, she argued, proved her innocence.

In addition to the belief that the *dakans* had disruptive power that manifested in illness and death, they were also believed to be capable of spreading malevolence

⁴⁶ Lambert, 'Cultural Logic', pp. 1071–72.

⁴⁷ In Hindu tradition, the river Ganges (Ganga) is sacred, and its water is considered pure. See Geyl and Moreland, *Jahangir's India*.

⁴⁸ Daya, *Demonology*, pp. 76–77.

⁴⁹ RSA, *JSPB*, no. 29, VS 1840/1783 CE, p. 129 A.

⁵⁰ RSA, *JSPB*, no. 36, VS 1844/1787 CE, p. 201 A

by transforming themselves into cats. This belief fostered perpetual anxieties because any cat could be a metamorphosed *dakan*. The disquiet over the 'true identity' of a cat can be illustrated by a petition from Sojhat *pargana* in 1780. The case involved accusations of witchcraft by chaudhuri Manohar and two others against Dayli, who belonged to the sirvi (agriculturalist) *jati*. The accusers were convinced of malice in a cat and further claimed that Dayli and the feline shared some similarities. To conclusively prove witchcraft accusations against Dayli, they branded the cat using a hot rod and expected the same mark to appear on Dayli's body.⁵¹ As no such mark imprinted on Dayli, her innocence was tentatively established.

The extreme variability in popular perceptions of cats, beloved in Egypt and disliked in other cultures, has been the subject of many studies.⁵² B. N. Goswamy's compilation of written and oral literature and paintings on cats underscores the multiplicities of their perception in India, ranging from distrust and fear to reverence. In the visual depiction of four cats in *Book of Dreams* from Mewar in 1730, cats were placed in the category of *neshta* or undesirable, as any dream of cats would invite bad luck, sadness and separation.⁵³ In early modern Marwar, the belief that evil transferred from *dakans* to cats led to considerable violence against felines. John Malcolm recorded the violence against cats perpetuated at the behest of the state of Kota in the nineteenth century. Here, Prime Minister Zalim Singh ordered the magistrate to 'seize all the cats in the cantonment and to take them over the river Sind'.⁵⁴ This episode, according to Malcolm, was owing to the supposed association between cats and witches.

While witchcraft was the naming of the moment of accident, illness and other anxieties, it could also be a convenient excuse used by relatives to shun elderly women and appropriate their wealth. Although the petitions in the *JSPB* do not provide details, the age of the accused women can be inferred from their identity markers such as daughters-in-law, wives or mothers. The cases shed light on the tensions within households in early modern Marwar. For instance, meghwal (leatherworker) Roopmali, a resident of Merta *pargana*, approached the state and complained that she was labelled a *dakan* by Sunojodh, her brother-in-law.⁵⁵ The accusations led to her boycott from the village. Similarly, in 1780, *bhagtan*

⁵¹ RSA, *JSPB*, no. 24, VS 1837/1780 CE, p. 118 A.

⁵² In ancient Egypt, the cat was a close household companion denoting profound spiritual forces and divine power that protected the family from evil and misfortune. In contrast, cats were burnt at the stake in Europe along with convicted witches. See Lawrence, 'Feline Fortunes'. The association of cats with witchcraft has also been the subject of Robert Darnton's 'Workers Revolt: The Great Cat Massacre of the Rue Saint-Séverin' in which print shop apprentices drew on the ceremonial and symbolic themes available to them and identified cats with witchcraft, orgy, carnival, mock trials and massacre. Darnton, *The Great Cat Massacre*, pp. 75–107.

⁵³ Goswamy, *The Indian Cat*, pp. 164–65.

⁵⁴ Malcolm, *Memoir*, Vol. 2, pp. 213–14.

⁵⁵ RSA, *JSPB*, no. 15, VS 1832/1775 CE, p. 142 B.

(belonging to bhagat or temple-functionary caste) Rupa approached the court and complained that Sawaldas, her brother-in-law, falsely accused her of being a *dakan* and, thereafter, she and her son were forced to live in her maternal home.⁵⁶ For women accused of witchcraft by close relatives, the choice was for the most part to shift out of their marital home and village. Hence, witchcraft accusations could also be manifestations of interpersonal conflicts and stresses within kinship networks. Such accusations provided male relatives with a justifiable excuse to shirk their familial responsibilities, especially taking care of widowed sisters-in-law, and even evicting them from the residences they jointly shared.

While in most cases, the label of a witch brought much consternation to the accused, there are a few instances of women self-posturing as witches as well. In *Vir Vinod: Mewar kā Itihas*, a history of the state of Mewar written in the nineteenth century, Kaviraj Shyamaldas recorded that young women feigned to be witches to induce awe, extort money, jewellery, food and clothing from their relatives.⁵⁷ Tod and Malcolm have also chronicled instances of women who cultivated a reputation as a witch.⁵⁸ Malcolm elaborates that *dakans* were propitiated with presents and their prayers requested by pregnant women and mothers with ailing children. As *dakans* were supposed to have the power of counteracting the incantations of other witches, they were often secretly employed for this purpose.⁵⁹ James Campbell refers to similar occurrences from Gujarat where, for fear of offending the witch, the villagers supplied her with all articles of everyday use; presents were gifted to the witch to secure her absence from marriage and other festive occasions.⁶⁰ In fact, in the provinces of Rath and Bagur, located south of Mewar (in present-day Madhya Pradesh), men did not marry into a family where there was not a witch to save them from the malice of others as they were *rekwal-lee* or guardians.⁶¹

So, the *dakan* could be the source of both malice and goodwill. On the one hand, it was believed that *dakans* possessed extraordinary power to inflict harm and misfortune on their victims. She was even capable of transforming herself into a cat to execute her malevolent acts. On the other hand, *dakans* were appeased, even courted, for their perceived healing and protective powers. In other instances, ‘deviance’ was cultivated by women as their identification as *dakans* could be a source of material wealth and power. Notably, the variable ‘exercises of power’—for malevolent and beneficial ends—is not limited to *dakans* but extended to goddesses who, when enraged, could also turn wrathful. This meant that goddesses, like some *dakans*, had to be propitiated to appeal to their benevolent side.

⁵⁶ RSA, *JSPB*, no. 24, VS 1837/1780 CE, 172 B.

⁵⁷ Shyamaldas, *Vir Vinod*, Vol. 3, pp. 223–41. Also, see Bharucha, *Rajasthan*, pp. 153–55.

⁵⁸ Tod, *Annals*, Vol. 3, p. 1615; Malcolm, *Memoir*, Vol. 2, p. 213.

⁵⁹ Malcolm, *Memoir*, Vol. 2, p. 217.

⁶⁰ Campbell, *Hindu Castes*, Vol. 2, p. 430.

⁶¹ Malcolm, *Memoir*, Vol. 2, p. 216.

Investigating Witchcraft, Disciplining Dakans

While the *JSPB* texts provide insights into the belief in witchcraft in early modern Rajasthan, they are also an important source of information on the workings of the legal institutions of the time. The witchcraft petitions shed light on the social and caste positions of the accused women and their accusers. In doing so, the records extend the understanding of witchcraft beliefs to settled agricultural and artisanal castes as well as castes wielding superior social and ritual power. Foregrounding the study of caste and law in witchcraft petitions, I argue, offers a new perspective on the study of witchcraft, one which is shorn of violent, public spectacles, that is, 'witch-hunts', but characterised by everyday legal procedures and routine punishments.

In eighteenth-century Marwar, juridical power was not vested solely with the king and was instead shared among multiple entities. At the village or community level, justice was dispensed through the institution of panchayats. The nature, composition and function of panchayats, according to S. K. Bhanot, could vary depending on the issue at hand.⁶² While the village panchayats dealt with local conflicts, agricultural and property disputes, and disagreements arising within *jatis* on matters related to inheritance, engagement, marriage and remarriage were resolved by *jati* panchayats. Furthermore, litigants would turn to occupational panchayats to resolve disputes arising from the practice of craft occupations.⁶³ The panchayats comprised of community or village elders (*panchas*) who possessed knowledge of customary practices and exercised power to censure wrongdoers. Their authority was legitimised by both community members and Rajput states. The dependence on panchayats to administer justice was due to the state's limited knowledge of customary laws and the lack of resources required to intervene directly in all legal cases.⁶⁴ Additionally, local powerholders like *jagirdars*, *thakurs*, *bhomias*, village headmen (*chaudhuries*), and other administrative functionaries also assumed judicial and policing roles.⁶⁵ The intervention of the state, as detailed in the *JSPB* petitions, was only sought when panchayats or *jagirdars* failed to resolve conflicts to the satisfaction of the contesting parties. Thus, the administration of justice in early modern Rajasthan was marked by multiple stakeholders with overlapping legal jurisdictions.

As stated above, disputes emerging from witchcraft accusations were initially determined by panchayats and local power holders such as *jagirdars*. Although the petitions of the *JSPB* referenced in this article do not mention the role of the *bhopa* (shaman or faith healer), they seem to have been called upon by family or community members when suspicions of witchcraft arose. *Bhopas* were religious

⁶² Bhanot, 'Paschimi Rajasthan', pp. 146–50.

⁶³ *Ibid.*, pp. 146–50.

⁶⁴ Sahai, 'Some Were', p. 56.

⁶⁵ Sahai, 'Artisans', p. 51.

specialists who had moments of direct personal experience with gods through spiritual possession. The state of trance varied from one *bhopa* to another but was characterised by shaking and trembling (*dhunni*) and feelings (*bhav*).⁶⁶ During moments when ‘god entered his body’, the *bhopa* was deemed capable of providing information on past and future occurrences and mediated problems like property disputes, family feuds, infertility, possession by spirits and ill health.⁶⁷ He could also identify if the victim’s misfortune was caused by the actions of a *dakan*. Although *bhopas* were simplistically identified as witch-finders in later colonial accounts, they traversed many roles, including religious mediums and healers who possessed knowledge of medicinal roots and herbs.⁶⁸ The role of *bhopas* in identifying malevolent *dakans* can be illustrated from eighteenth-century Jaipur state records. In a petition from Malarna *pargana* in 1718, the Jaipur state ordered Sundar *bhopa* to furnish a fine of 8 rupees for labelling a woman from *kumbhar jati* as a *dakan*.⁶⁹ In another case from Chatsu *pargana*, the Jaipur state fined a *bhopa* 201 rupees for levelling false accusations of witchcraft against a woman.⁷⁰ In the above-mentioned cases, the accused women were able to prove their innocence by undergoing investigations in the form of *ghij* (ordeals). The term *ghij* is associated with courage, wherein the defendant was subjected to tortuous ordeals to prove their innocence. Based on the outcome of the ordeal, the *bhopa* or, more probably, the panchayats or *jagirdars* pronounced the judgment.⁷¹ Ordeals were also recommended by the state to decisively resolve witchcraft cases.

In the *JSPB* petitions, ordeals using chilli, water and hot iron balls are recorded. The following petition from Merta *pargana* illustrates the workings of the chilli ordeal. In 1774, a *kumbhari* (woman from *kumbhar jati*) was subjected to an ordeal using chilli. Dried chilli was rubbed into her eyes (*mircha un ri aakhiyan main dhalayi*) and when tears appeared in the *kumbhari*’s eyes, she was cleared of wrongdoing.⁷² In another case from Siwani *pargana*, brahman Abhay’s mother was investigated using the chilli ordeal.⁷³ In this case too, the defendant succeeded in proving her innocence. The determination of guilt or innocence was based on

⁶⁶ Snodgrass, et al., ‘Witch Hunts’, p. 301.

⁶⁷ Lalas, *Rajasthani*, Vol. 1, p. 304; Bharucha, *Rajasthan*, pp. 122–23.

⁶⁸ Snodgrass, et al., ‘Witch Hunts’, pp. 300–301.

⁶⁹ RSA, *Arhsatta*, Malarna *pargana*, Bundle no. 17, VS 1775/1718 CE, p. 855 B. *Arhsattas* are annual revenue records, organised *pargana*-wise, of the Jaipur state. The records provide details of fines collected from offenders by the state.

⁷⁰ RSA, *Arhsatta*, Chatsu *pargana*, Bundle no. 55, VS 1823/1766 CE, p. 645 A-B.

⁷¹ The petitions in the *JSPB* highlight the role of the *jagirdar* in dispensing justice at the community level. For example, in 1776, Jat Jeevan residing in Jaitaran *pargana* was fined 200 rupees by the *jagirdar* for levelling false accusations of witchcraft against Jat Jodha’s wife. See *JSPB*, RSA, No. 16, VS 1833/1776 CE, p. 107 B. In another petition from 1776, Teli Nage’s mother, accused of witchcraft, was boycotted from the village by the *jagirdar*. See *JSPB*, RSA, No. 16, VS 1833/1776 CE, p. 109 B.

⁷² RSA, *JSPB*, no. 55, VS 1801/1774 CE, p. 45 A.

⁷³ RSA, *JSPB*, no. 26, VS 1839/1782 CE, p. 120 B.

the bodily response of the accused *dakans* to the ordeal. Due to the belief that *dakans* did not experience pain, the accused women were ruled innocent if they showed signs of pain and weakness. In the above-mentioned chilli ordeal, therefore, the innocence of the accused women was established when tears flowed from their eyes.

Another ordeal employed to investigate cases of witchcraft was *pani ri ghij* or ordeals using water. This ordeal was deployed on jat Jodha's wife, accused of witchcraft in 1776, who successfully demonstrated her innocence.⁷⁴ Kaviraj Shyamaldas has documented the following procedure of the water ordeal:

[T]he accused women were tied in bags and thrown into water; if they floated on the surface of the water, they were confirmed *dakans*. If they sank, their innocence was proved, and they were allowed to return home after receiving a saree (*odhani*) as gift from the state.⁷⁵

Additionally, other ordeals include the use of hot iron balls (*gola ri ghij*), namely placing them on the hands of the accused women. If these caused scalding, they were deemed faultless. In 1770, *mochi* (cobbler) Samarth's mother from Sojhat *pargana* proved her innocence after undergoing an ordeal using metal balls.⁷⁶

Interestingly, it was not just the state that made the demand to investigate witchcraft using ordeals. The women accused of witchcraft also approached the Marwar state and asserted that they could prove their innocence if subjected to investigations employing ordeals. For the accused women, it was the only course to prove their innocence and clear their reputation. In the closely-knit village communities that the accused women belonged to, any suspicion of witchcraft would lead to their social ostracisation. The petitions highlight that, in some cases, women approached the judicial agencies even before an outright accusation was levelled against them. For instance, jat Lali from Jaitaran *pargana* approached the state in 1775 to protest unverified gossip (*chugli*) about her mother. In this case, *jagirdar* Kanne had ordered the conduct of an ordeal but failed to carry it out, compelling Lali to approach the state to resolve the matter. In the *JSPB* records, women whispered about as witches repeatedly complained that pledges of marriage in their family were rescinded due to the accusations. For instance, in 1782, *luhar* (blacksmith) Veera's daughter-in-law approached the Marwar state and complained that she was falsely accused of witchcraft by villagers. The baseless accusations, she protested, had tainted her reputation and led to the dissolution of

⁷⁴ RSA, *JSPB*, no. 16, VS 1833/1776 CE, p. 107 B.

⁷⁵ Shyamaldas, *Vir Vinod*, Vol. 3, p. 2039. James Tod and John Malcolm have also recorded the functioning of the water ordeal. Malcolm noted that accused witches were thrown into a pond of water, with sinking being the proof of their innocence. James Tod recorded that Zalim Singh submitted the witches of Haraoti to the ordeal by water. See Malcolm, *Memoir*, Vol. 2, p. 215; Tod, *Annals*, Vol. 2, p. 1113; *idem*, *Annals*, Vol. 3, p. 1615.

⁷⁶ RSA, *JSPB*, no. 10, VS 1827/1770 CE, p. 161 B.

her son's engagement.⁷⁷ In early modern Rajasthan, the promise of marriage through engagement was a contract between the two families. Any breach of marital contract after engagement was punishable by law through the imposition of fines.⁷⁸ So, when sirvi Mehe's daughter-in-law approached the state to protest false accusations of witchcraft in 1774, she was also registering her complaint against the breakdown of an engagement in the family due to the unfounded rumours.⁷⁹ In fact, the stigma of the label of a *dakan* was so unbearable for kumbhar Daliya's wife from Jaitaran *pargana* that she died by suicide in 1773.⁸⁰ Thus, the circulation of baseless rumours of witchcraft could tarnish reputations and have serious implications and, therefore, drive the accused women to exhaust all the legal recourse available to them.

However, the use of ordeals was not unique to cases of witchcraft and was employed to settle most legal disputes in early modern Rajasthan. Sahai's research on the artisanal communities of Marwar has underscored the prominence of tortuous ordeals, including dipping the culprit's hands in hot oil or water to test their guilt in cases of theft and minting of spurious coins.⁸¹ To illustrate, Sahai notes that an ordeal using water was conducted on sunar Karamchand who was accused of theft.⁸² The difference, however, was that in all such cases, the person was deemed innocent if they did not suffer any injuries. This was based on the belief that people who furnished false claims were exposed by God if they suffered injuries. Dilbagh Singh has also highlighted that ordeals were used to settle agrarian disputes in early modern Jaipur. He refers to a land dispute in 1767 between brahman Khooba and *mali* (gardener) Dharnaya which was brought to the Jaipur *darbar* for adjudication. In the absence of written records and witnesses, the state ordered both the litigants to undergo *ghij pani* (carrying a pot containing holy water).⁸³ The deployment of ordeals on litigants was a common judicial practice in precolonial Maharashtra as well. V. T. Gune has elaborated upon different types of ordeals, for instance, *rava divya* (ordeal with a heated piece of metal), *agni divya* (ordeal using a heated ball of metal) and *airani divya* (ordeal with a heated anvil), which was routinely employed to adjudicate disputes.⁸⁴ Guided by the belief that divine intervention determined the outcome of ordeals, they were a common feature of precolonial judicial processes. In early modern Rajasthan as

⁷⁷ RSA, *JSPB*, no. 26, VS 1839/1782 CE, p. 100 A.

⁷⁸ Bharadwaj, 'Myth and Reality', p. 50.

⁷⁹ RSA, *JSPB*, no. 55, VS 1801/1774 CE, p. 45 A.

⁸⁰ RSA, *JSPB*, no. 13, VS 1830/1773 CE, p. 216 A.

⁸¹ Sahai, 'Crafts', pp. 542–43; *idem*, 'Artisans', pp. 49–50.

⁸² Sahai, 'Artisans', pp. 49–50.

⁸³ Singh, *State*, pp. 187–88. Sumit Guha has cited a case from eighteenth-century Maharashtra in which a man accused of consuming alcohol and engaging in adulterous intercourse offered to undergo an ordeal to establish his innocence. See Guha, 'An Indian Penal', p. 111.

⁸⁴ Gune, *Judicial System*, pp. 90–97. Also, see O'Hanlon, 'In the Presence'.

well, the use of ordeals in cases of witchcraft practices was not exceptional, but in keeping with the everyday practices of investigation of disputes.

Similar ordinariness can be seen in the disciplining of accused *dakans*. The most common punishment imposed on *dakans* was excommunication from their *nyat*—the localised community of households of a *jati*.⁸⁵ Affiliation to one's *nyat*, argues Sahai, formed the most effective bond that provided every person with a permanent body of associations and a sense of belonging to a community brotherhood (*biradari*).⁸⁶ While some petitions explicitly mention the accused women's excommunication from their *nyat*, others note their boycott from the village. For instance, in 1774, mali Matudi approached the state to protest her boycott from her *nyat* (*nyat mein leve nahin*) following the accusation of witchcraft.⁸⁷ In a petition from *qasba* (town) Pali, brahman Tovo Bhageshwar's wife complained that she was being evicted from the village (*enn gaun mein tanne koi rakhe nahin*) based on witchcraft charges.⁸⁸ Similarly, luhar (blacksmith) Hara's daughter-in-law and mahajan (trading caste) Chele's wife, both residents of Desuri *pargana*, were excommunicated after being accused of witchcraft.⁸⁹

Individuals expelled from the *nyat* or village were suspended from interactions with their family and participation in community ceremonies and occupational activities.⁹⁰ For instance, in 1775, a Dholan (woman from the musician *jati*) protested the confiscation of her horse by the *jagirdar* and her subsequent boycott from the village due to false accusations.⁹¹ In another case, Teli (oil-presser) Nage's mother was boycotted from the village and her *ghani* (oil-press) confiscated after she was labelled a *dakan*.⁹² In both these cases, the seizure of resources hindered the accused women's ability to continue their caste-based occupation. In fact, the threat of ejection from social and familial circles through excommunication was a regular tool of disciplining that the judicial agencies in early modern Rajasthan used in a range of cases, not just confined to witchcraft. As argued by Sahai, 'banishment was a powerful strategy of publicizing the misdeeds and corrupt conduct of an individual, a way of heaping ridicule and dishonor on the culprit, and cautioning others about the possibility of similar penalties if serious flaws were found in their social comportment'.⁹³ Another punishment for witchcraft, referred to in the *JSPB*, was the imposition of fines (*gunegari*). To illustrate, sirvi Mehe's daughter-in-law complained that 'people who wished her bad luck'

⁸⁵ Lalas, *Rajasthani*, Vol. 1, p. 788.

⁸⁶ Sahai, 'Artisans', p. 49.

⁸⁷ RSA, *JSPB*, no. 14, VS 1831/1774 CE, p. 178 B.

⁸⁸ RSA, *JSPB*, no. 36, VS 1844/1787 CE, p. 255 A; RSA, *JSPB*, no. 40, VS 1846/1789 CE, p. 285 A.

⁸⁹ RSA, *JSPB*, no. 26, VS 1839/1782 CE, p. 115 A.

⁹⁰ Sahai, 'Crossing', p. 401.

⁹¹ RSA, *JSPB*, no. 15, VS 1832/1775 CE, p. 208 A.

⁹² RSA, *JSPB*, no. 16, VS 1833/1776 CE, p. 109 B.

⁹³ Sahai, 'Crossing', p. 403.

accused her of witchcraft practices and, subsequently, insisted that she furnish 60 rupees.⁹⁴ Levying of fines was one of the most common forms of punishment in early modern Rajasthan. In the earlier mentioned cases involving *bhopas*, for instance, the Jaipur state relied on fines to punish false accusations levelled by the accused. The Marwar state, as well, routinely imposed fines to discipline false accusers of witchcraft. For example, in 1774, after a kumbhari from Merta *pargana* proved her innocence through the chilli ordeal, the state maintained that the accuser should be fined (*gunegari kijo*) for levelling wrongful allegations.⁹⁵ Similarly, the state ordered that fines should be imposed on those who falsely accused *darjan* (tailor) Rupali of witchcraft. The punishment, according to the judgment, was meant to ensure that they did not repeat the offence (*aaga su dakan kahe nahin*).⁹⁶ Notably, the quantum of fines was fixed based on the paying capacity of the culprit or ‘as per resources’ (*ghar mafak*) rather than on the offence committed.⁹⁷ Rather than being deemed arbitrary, notes Sahai, the non-uniform imposition of fines reflected a reasoned approach by the state. This is because, on the one hand, any fine beyond a poor man’s means would remain unrealised, and on the other, what the lower classes would find crippling would scarcely be felt by the rich.⁹⁸ A similar conclusion has been drawn for eighteenth-century Maharashtra by Sumit Guha, who argues that fines were fixed according to livelihood or ability to pay (*jivan mafik*) since a fine that would be utterly beyond a poor man’s means would otherwise scarcely be felt by a rich one.⁹⁹ Thus, both excommunication and the imposition of fines were common features of early modern judicial practices.

Additionally, the *JSPB* petitions cited in this article highlight that witchcraft accusations were not limited to the ‘lower’ *jatis* alone. Women from agricultural, pastoral, artisanal and trading castes, as well as *jatis* holding superior ritual status, like brahmans, find mention in the records accused of witchcraft. The records also regularly cite allegations levelled at women from the mahajan *jati*, an umbrella caste category which coalesced various groups engaged in money-lending and trading by the eighteenth century.¹⁰⁰ The early modern Rajput states relied on the financial support of the mahajans, who also advanced loans to rural elites and peasants during times of famine and scarcity.¹⁰¹ Mahajans acquired hereditary offices of village officials (*patel*, *patwari* and *chaudhuri*) and held high positions in the state of Marwar, underscoring their economic and political clout.¹⁰² Further,

⁹⁴ RSA, *JSPB*, no. 20, VS 1835/1778 CE, p. 236 A.

⁹⁵ RSA, *JSPB*, no. 55, VS 1801/1774 CE, p. 45 A.

⁹⁶ RSA, *JSPB*, no. 38, VS 1845/1788 CE, p. 225 A.

⁹⁷ Sahai, ‘Some Were’, pp. 53–54.

⁹⁸ *Ibid.*, pp. 53–54.

⁹⁹ Guha, ‘An Indian Penal’, p. 103.

¹⁰⁰ Cherian, *Merchants*, p. 13.

¹⁰¹ Singh, ‘Role of Mahajans’, pp. 20–22.

¹⁰² *Ibid.*, pp. 26–27; Cherian, *Merchants*, pp. 28–29.

agricultural and pastoralist castes—jat, sirvi and gujjar—and artisanal castes—darzi, sunar, luhar, kumbhar, mochi, mali and teli—find frequent mention in the *JSPB* records. In the settled rural and urban landscapes of Marwar, then, accusations of witchcraft could be levelled against women across castes. Here, suspicions of witchcraft were not resolved through corporal punishments or witch-hunts; rather, they were resolved through litigations and negotiations with local judicial agencies and the state. The resolution of the cases was not based on theological arguments, but by employing multiple mechanisms—appeals, investigations and arguments—available to the accused women. These mechanisms were not exceptional to witchcraft cases but were used in everyday legal mechanisms of early modern Rajasthan.

Extraordinary, but Ordinary? Rethinking Witch-hunts

Witchcraft can clearly be what encapsulates the unexplainable. It places the belief that a woman, a *dakan*, possesses extraordinary power that is deployed to fulfil their malevolent intentions. Through the casting of the evil eye, or by transforming into cats, *dakans* were believed capable of causing unexplainable diseases, crop failure, death and other misfortunes. However, in early modern Rajasthan, *dakans* were viewed as being capable of both malevolence and benevolence. In the latter instances, *dakans* were appeased and courted for their supposed ability to protect people from illness and harm. This ambivalent power of *dakans* can be located within broader views on magic in Rajasthan, where goddesses were also believed to be capable of wielding their power for malicious and generous ends. Thus, the study of witchcraft in South Asia cannot be solely based on perceptions of evil, emerging from western conceptions of the belief, and instead, needs to consider the contextually and temporally specific imaginations of witchcraft.

Further, the study of witchcraft in South Asia, I argue, needs to move beyond the language of witch-hunts and corporal violence. This article shows that the attitudes towards witchcraft in the caste-based, settled, urban and rural landscape of early modern Marwar offers a different perspective on the belief and the disciplining of accused witches—one which need not be marked by ‘witch-hunts’ or incredible displays of violence. While ordeals, public and violent, were key tools of investigation available to the law, this was not limited to witchcraft cases. It was part of the legal apparatus of early modern Marwar and used to investigate cases in the absence of other credible written evidence. In fact, the legal process to determine and discipline witches relied on arguments and negotiations, and unexceptional punishments like excommunication and fines, similar to punishments awarded in other cases. While this observation in no way ignores the violence faced by *dakans* from accusers or the community, it emphasises that the legal structures treated witchcraft as any other ordinary crime which transgressed social norms and community cohesion. A more fruitful direction for witchcraft

studies in South Asia, I argue, is to study whether different landscapes offer distinct imaginations of witchcraft.

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