

Harald Wiese

Did Brahmins have Power in Premodern India?

Abstract: The guiding question of this paper is whether Brahmins did have power in premodern India. Since the concept of power is elusive, some introductory remarks on power and power-over are necessary. It seems that the high status of Brahmins (going back to the *puruṣa* hymn in the Ṛgveda) is responsible for different kinds of privileges Brahmins enjoy: right of way, teaching the Veda, receiving gifts, reduced punishments, and others. It is a bit more difficult to pinpoint the political power of Brahmins. In particular, one may point to the power to punish a king for wrong-doing (Varuṇa rule). However, the privileges and powers that Brahmins seem to enjoy may be less clear after some closer examination. In particular, (i) teaching the Veda is part of a bundle offered to students living in a Brahmin teacher's house, (ii) gifts are receivable only by Brahmins who are both virtuous and knowledgeable, and (iii) the Varuṇa rule may serve the king's power interests in the final analysis.

Keywords: Brahmin, payoff power, action power, power-over, control, Varuṇa rule

1 Introduction

1.1 Power

“Power” is an elusive and multifarious concept.¹ In any definition known to the current author, it refers to an asymmetric relation between people. In order to address the title's question, I propose a manageable typology of power that may help to structure the discussion (see the matrix below). First, power may refer to actions (“action

¹ Power is often considered a (or even the) central concept of the social sciences (see Haugaard/Clegg 2009a). One can easily disagree. First, one cannot help noticing that economics seems to do without (with the exception of technical terms like purchasing power or market power). Second, a huge part of the power literature is concerned with definitional problems (see the handbook by Haugaard/Clegg 2009b). Third, substantive power-related work uses very different methodologies. Thus, while the words “power” or “power-over” feature in all these disparate areas, a common deeper link is missing nevertheless. See the unpublished paper by Wiese 2012.

power”) or to payoffs (“payoff power”).² Second, power may mean “power-over”³ (one actor’s power over another) or “control of valuable events”⁴ (Tab. 1).

Tab. 1: Power matrix with examples.

	Action power	Payoff power
Control-of-events power	<ul style="list-style-type: none"> – Exclusive permission to study the Vedas – Right to emigrate 	<ul style="list-style-type: none"> – Physical strength – High purchasing power – High rank – Large army – Low punishment for offense
Power-over	<ul style="list-style-type: none"> – Command obeyed by others – Make someone study the Vedas – Make someone to live a dharmic life – Incite someone to accept <i>dāna</i> 	<ul style="list-style-type: none"> – Market power (high price) – Taxing – Robbing – Obtaining <i>dāna</i>

The entries given in the matrix are surely debatable. One could defend them by the following remarks:

- Quite naturally, power-over is an asymmetric relationship. One actor gives a command and the second obeys it (action power). One actor robs another one (payoff power over another’s wealth). Power in the sense of control of events is asymmetric in that one actor may be richer or enjoy a higher rank than the second. Or, in an Indian context, one may be allowed to study the Vedas while a second is not.
- Purchasing power means that the actor can buy goods and services, i.e., he has control over the event “enjoyment of this or that good or service”. If the purchasing power of agent A is larger than that of agent B, the inverse relation does not hold. That is, purchasing power leads to an asymmetric relation between agents.⁵
- These four kinds of power are interrelated. For example, a high rank (upper right corner) may be enjoyable as such. However, it may also allow a person certain actions (upper left) or it may be associated with the expectation to find commands obeyed.⁶

Power-over (second line in the matrix) is especially difficult. According to Max Weber’s famous definition, “Power” (*Macht*) is the probability that one actor within a so-

² This distinction is close to the one between influence and prize power due to Felsenthal/Machover 1998.

³ This understanding is advocated by Weber 1978, 53; Emerson 1962, and others.

⁴ This is the definition by Coleman 1990, 133, according to which power “is not a property of the relation between two actors (so it is not correct to speak of one actor’s power over another, although it is possible to speak of the relative power of two actors)”.

⁵ See the Sparkasse advertisement clip (German): <https://www.youtube.com/watch?v=DbqcRG-CT30> (accessed 15 September 2023).

⁶ This is “domination” in the sense of Weber 1978, 53.

cial relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests.⁷

However, in every exchange relationship both sides do what they would not have done without the influence (or existence) of the other party.⁸ Indeed, if some rich person 1 offers 2 some money to perform a service and 2 obliges, does 1 have power over 2? Or, the other way around, does 2 have power over 1 because he ‘forces’ 1 to give him money for some important (to 1) service? According to everyday usage, 1 exerts power over 2 if 1 obtains the service for ‘too little’ money (*‘exploitation’*) while 2 exerts power over 1 if 2 asks for ‘too much’ and 1 is in urgent need of the service (*‘profiteering’*, *‘extortion’*, *‘usury’*). In line with this observation, we claim that every fruitful definition of power-over needs a reference point defined by something ‘usual’ or ‘normal’. It seems quite unavoidable that these reference points contain some measure of arbitrariness and need to be defended rather specifically.⁹

1.2 Texts

In this article, literature from quite diverse strands are considered. First, the oldest Vedic text, the *Ṛgveda* (second half of second millennium BC¹⁰); second, the post-Vedic, but pre-classic literature, such as the *Bṛhadāraṇyaka Upaniṣad* (7th to 6th c. BC) or the *Taittirīya Upaniṣad* (6th to 5th c. BC).¹¹ Third come the *dharma* texts. Broadly speaking, these deal with three topics:

- *ācāra* (proper conduct)/*saṃskāra* (sacraments, mainly for twice-born, concerning birth, schooling, marriage, reverence to manes and others)
- *rājadharmā* (laws for kings)/*vyavahāra* (laws for settling disputes)
- *prāyaścitta* (penance, expiation, purification)

⁷ Weber 1978, 53.

⁸ This important observation is due to Vanberg 1982, 59 fn. 48.

⁹ However, the Shapley value from cooperative game theory (see Wiese 2009) allows to work with a non-arbitrary reference point, the “where would you be without me” reference point. The Shapley value obeys “withdrawal symmetry”. If one agent A withdraws, another agent B may suffer from that withdrawal. Under the Shapley value, the damage that A’s withdrawal does to B equals the damage that B inflicts on A if B withdraws. Consider the following example that is due to Emerson (1962). Imagine two children A and B that often play together. Since they differ in their preferences, they take turns in playing their respective favourite games. In that situation, says Emerson, power-over is balanced. Now, assume that child B in the A–B relationship finds another playing buddy C. Then, power-over is unbalanced. A would suffer more if B decides not to play with A any more than the other way around. After all, B can turn to her new-found alternative C. In that situation, argues Emerson, balancing operations set in that allow B to impose her favorite game on A more often than before. From the point of view of the Shapley value (that was not known to Emerson), the effect of that balancing operation is to restore withdrawal symmetry. Thus, the only non-arbitrary reference point is useless in identifying power-over.

¹⁰ Jamison/Brereton 2014, 5.

¹¹ This Upaniṣad chronology is due to Olivelle 1998, 12.

Thus, from a premodern Indian perspective, Brahmin rituals, Brahmin learning and teaching seem closely related to power questions.

Within the *dharma* literature, consider the texts¹² ascribed to

- Āpastamba (late 3rd c. BC),
- Baudhāyana (early 1st c. BC),
- Vasiṣṭha (late 1st c. BC),
- Manu (mid 2nd c. AD),
- Nārada (5th–6th c. AD), and
- Viṣṇu (7th c. AD).

One should note that these texts would build on predecessors most of which are not extant any more. Thus, we need to be careful not to draw far-reaching conclusions of when a specific rule has been applied or proposed for the first time.

Finally, perhaps between 50 and 125 AD,¹³ an author with the name Kauṭilya has written a manual on kingship. This textbook is known as the *Arthaśāstra*, i.e., teaching (*śāstra*) on *artha* (“purpose, wealth, power”). *Arthaśāstra* can be translated as “teachings on political economy”.

2 The four classes

2.1 Rank order

In premodern India, the priests were recruited from the first class or first *varṇa*. Very famous is the *puruṣa* hymn from the Ṛgveda (second half of second millennium BC¹⁴):

When they apportioned the man, into how many parts did they arrange him?

What was his mouth? What his two arms? What are said to be his two thighs, his two feet?

The brahmin was his mouth. The ruler was made his two arms. As to his thighs – that is what the freeman was. From his two feet the servant was born.¹⁵

In Sanskrit, these four classes are called *brāhmaṇa* (Brahmin), *rājanya* (ruler), *vaiśya* (freeman), and *śūdra* (servant) in the Ṛgveda. Within a passage on creation, the Mānava Dharmaśāstra (mid-second c. AD) echoes the Ṛgveda, but employs the word *kṣatriya* for the second class.¹⁶

¹² I use *dharma* texts where one may differentiate between *dharmasūtras* (typically with short aphorisms) and *dharmaśāstras* (which tend to be more explicit). The dating follows Olivelle 2005; Olivelle 2010; Olivelle 2016.

¹³ See Olivelle 2013, 29.

¹⁴ Jamison/Brereton 2014, 5.

¹⁵ ṚgV 10.90.11–12.

¹⁶ MDh 1.31.

The rank order that is hinted at in the Ṛgveda is elaborated in more detail by Manu:

Among creatures, living beings are the best; among living beings, those who subsist by intelligence; among those [. . .] human beings [. . .] Brahmins [. . .] the learned [. . .] the Vedic savants.¹⁷

Taking the Indian case as a starting point, Dumont (1980) analyzes hierarchy and considers man as '*homo hierarchicus*'.¹⁸ In the context of our paper, we consider rank an instance of control-of-events/payoff power.

2.2 Occupations

In order to get some concrete ideas, how these different classes differ in premodern Indian society, see, for example, Āpastamba's allocation of classes to occupations:

The occupations specific to a Brahmin are

- <a> studying,
- teaching [the Vedas, HW],
- <c> sacrificing,
- <d> officiating at sacrifices,
- <e> giving gifts,
- <f> receiving gifts,
- <g> inheriting, and gleaning, as well as
- <h> appropriating things that do not belong to anybody.

The occupations specific to a Kṣatriya are the same, with the exception of

- <i> teaching,
- <j> officiating at sacrifices, and
- <k> receiving gifts,
- but the addition of
- <l> meting out punishment and warfare.

The occupations specific to a Vaiśya are the same as those of a Kṣatriya, with the exception of

- <m> meting out punishment and warfare,
- but the addition of

agriculture, cattle herding, and trade.¹⁹

¹⁷ MDh 1.96–97.

¹⁸ The interested reader may in particular read Dumont 1980, 65–91.

¹⁹ ĀDh 2.10.4–7 (where the markers <a> etc. are added by the current author). Similarly, elsewhere, for example KĀŚ 1.3.5–7.

3 Privileges enjoyed by the first class

In terms of the matrix of subsection 1.1., the Brahmins enjoy the highest rank, i.e., pay-off power in the sense of control of events. Quite expectedly, their higher rank feeds into a large number of privileges. A few of them are mentioned in this section.

3.1 Right of way

Āpastamba regulates the right of way according to the *puruṣa* hymn and in line with common sense:

The road belongs to the king, except when he meets a Brahmin; and when he does, it is to the Brahmin that the road belongs. All must yield to vehicles, people carrying heavy loads, the sick, and women; so, people of lower classes must also yield to people of higher classes. For their own well-being, moreover, all must yield to fools, outcastes, drunkards, and madmen.²⁰

This rule is a rather clear-cut example for action power in the form of power-over. A *Vaiya* and even the king has to yield the right of way to Brahmins.

3.2 Material benefits (without *dāna*)

The high rank of the Brahmins has far-reaching material consequences. The theory is expounded by the *Mānava Dharmaśāstra*:

This whole world—whatever there is on earth—is the property of the Brahmin. Because of his eminence and high birth, the Brahmin has a clear right to this whole world. The Brahmin eats only what belongs to him, wears what belongs to him, and gives what belongs to him; it is by the kindness of the Brahmin that other people eat.²¹

Among the material benefits accruing to Brahmins, one can count *dāna*, feeding, exemption from taxes, or treasure-troves. Relegating *dāna* to subsections 3.4. and 5.3., it was the king's responsibility to ensure that Brahmins do not suffer from hunger. For example, the Law Code of Viṣṇu recommends:

He [the king, HW] should always honor gods and Brāhmaṇas, render service to the elderly, and offer sacrifices. In his realm a Brāhmaṇa must never suffer from hunger, nor anyone else devoted to good deeds. He should, moreover, donate land to Brāhmaṇas.²²

²⁰ ĀDh 2.11.5–9.

²¹ MDh 1.100–101.

²² ViDh 3.76–81.

Second, Brahmins were exempt from taxation (a sort of gift by non-taking) according to the same dharma text:

He [the king, HW] should not collect taxes from Brāhmaṇas, for they pay taxes to the king in the form of merit.²³

Furthermore, the Law Code of Viṣṇu favours Brahmins in relation to treasure-troves (see <h> in subsection 2.2.). The privileges concern other classes and, in small measure, the king himself:

He [the king, HW] should appropriate all the produce of mines. When he finds a treasure-trove, he should give half of it to Brāhmaṇas and deposit the other half in the treasury. When a Brāhmaṇa finds a treasure-trove, he may keep all of it; a Kṣatriya should give a quarter to the king, a quarter to Brāhmaṇas, and keep one half for himself; a Vaiśya should give a quarter to the king, a half to Brāhmaṇas, and keep a quarter for himself; a Śūdra should divide what he has found into twelve portions and give five portions to the king, five to Brāhmaṇas, and keep two portions for himself.²⁴

One may put the donated land or the relatively large proportion of a treasure-trove under the heading of payoff power in the form of control of valuable events.

3.3 Studying and teaching the Veda

Studying and teaching were connected with high prestige as is clear, for example from Manu:

Wealth, kin, age, ritual life, and the fifth, knowledge – these are the grounds for respect; and each subsequent one carries greater weight than each preceding.²⁵

Indeed, the teacher has a treasure to offer:

Now, Vedic knowledge came up to a Brāhmaṇa and said: “Guard me; I am your treasure. Do not disclose me to a man who is envious, crooked, or uncontrolled. Thus, I shall wax strong.”²⁶

Permission to study the Vedas is a prerogative (action power in the control-of-events sense) of the three highest classes, while teaching the Vedas can be done only by Brahmins (see <a>, , and <i> in subsection 2.2.).

In Vedic times, teaching was affected in family clans, but was institutionalized later. The teacher was called a *guru* or an *ācārya*. The first word points to the high rank of teaching Brahmins:

²³ ViDh 3.26–27.

²⁴ ViDh 3.55–61.

²⁵ MDh 2.136.

²⁶ ViDh 29.9.

- “The word [*guru*] originally meant ‘heavy, weighty,’ and calls to mind the Latin expression of a *vir gravis*, ‘a weighty man,’ i.e. a man of importance and dignity.”²⁷ Indeed, Sanskrit *guru* and Latin *gravis* derive from a common Indo-European word.
- The *guru* “who teaches young boys and men in his house the sacred texts of the *Veda*, is called an *ācārya* – meaning literally either the man ‘who teaches the right conduct’ or, more likely, ‘he who must be approached’”.²⁸

The *guru*’s income (payoff power) as an *ācārya* has three components: First, he lets the student beg for alms; second, he has the student do all kinds of services in the house; third, the *ācārya* obtains a gift called *dakṣiṇā* when teaching has finished:

After the completion of Vedic study, the teacher admonishes his resident pupil: ‘Speak the truth. Follow the Law. Do not neglect your private recitation of the *Veda*. After you have given a valuable gift to the teacher, do not cut off your family line. [. . .] Treat your mother like a god. Treat your father like a god. Treat your teacher like a god. Treat your guests like gods’.²⁹

The amount given is left to the student. This arrangement may well have been to the advantage of the teacher, by some process of gift differentiation (corresponding to price differentiation in microeconomics or marketing). That is, a student from an affluent family can and will give more generously than a student from a poor family. Interestingly, stealing for the teacher’s benefit might be allowed:

After learning as much as he can, he should present the fee for Vedic study, a fee that is procured righteously and according to his ability. If his teacher has fallen into hardship, however, he may seize it from an Ugra³⁰ or a Śūdra. Some maintain that it is lawful at all times to seize wealth for the teacher from an Ugra or a Śūdra.³¹

3.4 Dāna

Many *dharma* texts have portions on *dāna*, i.e., gift giving. The givers earn merit by giving as is clear from Manu:

One should as a matter of routine obligation painstakingly offer sacrifices and donate gifts with a spirit of generosity, for these two things, when performed with a spirit of generosity and with well-acquired wealth, become imperishable.³²

²⁷ Scharfe 2002, 277.

²⁸ Scharfe 2002, 277–278.

²⁹ TaiU 1.11.

³⁰ An Ugra has a Kṣatriya father and a Śūdra mother according to KAŚ 3.7.22.

³¹ ĀDh 17.19–21.

³² MDh 4.226 in DK 1.39.

Giving is also a king's duty:

He [the king, HW] should pay honor to Brahmins who have returned from their teacher's house; for this is the inexhaustible treasure deposited with Brahmins decreed for kings. Neither thief nor enemy can steal it. [. . .] A gift to a non-Brahmin brings an equal reward; to a Brahmin by name, a double reward; to one who is advanced in Vedic study, a thousandfold reward.³³

The receivers need to be *pātras*, “vessels” or “proper recipients”. The typical receivers of gifts are Brahmins as is clear from <f> and <k> in subsection 2.2. See the Mahābhārata:

Whenever some bull among Brahmins studies the four Vedas together with the Vedāṅgas [pronunciation, meter, etymology, grammar, astronomy, ritual, HW] and does not waver from his six duties,³⁴ the seers know him as a proper recipient [pātra, HW].³⁵

Similarly:

Discipline, austerity, self-control, liberality, truthfulness, purity, Vedic learning, compassion, erudition, intelligence, and religious faith—these are the characteristics of a Brahmin. . . . Some are worthy to receive gifts because of their Vedic learning, and others because of their austerities. Among all men worthy of receiving gifts, the most worth is the man into whose stomach the food of a Śūdra has never entered.³⁶

One can surely see the possibility to collect *dāna* as yet another privilege (indeed an example of payoff-power in the form of power-over) as Brick seems to do:

Two fundamental motivations seem to explain both the prominence of the discussions of proper recipients within the *dānanibandhas*³⁷ and the bulk of their contents. The first of these is a desire to establish orthodox, Vedic Brahmins as the ideal recipients and in many cases as the sole legitimate recipients of gifts. The second is the theoretical principle that the merit of a gift is directly proportional to the virtuousness of its recipient (with “virtuousness”, of course, here defined from a Brahmanical perspective). As is likely obvious to readers, the achievement of both of these desires would have been very much in the interests of the Brahmins who composed most of the *dānanibandhas*, including the *Dānakāṇḍa* . . .³⁸

I have occasion to revisit *dāna* in subsection 5.3.

33 MDh 7.82–85.

34 The six duties refer to lists similar to those give in the Āpastamba quote of subsection 2.2.

35 MBh 13.23.36 in DK 3.13.

36 VaDh 6.23–26.

37 A *nibandha* is an anthology, a *dānanibandha* an anthology on the subject of (dharmic) giving. Brick (2015) has critically edited and translated the section entitled *Dānakāṇḍa* (DK) of Lakṣmīdhara's anthology “Kṛtyakalpataru”. DK and the Kṛtyakalpataru date from the 12th c. (see Brick 2015, 3–21).

38 Brick 2015, 41–42.

3.5 Inheritance

The Indian law of inheritance stresses the rights of a son to be the heir. A problem arises when no living or legitimate son is available. Viṣṇu mentions this order of inheritance for a man without son: wife, daughter, father, mother, brother, brother's son, *bandhu* members, *sakulya* members, fellow student, and, finally, the king.³⁹ Interestingly, the king is not the final recipient if the dead one is a Brahmin whose property would then go to other Brahmins.⁴⁰

3.6 Punishment

Preferential treatment of Brahmins is clearly present in criminal law. On the one hand, the punishment for hurting or killing Brahmins is more severe than the punishment for hurting or killing members of lower classes. On the other hand, Brahmins are punished less severely for a given crime than other classes. See Baudhāyana (early first c. BC):

A Brahmin, clearly, is not subject to capital punishment for any crime. When a Brahmin kills a Brahmin, has sex with the wife of an elder, steals gold, or drinks liquor, the king should brand the man's forehead with the mark of a headless corpse, a vagina, a jackal, or a tavern banner, respectively, using a heated iron and banish him from his kingdom. When a man belonging to the Kṣatriya or lower class kill a Brahmin, he should be executed and all his property confiscated. When such people kill a man of equal or lower class, the king should impose a suitable punishment in accordance with their ability [to pay, HW]. If someone kills a kṣatriya, to erase the enmity he should hand over to the king a thousand cows and in addition a bull; a hundred if he kills a Vaiśya, and ten if he kills a Śūdra—here too, in addition a bull. The provision for killing a Śūdra applies also to the killing of a woman or a cow [. . .].⁴¹

The later (!) Nārada is a bit more egalitarian:

These punishments [which are systematically defined,⁴² HW] apply uniformly to everyone, except that no corporal punishment should be inflicted on a brāhmaṇa.⁴³

³⁹ ViDh 17.4–14 (after Olivelle 2009). Across many dharma texts, Kane 1973 narrates the discussions surrounding the question of who should be entitled to the property of an *aputra*: possibly his widow (702–713) or even his daughters (713–719).

⁴⁰ ViDh 17.14.

⁴¹ BDh 1.18.17–1.19.3. Manu (MDh 8.267–268) is also very clear on this subject: “For assailing a Brahmin, a Kṣatriya ought to be fined 100, and a Vaiśya 150 or 200; but a Śūdra ought to suffer corporal punishment. A Brahmin should be fined 50 for abusing a Kṣatriya, 25 for abusing a Vaiśya, and 12 for abusing a Śūdra.”

⁴² NSmV 14.1–7 defines violent acts (14.1), describes three different degrees (14.2–5) and specifies punishments in line with these degrees (14.6–7).

⁴³ NSmV 14.8.

3.7 Ordeals

In a lawsuit, a king would typically consider the evidence presented to him and decide accordingly. Apart from the ‘objective’ evidence, the king may resort to ordeals that defendants would have to undergo. According to Manu, a defendant is to

carry fire, stay submerged in water, or touch separately the heads of his sons and wife. When the blazing fire does not burn a man, the water does not push him up to the surface, and no misfortune quickly strikes him, he should be judged innocent by reason of his oath.⁴⁴

Some ordeals were easier to pass or less dangerous than others. It seems that Brahmins were given special treatment by Nārada:

He should not administer the poison to a Brāhmaṇa, nor should a kṣatriya carry the iron; a Vaiśya should not be plunged into water, nor should a Śūdra be allowed to drink Holy Water.⁴⁵

4 Political power of Brahmins

Interestingly, the Brahmin’s highest rank does not automatically confer worldly power. The latter is reserved for the *rājanyas/kṣatriyas*. Nevertheless, Brahmins did wield worldly power in several respects.

4.1 The king’s duty to maintain the social order

The king has to see to it that the social order remains intact. For example, the Law Code of Viṣṇu requires:

Next, the Laws of the king: protecting the subjects and establishing the social classes [varṇa, HW] and the orders of life⁴⁶ in the law specific to each.⁴⁷

If it is thought that the social order privileges the Brahmins over the other classes, “establishing the social classes” would be of vital interest to the Brahmins. However,

⁴⁴ MDh 8.114. Leeson 2012 and Wiese 2016a offer economic analyses of ordeals.

⁴⁵ NSmV 20.47.

⁴⁶ See MDh 4.1: “After spending the first quarter of his life at his teacher’s, a twice-born man should marry a wife and spend the second quarter of his life at home.”. See also MDh 6.87–88: “Student, householder, forest hermit, and ascetic: these four distinct orders have their origin in the householder. All of these, when they are undertaken in their proper sequence as spelled out in the sacred texts, lead a Brahmin who acts in the prescribed manner to the highest state”.

⁴⁷ ViDh 3.1–3.

this is not the perspective taken by the *dharma* texts. With respect to the two highest classes, Manu states:

The Kṣatriya does not flourish without the Brahmin, and the Brahmin does not prosper without the Kṣatriya; but when Brahmin and Kṣatriya are united, they prosper here and in the hereafter.⁴⁸

Concerning the two lowest classes, Manu has this advice to the king:

The king should strenuously make Vaiśyas and Śūdras perform the activities specific to them;⁴⁹ for when they deviate from their specific activities, they throw this world into confusion.⁵⁰

4.2 Brahmin involvement in the trias politica

1. For the seven-member theory of state Kauṭilya enumerates:

Lord, minister, countryside, fort, treasury, army, and ally are the constituent elements.⁵¹

This citation is usually referred to as the seven-member theory of state.⁵² The constituent elements enumerated in KAŚ 6.1.1 come in this specific order for a reason: Kauṭilya argues in detail why, in the order given above, “a calamity affecting each previous one is more serious”.⁵³ The pre-eminence of the king is also clear from KAŚ 8.2.1: “King and reign – that is the epitome of the constituent elements.”

2. Brahmins as *amātyas* – executive and judiciary: Sharma calls the above Kauṭilyan list a “complete definition of the state”. A comparison with the principle of ‘trias politica’ consisting of legislature, executive, and judiciary, is instructive. It seems that Kauṭilya’s definition of a state covers both executive and judiciary. Indeed, Sharma remarks that the usual translation of *amātyas* as “minister” is misleading: “In the *Arthaśāstra* the *amātyas* constitute a regular cadre of service from which all high officers such as the chief priest, ministers, collectors, treasurers, officers engaged in civil and criminal administration, officers in charge of harem, envoys and the superintend-

⁴⁸ MDh 9.322.

⁴⁹ According to MDh 9.326–335, *Vaiśyas* should look after farm animals and *Śūdras* should serve Brahmin householders.

⁵⁰ MDh 8.418.

⁵¹ KAŚ 6.1.1.

⁵² One could differentiate between four major old Indian ideas of state: the idealistic viewpoint, the seven-member theory, the protection-through-punishment theory, and the contract theory. See also Drekmeier 1962, 245–281 and Sharma 2005, 31–76.

⁵³ KAŚ 8.1.5. Detailed arguments follow in KAŚ 8.1.6–59.

ents of various departments are to be recruited”.⁵⁴ Summarizing, Sharma remarks that “the *amātyas* stand for the governmental machinery”.⁵⁵

Sharma summarizes how Brahmins were involved in that machinery:⁵⁶

- While Brahmins did not typically fill the role of kings, Brahmin ruling dynasties came into being a few hundred centuries BC.
- Brahmins were not supposed to fight unless in a time of adversity.⁵⁷
- The commander of an army (*senāpati*) could have been a *Kṣatriya* or a Brahmin.
- Members of the first two classes were typically chosen to serve as *amātyas*.

*Purohitas*⁵⁸ have a specific role to play. On the one hand, they are very important advisers:

He [the king, HW] should appoint as Chaplain a man who comes from a distinguished family and has an equally distinguished character, who is thoroughly trained in the Veda together with the limbs,⁵⁹ in divine omens, and in government, and who could counteract divine and human adversities through Atharvan means.⁶⁰ He should follow him as a pupil his teacher, a son his father, and a servant his master.⁶¹

On the other hand, they function as family priest so that “the Chaplain should perform the rite of passage for the son”⁶² who is newly born into the king’s family.

Olivelle stresses the Chaplain’s importance: “The most important ministers comprise the king’s innermost circle of advisors called *mantrin*, counselors, within which the Chaplain (*purohita*) occupies a central position. The counselors do not have specific tasks to carry out, but the king is always expected to consult them before initiating any task.”⁶³ In the subsection after next, yet another role of the *purohitas* is dealt with.

3. Brahmins as *amātyas* – legislature: It is not quite clear how the legislature was organized.⁶⁴ While we know a large number of law books (subsection 1.2.), we have only vague ideas of where they may have been employed and how they came about. It is

⁵⁴ See, for example, KAŚ 1.9–10, 1.16, 2.6–36, or 3.1.1. Kautīlya often uses the term *amātyasampad* which is translated as “exemplary qualities of a minister” by Olivelle 2013, in particular in KAŚ 1.9.1, 1.16.2, or 2.9.1. Referring to KAŚ 3.1.1 on “justices of ministerial rank”, Olivelle 2013, 582, supports Sharma’s assessment by noting that “a large number of officials carried this rank”.

⁵⁵ For this whole paragraph, see Sharma 2005, 31–34.

⁵⁶ Sharma 2005, 235–244.

⁵⁷ MDh 8.348–349.

⁵⁸ Translated as chaplain by Olivelle 2013.

⁵⁹ The limbs refer to pronunciation, etc., as in the Mahābhārata citation of subsection 3.4.

⁶⁰ Olivelle 2013, 474, comments that *Atharvan* refers to “ritual means for warding off impending catastrophes given in the *Atharva Veda* or in literature and practices connected to that Vedic tradition.”

⁶¹ KAŚ 1.9.9–10.

⁶² KAŚ 1.17.26.

⁶³ Olivelle 2013, 40.

⁶⁴ Consult Lingat 1973, 224–232.

usually assumed that they have been composed by Brahmins. Scharfe opines:⁶⁵ “Generally speaking, the king had no legislative power; nevertheless, there are instances where kings created new rules, usually by recognizing existing customs.”⁶⁶ In line with this observation, Manu prescribes (for the king):

He who knows the Law should examine the Laws of castes, regions, guilds, and families, and only then settle the Law specific to each.⁶⁷

4. Brahmins as protectors of state: Outside the ‘trias politica’ the *purohita* sometimes had another function, that of protecting the state by rituals. With respect to Śaiva officiants, Sanderson tells about an inscription from the 12th c. where “an army from Sri Lanka had invaded the mainland, removed the door of the Rāmeśvaram temple, obstructed the worship, and carried away all the temple’s treasures” whereupon a Śaiva officiant “was engaged by the emperor to perform a ritual that would bring destruction on those responsible for this desecration. According to the inscription, the ceremony was continued for twenty-eight days and at its end the invading army was indeed defeated.”⁶⁸

It is clear that success in these ways would ensure “close links with the institution of kingship and thereby with the principal source of patronage”.⁶⁹ See, for example, the Atharvavedapariśiṣṭa:

The kingdom of that king in whose realm dwells an Atharvavedic master of the rites for warding off ills will prosper, free of all calamities. The kingdom of that king in whose realm he is not present is oppressed by diverse dangers. It sinks like a cow in the mud. Therefore, to that Atharvan [chaplain] whose senses are controlled the king should show exceptional honour at all times, by means of gifts, marks of distinction, and demonstrations of respect.⁷⁰

In some traditions, the Atharvavedic knowledge of a *purohita* was a requirement for serving as a chaplain.⁷¹

4.3 Varuṇa rule

Some Indian *dharma* texts mention that the king may punish his subjects by confiscating property.⁷² Consider the Arthaśāstra:

⁶⁵ Scharfe 1989, 221–222.

⁶⁶ Lubin 2015 discusses how customary law was recognized in Premodern India and Java.

⁶⁷ MDh 8.41.

⁶⁸ Sanderson 2004, 233–234.

⁶⁹ Sanderson 2004, 232.

⁷⁰ AP 4.6.1–3.

⁷¹ Sanderson 2004, 233.

⁷² This section and subsection 5.4. freely borrow from Wiese 2016b.

For a king fining someone who does not deserve to be fined, the fine is 30 times that amount. He should place it in water for Varuṇa, and then give it to Brāhmaṇas. By that, the king's sin caused by wrongful infliction of fines is cleansed, for Varuṇa is the one who disciplines kings when they act wrongly with respect to men.⁷³

Here, one finds a two-level structure where Varuṇa can punish the king who in turn can punish his subjects.⁷⁴ The king is enticed to punish in a just manner if he believes that Varuṇa will otherwise punish him. We call the prescription to give the fine “to Varuṇa by casting it into water” the ‘Varuṇa clause’.⁷⁵ The Arthaśāstra also mentions water, but here, Kauṭilya does not seriously entertain the possibility of casting the fines (this time to be paid by the king himself) into the water. Instead, “place it in water for Varuṇa, and then give it to Brāhmaṇas” seems to be a short description of a ceremony by which the king is cleansed of his judicial mistake.

The Varuṇa clause has puzzled indologists. Is it just another clever device by Brahmins to gain influence and wealth? Sharma offers these comments: The king is responsible to Varuṇa, but the fine for the king (30 times the amount unjustly taken as a fine) is collected by the Brahmins who then “exercise *de facto* power over the king”. Sharma adds: “[I]f we accept the crucial passage of Kauṭilya at its face value, it will mean that our author imparts a theocratic character to the state.”⁷⁶

Alternatively, one could read the Arthaśāstra passage as implying that the king would somehow need to punish himself? Against this idea, Kane has already opined that “these prescriptions [. . .] were counsels of perfection and must have been futile. No king would ordinarily fine himself”. He then refers to Medieval texts where the king is understood as a “subordinate chief”. Then, it is not Varuṇa himself who punishes, but the overlord, instead.⁷⁷ This is a good explanation, as far as it goes. However, it just pushes up the problem one level. After all, how would, then, an unjust overlord be brought to justice?

Since section 4 collects evidence of the Brahmins’ power, the discussion on the Varuṇa rule stops here, but is taken up again in subsection 5.4.

⁷³ KAŚ 4.13.42–43. MDh 9.245 resembles KAŚ 4.13.43.

⁷⁴ At this juncture, one might worry about Varuṇa’s incentives to chastise the king appropriately. Can we run into a regressus ad infinitum? Presumably not, because the god Varuṇa does not encounter any incentive problems, himself.

⁷⁵ Strictly speaking, “casting into water” and confiscation are contradictory terms. Lat. *fiscus* means treasury and confiscation hence “adjoining the treasury”. From this perspective, one might say that Manu 9.242–247 forbids confiscation. However, we will understand confiscation as asset forfeiture or asset seizure, irrespective of how the property taken is used afterwards.

⁷⁶ Sharma 2005, 260–261.

⁷⁷ Kane 1973, 176–177.

5 ... but matters may be more complicated (or equitable) than they look

The final to last section is devoted to proposing alternative understandings of selected issues discussed in sections 3 and 4. First of all, being and remaining a Brahmin, may not be an easy matter (subsection 5.1.). Second, remember Vanberg's observation that agents in exchange relationships might perform actions they would not perform otherwise (subsection 1.1.). In that line, one may revisit some instances of Brahmin power that may turn out to be more equitable than thought at a first glance.

5.1 Difficulty to maintain status

Learning is vital for the social standing:

In this manner, he [the pupil, HW] should learn one Veda, or two, or three; thereafter, the Vedic supplements [pronunciation, meter, etymology, grammar, astronomy, ritual, HW]. When a Brāhmaṇa expends great effort in other matters without studying the Veda, he is quickly reduced to the status of a Śūdra, along with his children.⁷⁸

While a person (male or female) is born a Brahmin, a male Brahmin may lose that high status by not studying the Vedas (see <a>) or by committing a sin that causes a person to fall from his caste.⁷⁹

5.2 Revisiting teaching the Veda

While it is true that a *guru* enjoys the high prestige associated with studying and teaching the Vedas and receives income from the students in different forms (see subsection 3.3.), the *ācārya* offers a bundle of goods and services:

- 1) Teaching of the *Veda*: According the ViDh 27.15–17 or ĀDh I1.19, the period of study begins before the pupil is 8 years (for a Brahmin), 11 years (for a Kṣatriya) or 12 years (for Vaiśya). The length of study varies. If one needs 12 years for each of the three *Vedas*, one has to study 36 years. Indeed, Manu says:

He should carry out the observance relating to the three Vedas at his teacher's house, an observance lasting thirty-six years, or one-half or one-quarter of that time, or else until he has learnt them. After he has learnt in the proper order the three Vedas or two of them, or at least one, without violating his chastity, he should undertake the householder's order of life.⁸⁰

⁷⁸ ViDh 28.34–36.

⁷⁹ See, for example, MDh 3.16–17, 3.150, 11.55–67.

⁸⁰ MDh 3.1–2.

- 2) Rituals: *Veda* teaching occurs in the framework of well-established rituals.⁸¹ In particular, the beginning of the student's stay in the teacher's house is called *upanayana* (leading [the student] near [the teacher by his guardians]). The end of studies is often marked by the ceremony called *snāna* (bath) and/or *samāvartana* (returning).
- 3) Bed and board: The students obtain lodging and food at the *guru*'s house. In return, the students had to beg for food and to provide personal services to the *guru*. These services and the humility that comes with providing them may also be considered a product given (!) to the students.

5.3 Revisiting *dāna*

According to the *dharma* texts, Brahmins as writers of these texts point to themselves as receivers of *dāna*. Of course, “one can easily interpret this stress on the Brahminness and Vedic knowledge of proper recipients as intended to reserve for the authors' own social group the entitlement to receive gifts.”⁸²

Remember from subsection 3.4.:

Discipline, austerity, self-control, liberality, truthfulness, purity, vedic learning, compassion, erudition, intelligence, and religious faith – these are the characteristics of a Brahmin [brāhmaṇa-lakṣaṇa, HW].⁸³

Two possible understandings of quotations like these come to mind: (i) as “definitions of a proper Brahmin”⁸⁴ with “unambiguously high opinions of themselves and of their place in society”.⁸⁵ Thus, Brahmins have somehow managed to enjoy payoff-power in the control-of-events sense in the form of material wealth (the *dāna*) and in the form of high rank.

While this understanding is certainly not wrong, “discipline, vedic learning” may also point to (ii) requirements the Brahmins have to fulfil. Consider the following two maxims:

One can know a person's virtue by living with him, his purity by interacting with him, and his wisdom by talking with him. A recipient [pātra, HW] should be tested in these three things.⁸⁶

and

⁸¹ An overview of Hindu *śaṃskāras*, including educational ones, is given by Pandey 1969.

⁸² See Brick 2015, 42.

⁸³ VaDh 6.23.

⁸⁴ Brick 2015, 41.

⁸⁵ Brick 2015, 40.

⁸⁶ DK 3.1.

One should feed a Brahmin whose mouth is filled with the Veda, even if he's well-fed, but not a foodless fool who has fasted for six nights.⁸⁷

The understanding (ii) stresses the requirements Brahmins as *pātras* have to fulfil rather than (i) the definitional aspect where Brahmins engage in self-exaltation. As Brick states with respect to the Brahmins' virtuousness, "it serves the purpose of policing the Brahmin community by encouraging its members to aspire to the high standards of an ideal Brahmin lest they be deemed unfit to receive patronage."⁸⁸

Clearly, the Brahmins' knowledge of the Vedas, of Upaniṣadic or classical literature is also instrumental for keeping the ritual and scientific traditions intact. These ideas give rise to a functional theory of *dāna* that needs to be made more explicit.

5.4 Revisiting the Varuṇa rule

The Varuṇa rule is introduced in subsection 4.3. One version is covered by Manu:

- 9.243 A good king must never take the property of someone guilty of a grievous sin causing loss of caste; if he takes it out of greed, he becomes tainted with the same sin.
- 9.244 He should offer that fine to Varuṇa by casting it into water, or present it to a Brahmin endowed with learning and virtue.
- 9.245 Varuṇa is the lord of punishment, for he holds the rod of punishment over kings; and a Brahmin who has mastered the Veda is the lord of the entire world.
- 9.246 When a king refrains from taking the fines of evildoers, in that land are born in due course men with long lives;
- 9.247 the farmers' crops ripen, each as it was sown; children do not die; and no deformed child is born.⁸⁹

Here, the king is strongly advised not to keep any confiscated property for himself or his treasury. Instead, he should throw it into the water **or** give it to the Brahmins. Manu expounds the negative consequences of the king's confiscating for himself (in 9.243) and the positive consequences of not doing so (in 9.246–247).

In contrast to Kauṭilya (subsection 4.3.), the Manu commentator Medhātithi understands "casting into water" as a serious option. He requests to meditate on the receiver Varuṇa:

meditating "this is to Varuṇa" in one's mind, he [the king] should throw it into waters.⁹⁰

Why should *Manu* demand that the king does not keep the confiscated property taken from the offenders? Is it not pure waste to throw the property into the water? Perhaps, the subjects' point of view may be helpful here. They may fear that the king uses the

⁸⁷ DK 3.17.

⁸⁸ See Brick 2015, 44. Similarly, Heim 2004 stresses the importance of the *pātras*' virtue.

⁸⁹ MDh 9.243–247.

⁹⁰ See Mandlik 1886, vol II, 1238, on MDh 9.244 for the Sanskrit.

finer to overcome financial bottlenecks. In contrast, they will trust the king to punish them in a just manner if they believe that the king is a believer (in Varuṇa). Thus, we need second-order beliefs⁹¹ which are more difficult to uphold than first-order ones.

If the belief argument is too facile, we need to supply additional arguments of how Varuṇa's punishment might work. Importantly, the king (who does not have an overlord to punish him) may be in a difficult position. He certainly likes to be reckoned a just king and enjoy the loyalty of his ministers and subjects.⁹²

Now, in his position relative to his subjects, the king knows best whether he acts justly. But how can he, even if well-intended, convince the subjects? Just saying: "I am a just king" will generally not suffice. Here, the Varuṇa clause may help the king to "prove" that he is a good king, a king who would not take property as a fine in order to enrich himself or in order to fill his depleted treasury. The best way to do this would then be a ritual, with Brahmins performing the rites and many onlookers. Indeed, Chwe advances the interesting idea that rituals serve the purpose of producing 'common knowledge', here, the common knowledge of a just king.⁹³

Now let us return to Kane's assertion that "[n]o king would ordinarily fine himself" (subsection 4.3.). One might reply: Maybe, he would not, but he would like to be able to. And he may have to incur some cost to achieve that aim, for example by offering the confiscated property "to Varuṇa by casting it into water".

6 Conclusion

In his book on Dravidian kingship, Trautmann discusses what he calls "the central conundrum of Indian social ideology":

[I]n respect to the king, is the brahmin his superior or his dependent? The question is addressed in every age, and the resolution in brahmanical literature is via the notion of two truths, a higher and a lower.⁹⁴

The underlying reason, according to Trautmann, is the existence of two pairs of contrasting modes of exchange, "sacred versus profane and noble versus ignoble" that are "not reducible the one to the other".⁹⁵ Indeed, the sacred and the profane are inextricably linked as shown in section 5, not only for *dāna* (on which Trautmann focuses) but also for teaching the Veda and for the Varuṇa rule.

91 See Geanakoplos 1994.

92 The importance of loyalty is clearly spelled out in KAŚ 7.5.27.

93 See Chwe 2001. Common knowledge is said to be present between actors A and B if A knows something, B knows that A knows it, A knows that B knows that A knows etc. ad infinitum.

94 Trautmann 1981, 285.

95 Trautmann 1981, 285.

Abbreviations and symbols

ĀDh	Āpastamba Dharmasūtra (Olivelle 2000)
AP	Atharvavedapariśiṣṭa (Sanderson 2004)
BĀU	Bṛhadāraṇyaka Upaniṣad (Olivelle 1998)
BDh	Baudhāyana Dharmasūtra (Olivelle 2000)
DK	Dānakāṇḍa of the Kṛtyakalpataṛu (Brick 2015)
KAŚ	Kauṭilya Arthaśāstra (Olivelle 2013)
MBh	Mahābhārata (as cited in DK)
MDh	Mānava Dharmaśāstra (Olivelle 2005)
NSmV	Nārada Smṛti (Vyavahārapadāni section) (Lariviere 2003)
NSmM	Nārada Smṛti (Mātṛkā section) (Lariviere 2003)
ṚgV	Ṛgveda (Jamison/Brereton 2014)
TaiU	Taittirīya Upaniṣad (Olivelle 1998)
VaDh	Vasiṣṭha Dharmasūtra (Olivelle 2000)
ViDh	Vaiṣṇava Dharmaśāstra (Olivelle 2009)
c.	century

The translations of passages from these sources are due to the authors given here.

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