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Pratyush Kumar

Homo Connubialis Brahmanicus

Marriage Relations Among Brahmins
as Described in the Work

Brahmarshi Vansha Vistar [History of Brahmins]

2nd Revised Edition



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With a foreword by Justice Sanjay Kishan Kaul

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Foreword

by Hon'ble Mr. Justice Sanjay Kishan Kaul,
Former Judge, Supreme Court of India

Homo Connubialis Brahmanicus is an important work on marriage relations among North Indian Brahmins, more specifically from the middle Gangetic plains. There are two other such important works, one by Prof. T.N. Madan on Kashmiri Pandits and the other by R.S. Khare on Kanyakubja Brahmins. But in terms of content and depth of treatment of the subject of marriage alone, this current work by Prof. Pratyush Kumar would be in the august company of the work by T.N. Madan which concerned family and kinship among the Pandits of rural Kashmir written way back in 1965 whereas Khare's work published in 1970 was concerned with the functioning of the Kanyakubja Brahmin community organization/s. Therefore, it is a very belated intervention in the English language and as Indian society is very mobile and dynamic corresponding with seismic changes in the nature of village, social relations, and marriage itself as an institution, and so on, it is very important to register the society as it exists or the social culture as it has existed in the prescient eyes of the author, for posterity.

The title of the work is intriguing and it contains specific critique of the essay on marriage relations among North Indian Brahmins by one of the most important social anthropologists of the twentieth century, Louis Dumont and is a play on the title of his work, "*Homo Hierarchicus*". It is also surprising how no one challenged Dumont on the specifics for the last sixty years as the essay was written in 1966. Therefore, it is heartening to see a critique of perhaps the most important thinkers of French Structuralism in social anthropology done by a fellow Indian. Perhaps the boundary of the critique by Kumar still remains within the bounds of structuralism, but it is Indian structuralism, as mapped by his translation and assessment of a portion on marriage relations of the massive work "*Brahmarshi Vansha Vistar* (History of Brahmins, written in 1926)" written by a classical scholar and *Dandi Sanyasi*, the highest among the ten-fold order of monks in India, much like Adi Shankaracharya, and a major leader of Indian Freedom Movement, Swami Sahajanand Saraswati (1889-1950).

Homo Connubialis Brahmanicus is not just a work of sociology but also of social/historical/cultural anthropology having very real cultural, political and constitutional implications. Having known the author for more than two decades now, ever since he was a second year law student interning with me at the Delhi High Court, I can vouch for his deep-rooted academic interest, wide and deep readings and pursuit of scholarship, making him eminently suitable for writing such a work. Therefore, I also recommend that at some point he

should not just translate the entire “*Brahmarshi Vansha Vistar* but also continue writing on family and kinship as they are the dynamic locations of sociology of law.

This work will also add to the huge corpus of scholarship on understanding *Jati*, which has been characterized as caste, and about which a census is being done by the Government of India. The last caste census was done by the British colonial government in 1931. Throughout the history of caste censuses done by the British, from 1861 to 1931, it remained controversial and the structure and list of enumeration kept changing, the number of castes kept changing, and the reasons of differences in enumeration and notes were being recorded on hearsay as well as the prejudices of the colonial government with its own agenda of differentiating not just for better knowledge about the colonial subjects, or better administration, but also to consolidate the empire by widening the social differences which might exist, or sow seeds of differences where it did not exist. I hope the Government of India will not commit the same mistakes which the colonial government had done, which would be an object lesson of decolonizing of our mind.

I wish the work, now in its expanded second edition, great success by getting wide readership from not just academicians and scholars but also legislators, policy makers, administrators, lawyers and indeed the judiciary.

New Delhi
22nd Aug., 2026

Sanjay Kishan Kaul

Preface to the Second Edition

This is a work which emerged out of my current engagement with societal constitutionalism of Gunther Teubner and systems theory of Niklas Luhmann and a search for possibilities for the study of caste as an example for it. The main ongoing work is a work of law including sociology of law, legal theory and constitutional law in a societal constitutionalism and systems theory framework, among others, whereas this current essay is a work of sociology and social and cultural anthropology, even historical and cultural studies, which offers as one of the undercurrents for my ongoing research. It forms the environment of law in India irritating and helping in the self-transformation of its political system, social system, economic system and legal-constitutional system. Whether caste, *jati* or *Varna* or an approximation of all three and something else helps explain Indian social reality, eludes as well as animates scholars and thinkers since Gautam Buddha till Mahatma Gandhi and beyond. In today's context, when elections are fought, party-tickets are given, governments are formed, economic self-help organizations are set up, constitutional entrenchment is done through fixed caste-based reservations not just in educational institutions, but also in all public jobs, promotions and emoluments, "caste", if that's the most identifiable Indian social system, does not seem to disappear anytime soon. And if history provided any lessons, then what is "caste" has transformed and mutated over millennia but has not died. It is not specific to Hinduism and has survived Buddhism, Islam, and Christianity, different social reform movements across time and across the length and breadth of the sub-continent (Balagangadhara 2012:3-4). Caste is not class and caste is not race. And yet, and because of India's long and complex history and society, caste eludes definition. And what is "undefinable" is "unenumerable", shows the futility and malafide-intention of colonial caste censuses. With the Indian diaspora being the biggest in the world, the fact of its social identity finds presence in the rest of world, more particularly in the Anglosphere because of the huge number of Indians present there. There are attempts to define the system of Indian society in these host countries bringing multiculturalism and the conflict of laws issue to the fore.

In India itself, with a demand for caste-census by some politicians and political parties, the "colonial" exercise is again returning to haunt us even after seventy-five years of independence. Given the importance of *varna/jati/caste*, in Indian politics and public sphere, it is not surprising that caste census was done in the economically most backward state of Bihar in the country in 2022, and now the Government of India will also be conducting the caste census almost a hundred years after it was last done by the British colonial administration in 1931. Therefore, "caste", whether one likes it or not, is one of the most important location of sociology of law issue, if not the most important, in India, based

on which constitutional provisions are framed/interpreted, laws/legislations are framed, judicial decisions and directives are given, admissions in public institutions are held, public employment and even promotion is given, government and ministries are formed, administrative procedures and legal processes are put in place, and indeed the entire public discourse and its public sphere is theorized and formulated.

Given this backdrop, it becomes crucial to visit and attempt to describe *varna/jati*/caste, if not define it. The most important institution to define and describe castes is to study marriage relations which forms the family as a primary unit/part of a *varna/jati*/caste. This work studies marriage relations among Brahmins, more specifically of North Indian Brahmins, primarily from the middle Gangetic plains through the text of “Brahmarshi Vansha Vistar” authored by Swami Sahajanand Saraswati in 1926. All the translations from the original “Brahmarshi Vansha Vistar” and other works in Hindi have been done by me unless otherwise indicated. As far as some of the organization of the manuscript is concerned, I have avoided using diacritical marks except while quoting someone else. “Brahmin” instead of Brahman/Brāhmaṇ/Brāhmaṇa has been used unless quoted.

Pratyush Kumar
June 5, 2026
Patna

Preface to the First Edition

This is a work which emerged out of my current engagement with societal constitutionalism of Gunther Teubner and systems theory of Niklas Luhmann and a search for possibilities for the study of caste as an example for it. The main ongoing work is a work of law including sociology of law, legal theory and constitutional law in a societal constitutionalism and systems theory framework, among others, whereas this current essay is a work of sociology and social and cultural anthropology which offers as one of the undercurrents for my research. It forms the environment of law in India irritating and helping in the self-transformation of its political system, social system, economic system and legal-constitutional system. Whether caste, *jati* or *Varna* or an approximation of all three and something else helps explain Indian social reality, eludes as well as animates scholars and thinkers since Gautam Buddha till Mahatma Gandhi and beyond. In today's context, when elections are fought, party-tickets are given, governments are formed, economic self-help organizations are set up, constitutional entrenchment is done through fixed caste-based reservations not just in educational institutions, but also in all public jobs, promotions and emoluments, "caste", if that's the most identifiable Indian social system, does not seem to disappear anytime soon. And if history provided any lessons, then what is "caste" has transformed and mutated over millennia but has not died. It is not specific to Hinduism and has survived Buddhism, Islam, and Christianity, different social reform movements across time and across the length and breadth of the sub-continent (Balagangadhara 2012:3-4). Caste is not class and caste is not race. And yet, and because of India's long and complex history and society, caste eludes definition. And what is "undefinable" is "unenumerable", shows the futility and malafide-intention of colonial caste censuses. With the Indian diaspora being the biggest in the world, the fact of its social identity finds presence in the rest of world, more particularly in the Anglosphere because of the huge number of Indians present there. There are attempts to define the system of Indian society in these host countries bringing multiculturalism and the conflict of laws issue to the fore. In India itself, with a demand for caste-census by some politicians and political parties, the "colonial" exercise is again returning to haunt us even after seventy-five years of independence. No wonder, caste census was done in the most economically backward state of Bihar in the country in 2022, which is ruled by the higher *Sudras*, otherwise called backward castes, uninterruptedly since 1990 but dominating the politics of the state since late 1970s, i.e., nearly fifty years. Who is then to be blamed for the destitution of the province which in the 1950s was among the best-administered and having one of the most vibrant and upcoming economies under the able leadership

of Dr. Shri Krishna Sinha? The backward caste leadership and their narrow agendas themselves of which the recent din for caste-census is one of them.

All the translations from the original “Brahmarshi Vansha Vistar” and other works in Hindi have been done by me unless otherwise indicated. As far as some of the organization of the manuscript is concerned, I have avoided using diacritical marks except while quoting someone else. “Brahmin” instead of Brahman/Brāhmaṇ/Brāhmaṇa has been used unless quoted.

Pratyush Kumar
Oct. 22, 2024
Frankfurt am Main

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I am infinitely indebted to the towering intellectual Prof. Dr. jur. Dr. h.c. mult. Gunther Teubner for guiding me since my final days of submitting my PhD thesis in University of Eastern Piedmont, Alessandria, Italy. He is my constant intellectual guiding light and all my works have his imprint on it, directly or indirectly. For this monograph also he is an inspiration even though he could not provide comments on this particular draft. Therefore, all its shortcomings are mine alone as much as its strengths are inspired by him. I do hope to be his worthy student. I am ever grateful to “Baba”, Mahamahopadhyaya, Sahitya-acharya, President Medal Awardee (2006), D.Litt., Prof. Dr. Munishwar Jha (1928- Nov. 6, 2020), Professor and Head of Department, Sanskrit College, Calcutta (now Kolkata) who has had a profound influence on me and in kindling an interest in the society of North Bihar and Mithila in particular. He considered me his *Dharma*putra (intellectual son, according to Dharma). I hope I live up to his expectations. I am extremely grateful to Hon’ble Justice Sanjay Kishan Kaul, Former Judge, Supreme Court of India with whom I had interned as a student of National Law University Jodhpur, more than two decades ago when he was an Hon’ble Judge at the Delhi High Court. He has kept his kind watch and support for all these years and seen me grow from a student to a legal academic and at a short notice agreed to write a highly appreciative foreword to my work.

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along with Prof. Holger Jebens for facilitating a reviewer who gave a very detailed, comprehensive and critical review which helped me improve my text without changing my line of argument and keeping my original framework intact and develop it into a monograph what was initially planned as a research article.

My cognitive interest in Sahajanand's life and work is fuelled by the fact that my dear father, Prof. Dr. Sachchidanand Sharma, who as a four-five-year old motherless child was sent packing to Sahajanand's Sanskrit boarding pathshala/school at Sri Sitaram Ashram in Bihta. Besides, I have located archival references to my grandfather; revolutionary, democratic socialist and trade unionist, Shri Basawon Singh's active involvement in the peasant movement led by Sahajanand in 1938-39, further fuelling an interest in his life and work. I would also like to thank my grandmother, Mrs. Kamala Sinha *née* Mukherjee, the first female student in the M.A. class of political science, Patna College, Patna University in 1950, who sustained a culture of learning and formal education for the women in the household which has a percolated influence among all her descendants. Prof. Deepak Banerjee and Bina Banerjee (Bina Ma) from Jodhpur as part of my "extended family" have had a lasting impact on me. Last but not least, I would like to thank my loving family of Adi, Anku and Ma who make my life worth living and pursue my intellectual interests without any let or hindrance. I would also like to thank Ma, Dr. Gayatree Sharma, a historian and journalist for her meticulous proof-reading and helpful suggestions for this second edition.

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The Author

Prof. Dr. Pratyush Kumar is currently Professor of Law, Chanakya National Law University, Patna, India. He held the prestigious Humboldt Stiftung Post-Doctoral Fellowship (2022-2025) in law at Goethe University, Frankfurt am Main, Germany where he was hosted by the eminent sociologist of law, Prof. Dr. jur. Dr. h.c.mult. Gunther Teubner. Pratyush Kumar is PhD in Public and Comparative Law from University of Eastern Piedmont, Alessandria, Italy (2018-2021); he taught LLB and LLM students at National Law University Delhi (2012-2017); he is LLM in International and Comparative Law from George Washington University, Washington DC, USA (2009-2010); BA, LLB (Cons. Gov. Hons.) from NLU Jodhpur, India (2003-2008); and has peer-reviewed publications in India, Italy, Germany, France, UK, USA, Brazil, South Korea, Peru with his works translated into German, Spanish, Portuguese and Korean; he is the author of works: *Colours for Constitutions*, Torino (Italy): Giappichelli, 2022; *Homo Connubialis Brahmanicus*, Baden-Baden (Germany): Ergon/Nomos, 2025 (2026, second substantially revised edition forthcoming); co-edited *Recollections and Reminiscences of a Long Life by Dr. Sachchidanand Sinha*, Baden-Baden (Germany): Nomos (Bibliotheca-Rechtswissenschaft), 2025; and, *Capillaries of Constitutionalism*, Baden-Baden (Germany): Nomos, 2026 (forthcoming).

Abstract and Keywords

Abstract: Replicating European (mis)-understanding of communal identity leading to communal identity formations as a result of forced lop-sided colonial modernity imposed on 'natives' had disastrous consequences. Likewise, the colonial (mis)-understandings of Hindu society and *varnas*, *jātis* or *castes* (overlaps but not synonymous) which constituted it, through colonial caste censuses were reduced to rigid 'caste' identities. Through discursive study of a 'native' text *Brahmarshi Vansha Vistar* [History of Brahmins] for the first time, written by a 'native' scholar Swami Sahajanand Saraswati, this book shows how different Brahmin castes and sub-castes did not and still do not have rigid boundaries *inter-se* Brahmins as colonial writers and post-colonial westernized natives would conclude. This monograph hopes to start the debate yet again to upend received wisdom in sociological-cultural-anthropological research resonating in post-colonial societies through study of Indian society's identity formation around which purportedly its politics, voting patterns, horizontal social affiliations and fixed caste-based reservations under its constitutional framework are structured.

Keywords: marriage relations, Pachchima Brahmins, Kanyakubja Brahmins, Bhumihaar Brahmins, Maithil Brahmins, Dogamia Brahmins, panji-prabandha, caste census.

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