Recht, Staat und Verwaltung im klassischen Indien

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Recht, Staat und Verwaltung im klassischen Indien

The State, the Law, and Administration in Classical India

Herausgegeben von
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Die Stiftung Historisches Kolleg hat sich für den Bereich der historisch orientierten Wissenschaften die Förderung von Gelehrten, die sich durch herausragende Leistungen in Forschung und Lehre ausgewiesen haben, zur Aufgabe gesetzt. Sie vergibt zu diesem Zweck jährlich bis zu drei Forschungsstipendien und ein Förderstipendium sowie alle drei Jahre den „Preis des Historischen Kollegs".

Die Forschungsstipendien, deren Verleihung zugleich eine Auszeichnung für die bisherigen Leistungen darstellt, sollen den berufenen Wissenschaftlern während eines Kollegjahres die Möglichkeit bieten, frei von anderen Verpflichtungen eine größere Arbeit abzuschließen. Professor Dr. Bernhard Kölver (Kiel, jetzt Leipzig) war – zusammen mit Professor Dr. Elisabeth Fehrenbach (Saarbrücken), Prof. Dr. Hans-Werner Hahn (Saarbrücken, jetzt Jena) und Professor Dr. Ludwig Schmugge (Zürich) – Stipendiat des Historischen Kollegs im Kollegjahr 1991/92. Den Obliegenheiten der Stipendiaten gemäß hat Bernhard Kölver aus seinem Arbeitsbereich ein Kolloquium zum Thema „Recht, Staat und Verwaltung im klassischen Indien – The State, the Law, and Administration in Classical India" vom 10. bis 13. Juni 1992 im Historischen Kolleg gehalten. Die Ergebnisse des Kolloquiums werden in diesem Band veröffentlicht.

Die Stiftung Historisches Kolleg wird vom Stiftungsfonds Deutsche Bank zur Förderung der Wissenschaft in Forschung und Lehre und vom Stifterverband für die Deutsche Wissenschaft getragen.

Inhalt

VI

Bernhard Kölver

Zur Einführung

Recht, Staat und Verwaltung — für die frühen Stadien in der Geschichte des hinduistischen Indien ist das keine Einheit; es sind vielmehr verschiedene und getrennte Traditionen, die der Titel des gegenwärtigen Colloquiums zusammenführt. Zu *Staat und Verwaltung* bezeugt der wichtigste einschlägige Text, das Staatslehrbuch (*Arthaśāstra*) des Kauṭalya, ein streng utilitaristisches, wo nicht macchiavellistisches Denken: sein Ziel der starke Staat, der souverän herrschende König, der seine Macht um jeden Preis erhält und stärkt; Mittel der Politik kühl und sachlich erörtert in großer Vielfalt, bis hin zu Krieg und Bestechung und Mord. Leitprinzipien sind Effizienz und Opportunität; an ihnen orientiert sich die Argumentation; Recht und Moral treten ganz zurück. Was dann letztlich, sehr wesentlich in traditionell hinduistischem Kontext, auch bedeutet, daß die Mittel wandelbar sind. Das Recht hingegen, der *dharma* — wir werden auf die Konnotationen des indischen Begriffs zurückzukommen haben — zunächst Spiegelung und Verwirklichung einer ewigen Ordnung, die als unverrückbar gilt, weil sie auf Richtigkeit und Wahrheit beruht: ein Standardbeiwort darum *sanātana*, ,ewig, dauernd, beständig'. Die beiden Komplexe zeigen also alle Anzeichen einer prinzipiellen Dichotomie: Sie benennen zwei Bereiche, die einander zunächst unverbunden gegenüberstehen und kaum vereinbar wirken.

Wer so denkt, verkennt aber die Natur dieses Rechts, des *dharma*, der nach Realisierung drängt, und zwar im Leben des Einzelnen, in seiner Lebensführung, wie auch im Leben des Gemeinwesens, in Kaste und Dorf und Staat. Auf christlichem Hintergrund sieht das aus nach Göttlicher Satzung, die das Leben und also auch das Recht bestimmt. In indischen Ohren klingt es anders. Denn der *dharma* beruht auf Wahrheit. „Wahrlich: Was die Wahrheit ist, das ist Recht. Deshalb sagt man von dem, der wahr spricht, ,er spricht recht', und von dem, der recht spricht, ,er spricht wahr'. Denn es ist ganz so: das(selbe) sind sie beide", heißt es in einer der großen alten Upaniṣaden (Bṛhadāraṇyaka-Upaniṣad 1.4.14). Und als Wahrheit galt beizeiten die *Wirklichkeit*, eine in der Struktur der Welt erkennbare, hierarchische Ordnung, die alles Geschaffene einschließt und ihm seinen Platz anweist — im Typ nicht so radikal verschieden von dem Weltbild, das sich noch bis in die englische elisabethanische Literatur erhalten hat[1].

   Eine so verstandene Ordnung ist nicht weltfernes Ideal, sondern muß sich verwirklichen. Denn sie gilt als rational, und sie wirkt notwendig nach außen. Aus Nepal — auf Nepalisches werde ich öfter zu sprechen kommen, denn von allen hinduistischen Staaten hat sich das Himālaya-Königreich am längsten die Unabhängigkeit, die Eigenständigkeit

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[1] Vgl. vor allem *A.O. Lovejoy*, The Great Chain of Being (Cambridge/Mass. 1936); *E.M.W. Tillyard*, The Elizabethan World Picture (London 1943) usw.

und damit auch seinen hinduistischen Charakter bewahrt — aus Nepal also berichtet
eine Chronik, wie ein König im 14. Jh. seine Bevölkerung nach dem Kastensystem
durchklassifizieren ließ, und zwar nach dem orthodoxen Modell, dessen Hauptlinien
schon im Rigveda, dem ältesten erhaltenen Literaturdenkmal Indiens, erwähnt sind. Das
Streben nach Verwirklichung der Ordnung zeigt sich noch prägnanter in den Verfahren,
die man entwickelt hat, um Vergehen und Verbrechen zu ahnden. Vornehmstes Anlie-
gen ist, sie ungeschehen zu machen, d.h. die gestörte Ordnung wiederherzustellen.
Strafen treten ins zweite Glied zurück; was man in erster Linie braucht, sind Ent-
sühnung und ‚Heilung' (und die werfen natürlich Probleme auf: Wie soll man bei
solchen Prämissen mit einer Tötung umgehen? So entsteht ein ausgefeiltes System
symbolischer Handlungen, und das Recht gerät in unmittelbarste Nähe zum priester-
lichen Wissen, zum Ritual).

Das gleiche Denken auch in der Interpretation von Fakten. Unheil, Mißgeschicke
usw. sind Zeichen für eine gestörte Ordnung. Der fromme kashmirische König Tuñjina
(so erzählt die Rājataraṅgiṇī aus fernen Zeiten, die sich der historischen Fixierung
entziehen) schließt aus einer Hungersnot in seinem Reich auf ungesühntes Fehlverhalten,
und dafür weiß er sich selbst verantwortlich und denkt an Selbstmord. Das ist die
Kehrseite des hinduistischen Begriffs vom absoluten Herrscher, denn in ihm zieht sich
— wie es z.B. das Krönungsritual unmißverständlich ausdrückt — das Gemeinwesen in
allen seinen Gliedern zusammen; *l'état c'est moi* anders als gewohnt.

M.a.W., der *dharma* greift nach dem Staat, immer, beständig. Er tut das, ohne daß die
Exponenten des Richtigen die äußeren Machtmittel besaßen. Sie hatten nichts außer dem
Gewicht der Tradition, außer den Ritualen, außer den Vorzügen eines theoretischen
Modells, das eine klare hierarchische Ordnung der Gesellschaft forderte oder verhieß.
Und wenn dergleichen das Bild der Wirklichkeit bestimmen und dann auch die Realität
umstrukturieren konnte, so demonstriert das die Macht einer geschlossenen Konzeption.

Der Befund läßt sich auch an dürren Fakten ablesen. Jenes wichtigste und klarste
Quellenbuch zur indischen Staats- und Verwaltungslehre, das *Arthaśāstra* des schon fast
legendären *Kautalya*, der Kanzler des Mauryakönigs *Candragupta* gewesen sein soll, ist
praktisch verschollen gewesen und erst nach der Wende zum 20. Jh. in einigen wenigen
Manuskripten in südindischen Bibliotheken aufgetaucht. Die Handschriften der angesehe-
nen Texte zum *dharma* sind hingegen in unzähligen Exemplaren verbreitet, immer neu
herangezogen, durchdacht, kommentiert worden. Der *dharma* schien die Staatslehre
förmlich aufgesogen zu haben. Erst in diesen Jahren, wo uns Dokumente aus dem Alltag
zugänglich werden, lernen wir, daß sich sozusagen unterhalb der literarischen Ebene, in
der Organisation des Alltags, viel von den alten Strukturen erhalten hat.

Für das Verständnis der Schriftgelehrten mußte der Gegensatz *Recht : Staat* (und das hieß
auch *Theorie : Realität*) die Nadel im Fleisch sein, und man tat viel dazu, ihn zu
überwinden. Modelle, die sich auf die Wahrheit, die eigentliche Ordnung der Dinge
gründen, haben die Realität nachhaltig geformt. Sakralisierungen — das Wort ist falsch,
führt in die Irre: Es ist das Richtige, das Wahre, es ist Eigentliche Realität, die da
nachgebildet wird — finden sich überall. Kosmische Ordnung zeichnen nach oder neu:
bei den Tantrikern der Opferplatz mit seiner symbolischen Repräsentation der
Elemente; das Haus und seine Umlage, die sich ausrichten nach der Semantik der Him-

melsrichtungen[2]; in Nepal die von Emanationen der Götter und Göttersystemen umgebene Stadt; im mittelalterlichen (vorislamischen) Java die Struktur des Staates: Der war in 27 Provinzen gegliedert, die die 27 Mondhäuser wiederholten[3]. Das ist ein in mythischer Astronomie begründetes Schema, das sich mit Mythen über Herrschergeschlechter zusammenfügt. Denn hinduistische Königshäuser führten sich auf zwei große, in entferntester Vorzeit wurzelnde Geschlechter zurück, *Sūrya-* oder *Somavaṃśin*, d.h. Sonnen- oder Monddynastie, und das javanische Modell gehört natürlich in den Umkreis der zweiten. — Das alles war *dharma*, auch da, wo es die Form und Organisation des Staates bestimmte, und insofern spiegelt es geistige Realität, wenn die Staatslehre in der Lehre vom Richtigen Verhalten aufging.

Der Prozeß ist in den historischen Quellen der Hindus überdeutlich. In ihnen tritt, von seltenen Ausnahmen abgesehen, die individuelle Gestalt ebenso zurück wie das einzelne historische Ereignis. Bezeichnend z.B. die Kette von Epitheten, mit der südindische Inschriften aus dem frühen 16. Jh. die Empfänger von Landschenkungen beschreiben. (Damals hatte man die Muslime nicht bloß im Land, sondern sogar ‚wahrgenommen‘: der König läßt sich u.a. ‚Sultan unter den Hindu-Königen, *hiṃdurāyasuratrāṇo*‘, nennen.) Der jeweils Beschenkte, Haupt einer religiösen Institution, ist einer, *‚der Erlösung wünscht, dessen Glieder mit Asche bestäubt sind, der eine Kette von Rudrākṣa-Beeren trägt‘*: das heißt, er stilisiert sich unverkennbar nach dem Bild des Gottes Śiva, und so heißt er dann auch, ganz konsequent, ‚*Śiva-gestaltig*‘. Und welchen Status er erreicht hat, sieht man sehr deutlich daran, daß er *‚das Leid von Paaren wie heiß und kalt usw. überschritten hat‘*[4]: m.a.W., er hat die Reaktionen auf seine Umwelt, auf die conditio humana hinter sich gelassen; die gegensätzlichen Empfindungen der normalen Existenz berühren ihn nicht mehr.

Nun hätte man zu bedenken: Die Empfänger der Schenkung sind Vorsteher einer nicht unbedeutenden hinduistischen religiösen Institution, und so werden ihnen natürlich die Eigenschaften zugeschrieben, die der Hinduismus mit dem Leitbild vom Erlösungssuchenden verbindet. Als Testfall also aus der gleichen Inschrift sein Gegenstück, der Spender, der König, für den jedenfalls in seiner gegenwärtigen Existenz die Tradition ein anderes Leitbild vorzeichnet, vorzeichnen muß. Denn er hat für ein funktionierendes Staatsgebilde zu sorgen. Ihn preist die Inschrift auf 49 Zeilen, fast fünfmal so lang wie den Empfänger. Das hebt an mit der Genealogie, in einiger Ausführlichkeit (er gehört zur Monddynastie: s. eben) und handelt auch im weiteren Standardthemen ab. Darunter eine längere Liste frommer Gaben, die der König darge-

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[2] Das zieht sich bis nach Bali, d.h. ans äußerste Ende des Kulturraums: s. *F. B. Eiseman*, Bali: Sekala & Niskala 1 (Berkeley, Singapore 1989) p.5.

[3] skt. *nakṣatras*: bestimmte Himmelskonstellationen, Sternbilder, in denen der Mond in der Periode eines Umlaufs jeweils eine Nacht verbringt.

[4] [...] *mumukṣave bhasmoddhūlitagātrāya rudrākṣāvalidhārine śītoṣṇādidvaṃdvaduḥkhavyatītāya* [...] *śivarūpiṇe* usw.: Kupferplatte von Śaka 1429 aus dem Besitz des Kāmakoṭi-Pīṭha in Kumbhakonam, Z. 63 ff.: mit den vom Herausgeber nach den Parallelstücken vorgenommenen Emendationen zitiert nach *T. A. Gopinath Rao*, Copper-Plate Inscriptions belonging to the Sri-Sankaracharya of the Kamkoti-Pitha, Reprint (Delhi 1986) S. 24 f. Sehr ähnliche Wortketten a.a.O., S. 44 (gleiches Jahr, gleicher Adressat); S. 75 (aus Śaka 1450: anderer Adressat in gleicher Funktion). — Die Liste der königlichen Gaben a.a.O., S. 23; das Epithet *hiṃdurāya*° ebenda, Z. 53 f.

bracht hat: *ein Weltei, eine juwelene Kuh, die Sieben Ozeane* und ähnliche, auf den unbefangenen Leser ein wenig irreal wirkende Posten unter ihnen. Auch das ist nichts als Herkommen, Brauch oder wenn man so will, Klischee. Denn es gibt eine kanonische Liste von 16 sog. ‚Großen Gaben‘ (*mahādānas*)[5], und an der hat sich ersichtlich der Verfasser der Inschriften orientiert: es wird kaum möglich sein herauszufinden, was an Realität sich hinter dieser Liste verbarg. M.a.W., die Majestät wie auch der fromme Mann sind zwar durch ihre Namen faßbar, aber die ihnen zugeschriebenen Taten, ihre Befindlichkeit, sind vorgegeben durch ihre soziale Rolle.

‚Der *dharma* greift nach dem Staat‘: Daraus ergibt sich dann z.B., daß den Fragen der religiösen, rituellen Legitimation des Königtums eine sehr wesentliche Bedeutung zukommt, und das nicht nur im etabliert hinduistischen Staat. Der ausgefeilte Apparat des hinduistischen Krönungs- und Königsrituals wird darüber hinaus ein nicht zu unterschätzender Faktor in der Ausbreitung des Hinduismus gewesen sein: Der Verlockung, so sichtbarlich aus der Masse der Menschen herausgehoben zu werden, wird sich ein örtlicher ‚chieftain‘ schwer haben entziehen können.

All dem aber muß man sofort eine sehr wesentliche Einschränkung anfügen. Diese Gedankengebäude, ob realisiert oder nicht, diese Interpretation der Welt nach Modellen, die die Weltanschauung vorgab — sie waren zunächst nichts als eine oberste Schicht, ein mehr oder weniger dünner Firnis, den Gelehrte auftrugen auf vielfältigste Realität. Im Prozeß seiner allmählichen Ausbreitung, die vom Panjāb ausgehend nach Norden bis in den Himālaya, nach Süden bis Sri Lanka, südöstlich bis an die Grenzen Vietnams, bis Bali reichte, überlagerte der Hinduismus natürlich die allerverschiedensten Lokal- und Stammeskulturen, und wie weit die orthodoxen Modelle ein normales Alltagsleben im Königreich X bestimmten, ist eine durchaus offene Frage. Noch einmal der nepalische König, der seine Bevölkerung nach den Vorgaben der Orthodoxie ordnen ließ. Natürlich will man wissen, was *vorher* war, denn im 14. Jh. hatten gewiß schon ein Jahrtausend und möglicherweise noch länger hinduistische Könige im Tal von Kathmandu geherrscht. Auch sie fühlten sich, wie wir aus ihren Inschriften wissen, den Leitvorstellungen des Hinduismus verpflichtet, und hätte man nicht den erwähnten Bericht der Chronik, wer würde nicht vermuten, daß auch zu ihren Zeiten, zumal in einem solchen Zentralpunkt Richtigen Verhaltens, das Reich nach der vorgegebenen Ordnung organisiert war. Wer so denkt, könnte z.B. auf eine Inschrift aus dem 7. Jh. verweisen die die Einwohner einer Wachtstation (*draṅga*) unter der Kurzbezeichnung ‚von Brahmanen bis zu Cāṇḍālas‘[6] erwähnt. Sie meint damit *alle*, und um das zu sagen, nennt sie die beiden äußersten Enden der sozialen Skala beim Namen: m.a.W., das war das Standardbild, unter dem der Verfasser im Einklang mit seiner Vorbildung soziale Realität begriff. Daß dergleichen kaum der Realität entsprochen haben wird, kann man aus dem oben skizzierten Versuch seines Nachfahren, ein Dreivierteljahrtausend später, mit einiger Sicherheit schließen. Aber was die Inschrift sagt, ist ein Beispiel für jenen oft behandelten, eigentümlichen Umgang Indiens mit seiner Geschichte, der *grosso modo* im-

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[5] Näheres z.B. bei *P. V. Kane*, History of Dharmaśāstra II,2 (Poona ²1974), S. 869 ff.
[6] Die Anantaliṅgeśvara-Inschrift Narendradevas: vgl. *Dh. Vajrācārya*, Licchavikālkā abhilekha (Kāṭhmāḍaum 2030 [V.S.]) S. 485 ff., Z. 13.

mer auf das Paradigma zielt, auf das Idealtypische und nicht auf die Charakteristika des Einzelfalles, der einzelnen Gestalt sieht, jedenfalls nicht von ihnen berichten mag.

Diese Einschränkung macht sich fühlbar auf Schritt und Tritt. Die Texte, die uns den *dharma* lehren oder am Exempel vorführen, sind verfaßt von Brahmanen, will sagen von Vertretern der Hochtradition, von Exponenten jener Klasse, die die Idee von einer im Grunde einheitlichen und hierarchischen Ordnung der Schöpfung beständig zelebrierte: in der Philosophie, im Opfer, in der Struktur von Haus und Stadt und wo nicht noch. Die aber war, auch wenn man sie überall zu verwirklichen trachtete, Ideal, und damit stellt sich zwangsläufig die Frage, die *Lariviere* (unten S. 97 ff.) aufgreift und diskutiert, die Frage nach der Realität der Vorschriften, die die Rechtsliteratur der Hindus in kaum überschauter Menge[7] überliefert. Waren sie verbindlich, und wenn ja, für wen und wie weit?

Eine eindeutige Antwort wird man nicht geben können, und das liegt an dem Umfeld, in dem die klassischen Leitvorstellungen zu wirken hatten.

Ein erster, wesentlicher Faktor war die historische Situation, jener eben gestreifte Prozeß der allmählichen Ausbreitung des Hinduismus, bei der militärische Eroberung (das ‚Ersiegen der Weltgegenden‘, das zum Stereotyp und Idealbild des hinduistischen Königtums gehört hat) sicher eine wichtige, und ebenso sicher nicht die dominierende Rolle gespielt hat. Die literarischen Quellen, unter ausdrücklichem Einschluß des Staatslehrbuchs, zeigen, daß Eroberung durchaus nicht gleichbedeutend war mit einer Missionierung mit Feuer und Schwert. Unten S. 243 ff. führt *E. Ritschl* aus, wie ein Eroberer nach dem Arthaśāstra verfahren soll: nämlich indem er den Eroberten weitgehende Autonomie im Innern beläßt. (Hier stößt man auf das Strukturprinzip der Subsidiarität, das sich in abgewandelter Form nicht selten in den sog. Landschenkungen wiederholt, die dem Belehnten oft genug samt dem Land auch die Niedere Gerichtsbarkeit übertragen: s.u. M. *Njammasch*.) — Und noch einmal: Gegeben die hoch über andere herausgehobene Stellung, die das hinduistische Krönungsritual dem König zuspricht, muß das Staatsmodell, das die Brahmanen propagierten, für einen Stammesfürsten durchaus lockend gewesen sein. Brahmanische Gelehrsamkeit war nur allzu willig, ihm die richtige Herkunft zu verschaffen, z.B. Genealogien zu ‚finden‘, erfinden, zu fabrizieren, die sein Haus legitimierten, indem sie es etwa auf die Sonnen- oder auf die Monddynastie zurückführten.

Damit war ein entscheidender Schritt zu einer Konstellation getan, wie es sie wohl oft gegeben hat: Die Gelehrten vertraten Orthodoxie, in welcher Form auch immer; der Hof stand mehr oder weniger deutlich unter ihrem Einfluß, und im übrigen bleibt alles beim Alten.

Auf den ersten Blick scheint das eine labile Verteilung. Aber nun hat man zweitens der beharrenden Tendenzen der Sozialordnung zu gedenken, wo jeder hineingeboren wird in seine Familie, in seine Kaste (: der indische Ausdruck für Kaste, *jāti*, heißt nicht zufällig im Wortsinn ‚Geburt‘), und zeitlebens dieser seiner Geburt verhaftet bleibt. Die zeichnen ihm Lebensform und -funktion vor. ‚Besser der eigene *dharma*, auch wenn er ohne Vorzüge ist‘ (und für ‚ohne Vorzüge‘ könnte man sogar setzen: ‚schlecht‘), ‚als der eines anderen, wohl befolgt; besser ein Sterben im eigenen *dharma*; der *dharma* eines

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[7] Vom *Dharmakośa*, der bislang größten, noch unvollständigen Kompilation der Rechtsquellen, sind bislang 20 starke Quartbände erschienen.

anderen ist gefährlich', sagt die Bhagavadgītā (3.35), und solche Sätze verpflichten
natürlich den Einzelnen auch zu Verhaltensweisen, die wenig angesehen waren. Man
nehme nur die Handwerker, die ihr Beruf zu gewaltsamen Eingriffen in die Natur
zwingt. Zum Bau braucht man Holz; das muß gefällt werden; aber ich kann mir kaum
denken, daß in der Hochliteratur irgendwo das Lob des Holzfällers gesungen wird.
Wohl aber gibt es in einer nepalischen Chronik (über die Renovierung eines Heiligtums)
einen Passus, der unüberhörbar sagt, wie man ihre Arbeit einschätzte: Sie ziehen aus, um
ein Lebewesen zu töten. Da tut sich also ein Zwiespalt auf. Selbstverständlich ist einen
Baum fällen schlechter als ihn stehen lassen (ein Satz wie das biblische ‚Machet euch die
Erde untertan' ist im Hinduismus undenkbar); Holz ist aber nötig, und so schafft es der
heran, dem das sein *dharma* aufgibt.

Das Dilemma hat das traditionelle Indien auf die verschiedenste Weise zu bewältigen
versucht: durch Weltflucht; durch die Theorie von der Vergeltung der Taten (: im
gegenwärtigen Leben sühnt man die Fehler der früheren); durch eine Lehre von den
Lebensstadien (: nach der Erfüllung der sozialen Pflichten hat man das Recht, der
eigenen Erlösung zu leben); und eben auch durch das Recht, in einem merkwürdigen
und bedenkenswerten Rechtsgrundsatz, dem vom ‚Brauch des Landes, Brauch der Kaste,
der Familie' (*deśācāra* usw.), der den theoretischen Rahmen zur Einordnung solcher
Lebensformen abgab, die den Normen des angesehenen, richtigen Verhaltens zuwider-
liefen. Die Begriffe waren nicht bloße Theorie, in der Art einer verbalen Konzession.
Selbst die orthodoxesten unter den klassischen indischen Rechtsbüchern lassen das hier
und da erkennen. Das Alltagsleben im Staat kam halt nicht mit dem Regelkanon aus,
den die Brahmanen für ihr eigenes Richtiges Verhalten entwickelt hatten.

Sehen wir uns ein Beispiel an. Für das Heiraten zählt die Manusmṛti, der reputier-
lichste Rechtstext von allen, acht Formen auf, darunter zwei, die in einem zentralen
Punkt einander diametral entgegengesetzt sind. Nach einer, der *āsura*-Form, kann die
Braut gekauft werden (3.31); in der *brāhma*- und der *daiva*-Form (3.27-28) wird sie
weggegeben, und zwar mit einer Mitgift. Die Termini verweisen noch deutlich auf den
Zustand, wo man sich der polaren Gegensätzlichkeit bewußt war. Sie leiten sich ab von
dem Oppositionspaar Götter : Widergötter, *devas* : *asuras*, deren Kämpfe lange Passagen
in der Mythologie einer Frühphase der indischen spekulativen Philosophie bestimmten.
Und der Brautkauf, die ‚Form, die zu den Widergöttern gehört' (3.24), wird bloß den
beiden untersten der vier alten Kasten gestattet. Die Wertung ist für die Manusmṛti
völlig klar: Die Kinder aus schlechten Heiratsformen, *āsura* unter ihnen, gehören zu
denen, die ‚grausam und unwahr sprechen' (3.41). (Auf die Seite der Götter gehört
natürlich auch der dritte Fachausdruck, *brāhma*; er leitet sich ab von dem Namen
desjenigen Prinzips, das die Götter überhöhte.)

Man zögert, dergleichen in eine direkte historische Hypothese umzusetzen, aber es ist
mitunter nicht leicht, der Verlockung zu widerstehen. Warum sollte es den Brautkauf
nicht gegeben haben, auch wenn wir vermutlich nicht herausfinden werden, auf welche
Fakten, welche Ethnien Manus Regeln zurückgehen. Das Wesentliche ist, daß er die
Abweichung trotz deutlicher Mißbilligung bucht und Bedingungen festschreibt, unter
denen sie gelten soll.

Dergleichen ist zu einem ausformulierten Rechtsprinzip geworden, und ganz im
Einklang mit der Tendenz der oben zitierten Stelle aus der Bhagavadgītā (lieber den

eigenen, schlechten *dharma* befolgen als den besseren eines anderen) sagt ein anderer unter den angesehenen alten indischen Juristen, Nārada, daß in der Administration des Rechts dieser Lokal-, Kasten- oder Familienbrauch Vorrang vor dem *dharma* genieße (den auch er natürlich als das absolut Richtige verstanden sehen will). Man sieht, das ist nichts als das formale Anerkenntnis des Prinzips, das schon Manus Regeln über die Heirat zugrunde lag.

Es konnte bis in die jüngste Vergangenheit gelten. Kürzlich sind die Umrisse einer dörflichen Verfassung publiziert worden[8], die in den frühen Fünfziger Jahren dieses Jahrhunderts im nördlichen Nepal kodifiziert worden ist. Da bilden Repräsentanten von 13 Dörfern einen sog. *dharma pañcāyat*, eine Art ‚Rechts-Rat‘, wie man den Ausdruck in etwa paraphrasieren könnte, und die Konstitution bestimmt u.a., daß ein Dorfbewohner, der in einem Rechtsstreit die staatlichen Gerichte bemüht, ohne vorher den Fall diesem dörflichen ‚Rechts-Rat‘ vorgelegt zu haben, mit einer (gar nicht niedrigen) Geldstrafe belegt wird. Dergleichen wurde, und das ist das Bemerkenswerte, von der Zentralregierung nicht etwa nur toleriert, sondern regelrecht gefördert. Die Schwierigkeiten und die Kosten, im zerklüfteten Terrain des Himālaya allenthalben eine ausdifferenzierte Verwaltung und Judikatur zu unterhalten, sind sicher nur ein Teil der Erklärung. Wir finden ja Vergleichbares in den Erscheinungen, die *B. Stein* zum Begriff des ‚Segmentary State‘ zusammenfaßt; wir haben eine Notiz aus den unter dem Namen Kātyāyana überlieferten Fragmenten, die offenbar ein Stadium markiert, wo der Staat sich um die Kodifikation solcher Regional- und Verbandsrechte bemühte oder doch sie wenigstens sammelte.

In solcher Lage waren Konflikte unvermeidlich. Ausgerechnet zum Komplex Landbesitz von Frauen, dessen faktisches Gerüst Frau *Gupta* unten S. 199 etabliert und der womöglich eine seiner Wurzeln in einer überpersönlichen Konzeption von Landbesitz hat, hat uns ein glücklicher Zufall einen Fall erhalten. Er stammt aus dem Tal von Kathmandu und spielte sich unter den seit Jahrhunderten durch hinduistische Könige beherrschten Newars ab, bei denen die Frauen traditionell ein deutlich größeres Maß an Selbständigkeit genießen, als ihnen die klassischen Leitvorstellungen zubilligen. Da wollte ein Vater seiner Tochter Land übereignen, und um das durchzusetzen, griff er zu einer juristischen Fiktion. Er machte ihr ein verbrieftes Geldgeschenk und zahlte dann nicht. So wurde er zu ihrem Schuldner und konnte ihr als Sicherheit für die geschuldete Summe ein Feld verpfänden.

Der Fall ist nicht uninteressant in der Art, wie er die allmähliche Rezeption der hinduistischen Normen illustriert. Ersichtlich war die Regelung der Orthodoxie bekannt, aber gleichzeitig fand sich ein Ausweg, der es erlaubte, beim Lokalbrauch[9] zu verharren.

All das heißt, wir haben nicht mit bloß zwei Faktoren zu tun, dem von der Hochtradition geformten und kodifizierten Recht und dem ‚Brauch‘ zahlloser Ethnien, Kasten

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[8] *M. L. Karmacharya*, People's Participation in the Management of Local Affairs in Southern Mustang in the 19th and 20th Centuries, in: Ancient Nepal 136 (1994), pp.17-22.

[9] Jedenfalls vermute ich, daß es Lokalbrauch war, obwohl Parallelen zu dem einen bisher gefundenen Stück noch nicht aufgetaucht sind. Aber die Landverkaufsdokumente zeigen in der nach Formular obligatorischen Aufzählung der Nachbarn eines verkauften Grundstücks gar nicht so selten ganz eindeutige Frauennamen.

und Korporationen, sondern müssen zusätzlich mit Interferenzen rechnen. Prestige genoß natürlich, was der Hof machte, und der wird in aller Regel unter dem Einfluß der Hochtradition gestanden haben. Die produzierte unablässig *exempla*, Mythen, Erzählungen, und propagierte so ihr Leitbild. Das wirkte natürlich; die fiktive Schenkung des Vaters an seine Tochter zeigt sehr schön, wie die Kategorien der Orthodoxie allmählich nach unten durchsickerten. Derlei hat vermutlich mehr zur Ausbreitung des Hinduismus beigetragen als Eroberung und Gewalt.

<p style="text-align:center">*   *   *</p>

Nachdem Arbeiten zum traditionellen Recht und Staat im klassischen Indien lange die Passion Einzelner gewesen sind, beginnt der Themenkreis unter dem Einfluß der Historiker in diesen Jahren, wieder eine etwas größere Zahl von Forschern anzuziehen, die sich nach und nach um festere Grundlagen bemühen: verläßliche Textausgaben; Studien zu Aufbau, Gedankenführung, chronologischer Schichtung und regionaler Herkunft einzelner Texte. Versuche zur systematischen Darstellung einzelner Rechtsmaterien sind schon älter.

All das gibt wenig her über das Verhältnis von Vorschrift zu praktizierter Realität. *Becherts* Hinweis auf die Regeln des buddhistischen Saṅgha als Kodifizierung eines solchen Corpus war überfällig. Ansonsten ist die Arbeit wegen der ungünstigen Quellenlage mühsam. Natürlich hat man schon früh versucht, die Lücke wenigstens teilweise durch die Daten zu schließen, die sich aus der ‚Schönen Literatur‘ gewinnen lassen, obwohl sich jeder der Fragwürdigkeit eines Verfahrens bewußt ist, das Epos, Erzählung, Gedicht reinweg als Quelle für Sozialgeschichte nimmt. Gerade in indischer Literatur sind ja Formen und Inhalt weitgehend durch die Vorgaben des jeweiligen literarischen Genres bestimmt, und *exempla classica* spielen fast überall eine dominierende Rolle; ein indischer *Pitaval* ist undenkbar.

Daß Dokumenten, die tatsächliche Transaktionen beurkunden, in diesem Zusammenhang ein ganz besonderer Wert zukommt, hat vor allem die Geschichtswissenschaft erkannt: Die Staatsinschriften großer Herren, sprich die Kupferplatten, als Inszenierung der Herrschenden, ja selbst der Herrschaftsideologie sind ein eindrucksvolles Beispiel dafür, was sich mit diesem Ansatz erreichen läßt — gerade weil sie, Stichwort Legitimation, den jeweils dominierenden Idealbildern verpflichtet sind.

Dies nur ein Aspekt unter vielen denkbaren, ganz ebenso wichtigen. Denn sie erhalten uns auch Specimina jenes ‚Regionalbrauchs‘ der indischen Juristen: des ganzen unüberschaubaren Bündels von Sonder- und Verbandsrechten von religiösen Gemeinschaften, Kasten, Clans, Familien.

Damit aber gerät man in den Umkreis einer weiteren ergiebigen, ebenso wichtigen wie problematischen, schwer benutzbaren Quelle. Das sind die ethnographisch-ethnologischen Beschreibungen. Sie mit den schriftlichen Quellen zu korrelieren, wirft erhebliche methodische Probleme auf. Die Strukturale Anthropologie hat ja mit spektakulären Erfolgen das von *Saussure* in die Sprachwissenschaft eingeführte Prinzip übernommen, das uns auffordert, die einzelne Beobachtung als Teil eines Systems zu begreifen, aus dem heraus das isolierte Faktum seine Bedeutung empfängt. Gleichwohl

ist dieser methodische Grundsatz in traditionellen südasiatischen Gesellschaften nicht leicht zu handhaben. Denn man hat auf Schritt und Tritt mit den erwähnten Interferenzen zu tun, die der prestigebehafteten Hochtradition entstammen. Ölpresser gehören vielerorts, so auch früher in den Königreichen des Kathmandutals, zu den Unberührbaren. Im wenige Kilometer südlich der Königsstadt Pāṭan gelegenen Khokānā jedoch gehört das Geschäft des Ölpressens zu den normalen bäuerlichen Tätigkeiten. Wie soll man nun mit einem ölpressenden Bauern umgehen? Im Typ ist das ein ähnliches Problem wie das fiktive Geldgeschenk an die Tochter, das sich auch nur aus dem Gegeneinander von Hochtradition und Lokalbrauch verstehen läßt: Zu einer Erklärung braucht man die jeweils gültigen Leitbilder. Hier liegt ein weites Feld zu fruchtbarer Zusammenarbeit zwischen Textwissenschaften und Ethnologie.

<p style="text-align:center">*　　*　　*</p>

Als letztes wäre zu erinnern an reine Selbstverständlichkeiten des philologischen Handwerks, die gleichwohl in der Erklärung der Texte zum klassischen indischen Staats- und Rechtswesen gelegentlich ins zweite Glied zurücktreten. Denn in Anlehnung an die ausgefeilte Begrifflichkeit der westlichen Wissenschaft (und ihres Jargons) bedienen sich viele Untersuchungen des an der Beschreibung abendländischer Systemzusammenhänge entwickelten Instrumentariums — und führen damit in Assoziationen, die ein adäquates Verständnis der Quellen erschweren.

Ein zweites, erhebliches Hindernis liegt in der vielerorts üblichen Terminologie. Der im westlichen Geschichtsbild so enorm belastete Begriff der Sklaverei, wie ihn z.B. die Beiträge von *D. R. Pant* und *M. R. Pant* umreißen, ist gut geeignet, das Problem zu verdeutlichen. Unter den Arten von ,Sklaven‘, die der unten (S. 148) zitierte locus classicus aus den indischen Juristen aufzählt (Nārada 5.24-26 ed. *Lariviere*), ist auch der *anākālabhṛtaḥ*, d.h. ,derjenige, der während einer Hungersnot Unterhalt erhält‘. Den zwei S. 136 zitierten Dokumenten entnimmt man einen weiteren wesentlichen Faktor, nämlich den, daß es Fälle gab, wo eine zeitliche Limitation eines solchen Dienstverhältnisses von vornherein vereinbart wurde; ,Schuldknechtschaft‘ wäre also der bessere Begriff. *Dienstverhältnisse*: damit ist das entscheidende Wort schon gefallen. Man hat also die verschiedenen Arten der Abhängigkeit zu untersuchen; sie unter der einen Überschrift Sklaverei buchen gibt ein einigermaßen verzerrtes Bild, lenkt die Gedanken in eine bestimmte Richtung, und die ist nicht die der Quellen. *W. Rau* hat ein indisches Gegenbild gezeichnet, das von der Verpflichtung zum Unterhalt ausgeht, den einer den Seinen schuldet, und das den Diener, *bhṛta-*, als ,den Unterhaltenen‘ ebenso umfaßt wie die Gattin, *bhāryā-*, der man, wie das Wort sagt, Unterhalt schuldet. D.h., man braucht die Untersuchung des ganzen Netzes von Abhängigkeiten, bevor man sinnvoll von Sklaverei in Indien reden kann, und dem hätte man dann auch bei der Glossierung einschlägiger Stellen Rechnung zu tragen.

Die Probleme der Begrifflichkeit in anderer Façettierung zeigt der Beitrag von *C. Gupta*. Er gilt den Rechten von Frauen an Landbesitz, so wie sie sich aus den inschriftlichen Quellen rekonstruieren lassen. Das Resultat läßt sich knapp zusammenfassen: Frauen konnten nach den in den Rechtsbüchern niedergelegten Vorschriften kein Land besitzen, und die inschriftliche Evidenz, die *C. Gupta* zusammenstellt, fügt sich lük-

kenlos in dieses Bild ein. An den Befund kann man natürlich weitere Fragen richten. Nach gängiger indischer Vorstellung scheidet bekanntlich eine Frau mit der Heirat aus dem Familienverband aus, in den sie hineingeboren wurde, und tritt in den ihres Ehemannes über; ihr übereignetes Land wäre also ihrer väterlichen Familie auf Dauer entzogen. Das aber galt offenbar als nicht akzeptabel. Und nun kommt ein zweiter Umstand hinzu. Die nepalischen Landverkaufsdokumente nennen als ‚Zeugen‘ (*sākṣiṇaḥ*) eines Landverkaufs stets Familienangehörige, und zwar bemerkenswert häufig die Abkömmlinge des Verkäufers. Zu unparteiischen Dritten, die die Gültigkeit des Verkaufs bezeugen könnten, taugen Verwandte schlecht. Was sollen dann die Söhne, Enkel oder Neffen, die den Verkauf ‚bezeugen‘? Natürlich liegt die Vermutung nahe, daß zum Attestieren diejenigen herangezogen werden, die neben dem *pater familias* wie immer geartete Rechte an dem veräußerten Grundstück haben. Nimmt man nun aber das zusammen mit den fehlenden Rechten von Frauen an Land, dann wird man in die Nähe jenes Vorstellungskreises geführt, den schon vor mehr als einem Jahrhundert Sir *Henry Maine* in seinem ‚Ancient Law‘ skizziert hat: das ererbte Land gehörte selbst bei der patriarchalischen indischen Familienstruktur der Familie und nicht dem Einzelnen, der zufällig ihr Oberhaupt war. Was dann ziemlich direkt die Frage nach Funktion und Rechtsstellung des Individuums innerhalb eines Familienverbandes aufwirft und u.a. auch zum Ausgangspunkt, *Guptas* Schilderung der Stellung der Frau, zurückführt.

Und wenn schon die Begriffe zum guten Teil der notwendigen genauen Klärung harren, gilt das umso mehr für ihre Vernetzung. Noch einmal zu den Heiratsformen. Unter Brahmanen gelte besonders viel, sagt die Manusmṛti 3.35, die ‚Gabe eines Mädchens *mit Wassern*‘. Was diese Wasser sind, wissen wir durch *Lüders*: Man pflegte sie bei einem Eid auszugießen, so wie die Griechen beim Wasser der Styx geschworen haben. Bei Landschenkungen z.B. ist dieses Ausgießen von Wasser bis tief ins indische Mittelalter hinein gebräuchlich gewesen. Als Bekräftigung eines Versprechens, als Schwur würde sich der Ritus glatt in den Kontext eines Verlöbnisses einfügen. Nun gibt es aber eine Assoziation, die ziemlich nahe liegt. Es wird nämlich in der indischen Literatur des öfteren die Frau mit einem Feld verglichen. So bei den Juristen in der Erörterung des Problems, ob ein außerehelich gezeugtes Kind seinem Erzeuger oder dem Ehemann der Mutter zuzurechnen sei: was an Frucht auf einem Felde wächst, gehöre dessen Eigner, gleichviel, woher der Same kommt. Und nun muß die Frage erlaubt sein, ob dieses Wasser, das bei der ‚Gabe eines Mädchens‘ ausgegossen wird, nicht auch im Zusammenhang mit dem Wasser bei der Schenkung eines Feldes gesehen werden sollte. Was dann Anlaß geben könnte, weiter über die Stellung der Frau nachzudenken. Denn bei solchen Parallelen hat man stets in Rechnung zu stellen, daß Indien eher dazu neigt, sie als sinnstiftende Gleichungen zu betrachten denn als bloße Bilder (solange man unter Bildern uneigentliche Ausdrucksweisen versteht).

*   *   *

So etwa läßt sich die Situation skizzieren, aus der das Colloquium entstand. Man sieht: die Geschichte Indiens ist eine junge Wissenschaft, die sich der elementaren Fakten noch zu versichern hat. Indologen können nicht auf die etablierten Resultate jahrhundertelanger, weiträumiger, gewissenhafter Philologie zurückgreifen; wir ächzen unter der

Fülle des gänzlich unbearbeiteten oder unzulänglich erschlossenen Primärmaterials und sind bei all der Kleinarbeit verwirrt und gereizt von den vielfältigen Ansätzen der abend-ländischen Historiographie. Die schärfen das Auge für Möglichkeiten, verlocken zur Übernahme. Die aber, scheint mir, wird vor allem dann fruchtbar sein, wenn sie die indigene Begrifflichkeit des indischen Kulturraums in ihr Kalkül einbezieht. Aber die Erforschung sowohl der Vorstellungen wie der Institutionen, die in Indien Geschichte und Geschichtsbild geprägt haben, steht in vieler Hinsicht noch ganz am Anfang. —

Durch verschiedene technische Probleme, meinen Wechsel nach Leipzig an der Spitze, hat sich die Publikation dieses Bandes über Gebühr hinausgezogen, wofür ich um Entschuldigung bitte. So fehlt der Beitrag von *Gérard Toffin*, der unsere Überlegungen in sehr willkommener Weise ergänzt hat[10]: er behandelt die Strukturierung des städtischen Ambiente von Kathmandu, so wie die Maharjans (Bauern) sie sich zurecht-gelegt haben. Innerhalb des weitgefächerten Kontinuums zwischen Hochtradition und Lokalbrauch ist er von allergrößtem Interesse, auch als ein ‚ungelehrtes' Pendant zu den für die Stadt Bhaktapur entwickelten Modellen, denen ich während meines Kollegjahrs ein Stückweit nachgehen konnte[11].

Das Historische Kolleg hat uns unter angenehmsten Bedingungen die Gelegenheit zu ruhiger Arbeit und zum Austausch gegeben. Mit ihren Oden und Zueignungen hatten frühere Zeiten eine Vielzahl expressiver Formen, ihren Dank abzustatten: unsere heutigen, verhaltenen sind ärmlich und dünn; sie lassen nichts durchscheinen von der Freude, ein ganzes Jahr in einer urbanen Umgebung den eigenen Arbeiten leben zu dürfen. Mein Dank gilt dem Kuratorium der Stiftung Historisches Kolleg und seinem Vorsitzenden, Horst Fuhrmann; er gilt Elsa Lang, Inge Haberer, Georg Kalmer, die dem Haus in der Kaulbachstraße seinen Charakter geben durch Ruhe, Freundlichkeit, Hilfs-bereitschaft und Geduld; er gilt vor allem Elisabeth Müller-Luckner, die mit ihrem wachen Interesse, ihrer Leichtigkeit, ihrer Beharrlichkeit mehr zum Gelingen des Ganzen beigetragen hat, als der Band erkennen läßt.

Leipzig, im August 1995   *Bernhard Kölver*

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[10] Unter dem Titel *The Farmers in the City* inzwischen publiziert in: Anthropos 89 (1994), S. 433-459.
[11] *Vf.*, Ritual und Historischer Raum. Zum indischen Geschichtsverständnis. München 1993. (Schriften des Historischen Kollegs. Vorträge. 35.)

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I. Modelle

Brajadulal Chattopadhyaya

'Autonomous Spaces' and the Authority of the State: the Contradiction and its Resolution in Theory and Practice in Early India

> 'Through tatter'd clothes small vices do appear, / Robes and furr'd gowns hide all. Plate sin with gold / And the strong Lance of Justice hurtless breaks; / Arm it in rags, a pigmy's straw does pierce it'.
>
> *King Lear*, IV.6.164

It is necessary, at the beginning of this essay, to offer some justification for writing on a theme the scope of which is very much imperfectly defined both in terms of its disparate timespans and regional foci and the diffused nature of the empirical evidence it is going to be based on. It will be seen, as the essay progresses, that we have, at least initially, chosen material from sources which cannot be considered to relate to 'Classical' India by adopting even a most flexible definition of the term 'Classical'. It is only in the second part of the essay that we have tried to situate the focus on what we would prefer to call the 'early' or 'early historical' period of Indian history[1]. Methodologically, this approach would certainly appear to be arbitrary to those among us who insist on arranging their data in a chronological order and who, justifiably, highlight regional variations. The justification that we can offer at this stage for the approach we have adopted in this essay — and in fact the rest of the essay is an elaboration of this justification — is that the essay is not concerned with the history of any particular State and the range of relations within it, but rather with posing a problem which appears to have characterized state systems in different phases of Indian history. In our view, the problem was of the form of a measure of contradiction inhering all state structures, and all state societies[2], in order to be able to continue into

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[1] Terminologies which relate to attempts to periodize Indian history are often found unsatisfactory and do not represent consensus. The terms being used in this essay are those generally current among Indian historians. For a recent discussion of the problem see B. D. Chattopadhyaya, The Making of Early Medieval India, Delhi, 1994, Chapter I.

[2] In this particular context, the term 'state society' is being used for several reasons. One, the term 'state society' rather than simple 'state' brings into clear focus the very major distinction between two radically different types of societies, one in which the 'State' did not exist, and the second in which the emergence of the State altered patterns of relations within communities and between communities. Secondly, although the appearance of the State in historical India dates from about the middle of the first millennium B. C., one cannot consider the history of the State in India in terms of the history of an Indian State. Actual States existed for varied spans of time, and state formation in regions without prior experience of the State was a continuing process. These trends in Indian history seem to be better expressed by using the term 'State

existence, had resolution of this contradiction built into them. Both the contradiction and the way its resolution manifested itself through the working of the apparatus of the state can be looked for not only in practice but in early perceptions of the state as well. This search is the major concern of this essay, and since our assumption is that the contradiction is present, in some form or the other, in all pre-modern state structures, we have not felt, at least for the purpose of this essay, methodologically inhibited in drawing upon sources pertaining to different periods and different regions.

I

To elucidate the contradiction that we are trying to formulate, we shall cite empirical material we have chosen from the 'early medieval/medieval' period of Indian history and then work backward in time to the early historical period. The first piece of evidence is an epigraph 'incised on a pillar in the temple of Someśvara' at Nadol[3], the political centre of the Nadol branch of the Cāhamānas, in the district of Pali in south-east Marwar. Dated in A. D. 1140-41, the inscription belongs to the time of Mahārājā-dhirāja Śrī Rāyapāladeva and gives certain details of the preparation of a document by representatives of a settlement called Dhālopasthāna, presumably a township identical with Dhalop, located 4 miles south-southwest of Nadol. The record refers to 16 brāhmaṇas of Dhālopa, representing its eight spatial segments or wards; the spatial distribution of the brāhmaṇas can be shown in the following chart:

	Brāhmaṇas	Spatial Segment of Dhālopa
1.	Vīrigu	
2.	Prabhākara	= Merivādā[4]
3.	Āsadeū	
4.	Mahaḍu	= Ḍīpavāḍā
5.	Deu	
6.	Ghāhaḍi	= Dumḍaṇavāsu
7.	Muhaṃkaru	
8.	Divākaru	= Bhāṃguravāḍaü

society' rather than 'State' because 'State society' would highlight the continuity of the institution of State in India with its associated characteristics, without, however, implying the existence of the Indian State.
[3] D. R. Bhandarkar, The Chahamanas of Marwar, in: Epigraphia Indica, vol. 11 (1911-12), reprinted (Delhi, 1981), pp. 37-41.
[4] *Bhandarkar (ibid.)* pointed out that *vāḍā, vāḍaü, vāsu* and *pāḍi* were terms which, in contemporary usage, referred to wards or localities of a town.

| 9. Devāïcu | ⎫ | | |
| 10. Dhāraü | ⎬ = | Pīpalavāḍā | |

| 11. Nārāyaṇa | ⎫ | | |
| 12. Mahāica | ⎬ = | Ambilavāḍā | |

| 13. Āsigu | ⎫ | | |
| 14. Āsapālu | ⎬ = | Khaïkhannalāvāḍā | |

| 15. Devaṃgu | ⎫ | | |
| 16. Āmbigu | ⎬ = | Bhumḍavāḍā | |

Mediated by Devāica (*madhyaka-Devāica-sahitaḥ*) and headed by the 16 brāhmaṇas, the entire settlement of Dhālopa 'tendered a document written (i.e. signed) with their own hands' (*samasta-loko ... svahastākṣarapatram prayacchati*). The *akṣarapatram* stipulated that they would find out, in accordance with the custom of the country, 'by means of *caukaḍikā* system[5]... whatever is lost by, or snatched away from, the *bhaṭa*[6], *bhaṭṭaputra*[7], *dauvārika*[8], *kārpaṭika*[9], *vaṇijjārakas*[10], and others on their way'[11]. If it was, however, lost at their own place, i.e. at any particular ward at Dhālopa, the responsible individuals thereof already named were to find it out in person.' Resources such as money, weapons and watchmen could be provided by rulers like Rāyapāla, and a declaration was also made to the effect that 'if any Brāhmaṇa amongst them who being asked by chiefs (*rāṇaka*) to find out some lost property, refused to do so, asked for means of subsistence or fled away, or, if apprehended, had recourse to *kāyavrata* or self-immolation, he would die like a cur, donkey or *caṇḍāla*, and the chiefs (*rāṇaka*), such as Rāyapāla, and others, would in no wise be open to blame'. The record contains a long list of witnesses to the document, mostly brāhmaṇas attached to temples of Śaivite affiliation, and not all necessarily located at Dhālopa or even at Nadol. In fact, the witnesses included, apart from brāhmaṇas, 'the whole class of bankers (*mahājana*) belonging to Aṇahillapura' or Anhilwara, the capital of the Caulukyas, and a group of merchants, suggested by the term *śreṣṭhī* prefixed to the name of one of them.

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[5] *Caukaḍikā* seems to correspond to *caukaḍiyā* or *cauthiyā*, which, according to *J. Tod*, was a council of members elected by the residents of a village or a town. *D. C. Sircar* who has cited *Tod* also cites inscriptional evidence on the institution of *caturjātaka* which, according to him, corresponded to a 'board of four': *D. C. Sircar*, Studies in the Political and Administrative Systems in Ancient and Medieval India (Delhi, 1974), pp. 78 ff. The Nadol inscription however mentions only the principle of *caukaḍikā*, the actual number of members being different.
[6] *Bhaṭa*, according to *Bhandarkar* (*op. cit.*), would refer to *bhāṭs* or bards.
[7] *Bhandarkar* (*op. cit.*) would consider *bhaṭṭaputra* to correspond to 'Bhārhoṭ, a higher class of professional panegyrists'.
[8] *Dauvārikas* were doorkeepers of kings, known as *dūdidārs* (*ibid.*).
[9] The term *kārpaṭika* referred to pilgrims or caravans of pilgrims (*ibid.*).
[10] *Vaṇijjāraka* refers to *vanjāris* or *vanjāras* who were itinerant groups transporting goods from one point to another. For other references to this group and their activities in this region in the early medieval period see *B. D. Chattopadhyaya*, Aspects of Rural Settlements and Rural Society in Early Medieval India (Calcutta, 1990), chapter 3.

The record makes several references to the local Cāhamāna ruler Rāyapāladeva and to the resources he was expected to provide to the community at Dhālopa for the implementation of the contents of the documents, but it is the community of Dhālopa which is overwhelmingly present and visible in the record. Although Nadol, the political centre of the local Cāhamāna state, was only 4 miles away, local security was the concern of the community of Dhālopa (*ŚrīDhālopīyalokasya sammatena*), and, further, it ends with the expression *Samasta-ŚrīDhālopīyalokasya mate*.

The second piece of evidence, which is in many ways dissimilar to the one from Rajasthan, dates to the second half of the 12th century (A. D. 1173), belongs to the reign of Jayaccandra of the Gāhadavāla dynasty and is available also in the form of an epigraph discovered in eastern Uttar Pradesh[12] — a region with which the Gāhadavālas, with their major political centres in Vārāṇasī and Kānyakubja, were closely associated.[13] The epigraph, although it too begins with a reference to the rule of Jayaccandra, is essentially a community document which originated in the village (*grāma*) of Lāhadapura and was drafted by the brāhmaṇa residents of the village. The term *sthiti* occurring in the record was taken to correspond to *sthiti-patraka* of Smṛti literature by *D. C. Sircar*. *Sircar* translated the term as a 'fixed decision, ordinance or a decree'. This *sthiti* was *racita* or composed by brahmins described in the record as *samvit-samāgata*,[14] i.e. by those who had come to a 'mutual agreement or contract'; the *sthiti* is thus defined as a 'document recording the fixed decision of a corporate body'. The 'decree' was the community's response to depradations by anti-social elements, promulgated in order to protect the local people who were suffering from their depradations. These depradations are specified as *lunthanam* (plundering) and *mahiṣyādi-veṣṭanam* (seizure of cattle). The decision stipulated that the person found guilty of such crimes should be killed at once and his property confiscated (*tasya cakṣurvadhaḥ kāryaḥ*[15] *sarvasvaharaṇaṃ tathā*), his abettor should be expelled and his house demolished (*bhaṃktvā gṛhaṃ niṣkālya*) and the instigator of the crime (*vimantṛ*) was to be treated like a dog, an ass and a Caṇḍāla (*vārayaṃstulyaḥ sa śva-Caṇḍāla-garddabhaiḥ*). The witness to the *sthiti* was god Dvādaśārka, the appropriateness of invoking the deity as a witness being suggested by his appellation '*loka-locana*', i.e. 'the eye of the world'.

Despite their obvious dissimilarities, the contents of the two early medieval records presented above will justifiably evoke an immediate query: if such vital areas of administration as security, policing and justice were essentially concerns of the residents

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[11] The relevant part of the record reads: *mārge gacchamānabhaṭa-bhaṭṭaputra-dauvārika-kārpaṭika-vaṇijjārakādi-samastalokasya ca satkaṃ gataṃ apahṛtaṃ ca deśācāreṇa caukadikāpravahenāsmābhiḥ nirgamanīyaṃ*, Bhandarkar, *op. cit.*

[12] *D. C. Sircar*, Ladahapura Inscription of the time of Jayachchandra, V.S. 1230, in: Epigraphia Indica, vol. 32, part 7 (Delhi, 1960), pp. 305-09. The contents of the record have been discussed also in *D. C. Sircar*, Studies in Political and Administrative Systems in Ancient and Medieval India, pp. 82-87.

[13] For the Gāhadavālas see *Roma Niyogi*, The History of the Gahadavala Dynasty (Calcutta, 1959).

[14] *Samvit* appears to mean the venue of a assembly and is likely to correspond to *samvid* of Manusmṛti, 8.218-219.

[15] *Cakṣurvadhaḥ* has been explained by *Sircar* as 'slaughter-at-sight', *op. cit.*

of a village or a town, did then the autonomy of the village or the town community render the apparatus of the state redundant? Indeed, in the two cases cited above, whereas it is the local community which is overwhelmingly dominant, the administrative machinery of the state is, in the same measure, invisible. To those familiar with early medieval epigraphy, evidence of this kind is hardly unique; on the contrary, it is plentiful, particularly in early medieval south India, even in the contexts of state structures which are often considered to have been characterized by organizational strength and cohesion. The evidence of the visibility of what we have termed 'autonomous spaces' is obviously in a large measure antithetical to the apparatus of the State and can be unsettling to a student of even early political history. How unsettling such evidence can be is illustrated by the way *D. C. Sircar* reacted to the evidence of the Lāhaḍapura record: 'The question is now as to the capacity in which the Brāhmaṇas of Lāhaḍapura issued the decree'.[16] In the absence of any reference to royal approval in the record, *Sircar* considered the possibility of the Brāhmaṇas of Lāhaḍapura having been specially empowered by the Gāhaḍavāla king 'to act in the manner described in the inscription'; an alternative supposition of *Sircar* was that 'there prevailed a sort of anarchy resulting from maladministration in the region in question and the leaders of the local population had to make their own arrangements for the suppression of anti-social elements'. Although *Sircar* did not really subscribe to either alternative and came to consider *dharmaśāstric* injunctions as a solution to the problem posed by the record, his analysis of the evidence remained essentially characterized by ambivalence all through. While pointing out that most ancient lawgivers absolved the brāhmaṇas from capital punishment, *Sircar* nevertheless felt it necessary to suggest that the brāhmaṇas of Lāhaḍapura 'did not find the prescriptions suitable for the preservation of law and order in their area under prevailing conditions'. Elsewhere too, *Sircar's* comments make it abundantly clear that he found it difficult to make the contents of the record conform to *dharmaśāstric* norms.

In any case, the evidence bearing upon the ways in which contingent situations were met by locally organized social groups presents only one facet of the problem being posed in this essay. Evidence of this kind needs to be juxtaposed with evidence of another kind for designing the problem in the round, and we now turn to another epigraphic record, again not entirely unique in its contents, of the second half of the 14th century (A. D.) from the Deccan. Engraved on a stone at Bhandara *basaḍi* at Sravana Belgola, the most celebrated Jaina centre in the Deccan, the record is concerned with a major dispute and its resolution between the Vaiṣṇavas and the Jainas.[17] A relevant part of the record reads: '. . . a dispute having arisen between the Jainas and the

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[16] Epigraphia Indica, vol. 32, part 7, p. 307.
[17] Epigraphia Carnatica, vol. 2, second revised edition (Institute of Kannada Studies, University of Mysore, 1973), pp. 513-14. *T. V. Mahalingam* refers to a similar dispute, centering around the sharing of the produce of temple land, between the Śaiva and Vaiṣṇava priests of a place called Tirumayum, in the Hoysaḷa period. The dispute was adjudicated by a 'special tribunal' composed of the members of the *nāḍu,* the *samayamantris* or the royal priests, the priests of both the sects belonging to Tirumayam and important temples of the neighbourhood and presided over by the Hoysaḷa general Appanna Daṇḍanāyaka: see South Indian Polity, second edition (University of Madras, Madras, 1967), p. 225.

bhaktas (Vaisnavas), the blessed people (the Jainas) of all the *nāḍus* including Āneyagoṇḍi, Hosapaṭṭaṇa, Penuguṇḍe and the city of Kalleha having petitioned to Bukkarāya about the injustice done by the *bhaktas*, the king, taking the hand of the Jainas and placing it in the hand of the Śrīvaiṣṇavas of the eighteen *nāḍus*, including all the *ācāryas* of the places, the chief of which are Kovil Tirumale, Perumāl Kovil, and Tirunārāyaṇapura; all the *samayis*; all the *sātvikas*; *moshtikas*; those of the holy service, of the holy feet and of the (holy) water; the forty-eight people; the *sāvanta-bovas*; and the Tirukula and Jāmbavakula — and declaring (at the same time) that there was no difference between the Vaiṣṇava *darśana* (or faith) and the Jaina *darśana*, (decreed)...'

The royal presence in this record, in contrast to the king's near-invisibility in the records cited earlier, did not simply mean the king acting as a distant mediator in a religious dispute. The decree which in this case emanated from the king did attempt to bring about an amicable solution between the two religious communities by declaring that 'if loss or advancement should be caused to the Jaina *darśana* through the bhaktas, the Vaishnavas will kindly deem it as loss or advancement caused (to their own *darśana*)... For as long as the sun and the moon endure, the Vaishnava creed will continue to protect the Jaina *darśana*. The Vaishnavas and the Jainas are one (body); they must not be viewed as different.' However, the decree went much beyond these pronouncements. First, it stipulated that the Jaina *darśana* would be, as before, entitled to the five great musical instruments and the *kalaśa* or the vase — obviously implying restoration of secular symbols of status to the Jaina community, the loss of which must have been one reason for their dispute with the community of the Vaishnavas. Second, although the arrangement appears somewhat incongruous, the decree stipulated the levy of cash for the appointment of a number of guards and for repair to dilapidated Jinālayas. Transgression of the arrangements stipulated in the record by any individual would make him 'a traitor to the king, a traitor to the *samgha* and the *samudāya*'. Third, the individual *Basuvi-seṭṭi* who initiated the petition to the king Bukkarāya in order that the dispute be resolved was given by both the *samayas* or communities, in unison, 'the dignity of *Samghanāyaka*'. It may be argued that the context of the Sravana Belgola record, being purely religious, does not merit comparison with the situations reflected in the Nadol and Lāhaḍapura inscriptions or that the scale of involvement of local social groups in two sets of records was different. The argument would, in our opinion, not be totally relevant; both sets of records relate to what was perceived as the domain of *vyavahāra*, one of the ways in which the state was expected to regulate, or rather keep, social relations in proper order. The significant difference between the two sets of evidence, in our view, is that in one set the space of authority is overwhelmingly local and appears autonomous; in the other, the presence of the apex authority, although it is not articulated through the use of the administrative machinery of the state, is very much visible in the resolution of a situation of conflict. The contradiction, then, consisted in the presence of autonomous spaces within the structure of a state, but that it was not the only kind of contradiction in existence will be apparent as we proceed further.

II

'The relation between a kingdom and another community could not be clear-cut; it might be difficult to say whether the other community was inside it, or outside it, or subject to it, or independent of it'.[18]

We start this section with the above quote because, in a way, it is characteristic of the way historians generally approach early evidence bearing upon the State and the community, for the evidence, as we have seen above, does not seem to make it clear to what extent the community/communities were integrated into the state structure and to what extent they were at a 'distance' from this structure. We can now turn to considering briefly the evidence from the early historical period to demonstrate that the problem of the demarcation of spaces of authority was present not only in the context of early medieval/medieval India, it was present in early historical India as well. In other words, any attempt to understand early Indian State systems in theory and in practice has to grapple with the existence of different spaces of authority and with the problem of their relationship within a structure.

To students of the history of the Mauryan state, the fact is quite familiar that it was afflicted by severe famines, and the evidence of two Mauryan period records, the Mahasthan fragmentary stone plaque inscription from Bogra district of Bangladesh[19] and that of the Sohgaura Bronze Plaque inscription from Gorakhpur district of Uttar Pradesh,[20] is often cited as illustrative of the direct involvement of the Mauryan state and its mahāmātra officials in famine relief measures. The inscriptions indeed refer to the officials, to the Kosthāgāra or to the store-house and to provisions made both in kind and cash. At the same time, one must be aware of the evidence available, for example in the Jātakas, that famine relief could also be the concern of the local authority.[21] It is really unnecessary to keep on adding to examples of this kind; concrete cases which could come under purview of either the apex authority or a cohesive social group pertained not only to vyavahāra but to other areas as well. The point can perhaps be effectively made, without digressing into a detailed discussion on the nature of the Mauryan state, by stating that while the Mauryan state had a number of administrative centres in its core regions and different categories of officials,[22] references to them in Aśokan edicts were only incidental whereas references to dhamma were regular and deliberate. It was dhamma which encompassed different ethnic communities of his empire: the Yavanas, Kambojas, Bhojas, Rathikas, Āndhras, Pulindas,

[18] I. W. Mabbett, Truth, Myth and Politics in Ancient India (Delhi, 1972), p. 111.

[19] For the text of the inscription see D. C. Sircar, Select Inscriptions bearing on Indian History and Civilization, vol. I (From the Sixth Century B. C. to the Sixth Century A. D.), Second edition (Calcutta University, 1965), pp. 79-80.

[20] ibid., pp. 82-83. This inscription refers to the administration (śāsana) of the mahāmātras at Śrāvastī, to the presence of three-storeyed kosthāgāras at villages and to the distribution of grains, obviously, through official channels, at the time of famine.

[21] For example, see R. C. Majumdar, Corporate Life in Ancient India, third edition (Calcutta, 1969), pp. 126-127.

[22] The nature of the Mauryan state has been the theme of some lively debate in recent times. Some relevant bibliographical references are to be found in B. D. Chattopadhyaya, The Making of Early Medieval India, pp. 15-16.

Nābhakas, Nābhapaṃthis in addition to numerous other communities. Aśoka did mention his own *prabhāva* or prowess making pointed reference to the situation of compulsion which provoked him;[23] he also stood for *viyohāla-samatā* or equity in justice.[24] But Aśoka's repeated claims that it was *dhamma* which brought about homogeneity in social behaviour among communities in his empire to the extent to which it was absent for 'many hundreds of years in the past' constitute an admission of the existence of multiplicity of patterns in social behaviour. Obviously, Aśoka's *dhamma* was different from what *Robert Lingat* calls '*dharma*'s domain'[25] in the same manner in which his *dhamma-vijaya* was different from *dharma-vijaya* of the Brāhmaṇical texts. His *dhamma* and *dhamma-vijaya* were unifiers, whereas *dharma* and *dharma-vijaya* of Brāhmaṇical texts could at best stand for accommodation.[26] In trying to understand the presence of autonomous spaces of authority within the structure of a State it is therefore necessary to understand how sources of authority were perceived and how they were sought to be related to the authority of the State. It has been observed[27]: '... despite definite similarity of *arthaśāstra* literature with *dharmaśāstras*, the early schools of political thought in ancient India had been largely independent of the brāhmaṇa 'codes of law'. Moreover, a large number of 'state' and 'political plots'[28] were borrowed by the authors of *dharmaśāstras* from *arthaśāstra* literature. Gradually, however, the orthodox brāhmaṇas, especially in the Gupta and the subsequent epochs, tried to represent the ancient Indian political thought, closely connected with rationalistic conceptions, as an integral part of the brāhmaṇa tradition'. We are not sure whether one can   really disentangle the prehistory of non-orthodox Brāhmaṇical, rationalistic *Arthaśāstra* tradition from orthodox brāhmaṇical *Dharmaśāstra* tradition, but it would appear that all through the pre-Gupta early historical phase, the notion of *dharma*, in whatever form, remained embedded in the theory of the State. Briefly stated, *dharma* correlated with distinct segments in society, and the segments could be of many forms or could be differently constituted. Thus, there could be *grāmadharma*, *śreṇīdharma*,

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[23] Aśoka's Major Rock Edict 13, Shahbazgarhi version; see *D. C. Sircar*, Select Inscriptions, I, pp. 34-37.
[24] Aśoka's Delhi-Topra Pillar Edict IV; see *D. C. Sircar*, Select Inscriptions, I, p. 57.
[25] *Robert Lingat*, The Classical Law of India, translated from the French with additions by *J. Duncan M. Derrett*, Indian reprint (Delhi, 1973), p. 226.
[26] For example, in the concept of *dharma-vijaya* in Brāhmaṇical texts, which is distinguished from *asura-vijaya* and *lobha-vijaya*, the conquered dominion exists autonomously in relation to the conquering State. Aśoka's *dhamma-vijaya*, on the other hand, discards territorial conquest altogether; it envisages unification through *dhamma* because the recommended code of behaviour constituting *dhamma* would remain identical in all cases. For the concept of *dhamma-vijaya* see Aśoka's Major Rock Edict 13, Shahbazgarhi version; *D. C. Sircar*, Select Inscriptions, i, pp. 34-37. *U. N. Ghoshal* cites Kālidāsa to show that Raghu as a righteous conqueror (*dharmavijayī*) took away the wealth (though not the dominion) of a conquered king: see A History of Indian Political Ideas (The Ancient Period and the Period of Transition to the Middle Ages), reprinted with corrections (Madras, 1966), p. 356.
[27] *G. M. Bongard-Levin* and *A. A. Vigasin*, Society and State in Ancient India, in: The Indian Historical Review, vol. 5, parts 1-2 (1978-79), pp. 16-30. For details see *A. A. Vigasin* and *A.M. Samozvantsev*, Society, State and Law in Ancient India (Delhi, 1985), Chapter I.
[28] The expression appears to be mistakenly used here for 'idea' or 'concept'.

kuladharma, nigamadharma and so on;[29] in other words, there could be multiplicity of *dharma*s as distinct from the homogenous *dhamma* of Aśoka, and the relevance of the multiplicity of *dharma*s for the structure of the State is that like 'autonomous' political spaces, they were potential spaces of authority, since the king or the apex authority was enjoined to take cognizance of and maintain these *dharma*s. As early a text as the *Gautama Dharmasūtra* recognized that 'cultivators, traders, herdsmen, money-lenders and artisans (have authority to lay down rules) for their respective classes. Having learned the (state of) affairs from those who in each case have authority (to speak, he shall give) the legal decision'[30]. The *vyavahāra-vidhi* or the legal procedure over which Khāravela, king of Kaliṅga in the first century B. C., is reputed to have acquired expertise,[31] would have ideally involved familiarity with a multiplicity of *dharma*s. Even a 'rationalistic' text like the *Arthaśāstra* of Kauṭilya has a provision to the effect that the 'Records and Audit office' must have, among other things, record of 'laws, transactions, customs and fixed rules of regions, villages, castes, families and corporations'[32]. In fact, it became the standard practice of all *Dharmaśāstra* texts to refer to the multiplicity of *dharma*s or *ācāra*s in the context of *vyavahāra*. Yājñavalkya for example characterizes *svadharma* in terms of *kula, jāti, śreṇī, gaṇa*, and *janapada*.[33] He in fact goes a step further and enjoins that when a *pararāṣṭra* or another State is subjugated, even then the *ācāra, vyavahāra* and the *kulasthiti* of the subjugated State should continue in the form in which it existed under the previous king.[34] On the issue of precedence, Manu's position is suggested by the following: 'A king who knows *dharma* (sacred law) should carefully enquire into the customs of castes, of countries, of guilds and of families and settle (or enforce) the customs peculiar to each. Whatever may have been practised by the good and by the twice-born men devoted to *dharma*, that shall be established (by the king) as the law, *provided it be not opposed to the (customs) of countries, families and castes*'[35] (italics added). The caveats that the multiple *dharma*s were authoritative and binding if they were not opposed to Vedic scriptures or to the welfare of the State[36] were thus not really in keeping with the essence of what the *dharmaśāstra* texts intended to convey.

If we agree with *Robert Lingat* that 'legislative power is a right attributed to a constitutionally competent authority to pronounce rules having a general application and possessing, in principle, a permanent character' and that 'law must be distinguished from an order which is a command addressed to an individual or a group of individu-

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[29]   For relevant material see *P. V. Kane*, History of Dharmaśāstra (Ancient and Medieval Religious and Civil Law in India), vol. 3, second edition (Poona, 1973), *passim;* also *R. C. Majumdar*, Corporate Life in Ancient India, *passim.*

[30]   Cited in *R. C. Majumdar, op. cit.,* p. 14.

[31]   See the text of the Hathigumpha Inscription of Khāravela in *D. C. Sircar,* Select Inscriptions, I, pp. 213-220.

[32]   Arthaśāstra, II.7.2; see *R. P. Kangle,* The Kauṭilīya Arthaśāstra, part 2, second edition (University of Bombay, Bombay, 1972), p. 81.

[33]   Yājñavalkyasmṛti, I.361.

[34]   *ibid.,* I.342-343.

[35]   Manusmṛti, 8.41 and 46, cited in *P. V. Kane,* History of Dharmaśāstra, vol. 3, p. 859.

[36]   *ibid.,* chapter 33; also *Charles Drekmeier,* Kingship and Community in Early India (Stanford University Press: Stanford, 1962), pp. 143-44.

als'[37], then the wide range of *dharma*s cannot be considered to have constituted law for the State. At the same time, legislation did not emanate from the apex authority and find expression in *vyavahāra*; the epigraphic evidence cited above as well as evidence of other kinds on the other hand show that sources of authority and the expression of this authority were many. What, then, held the State system together and made the State society continue to exist?

Historiography, in our opinion, has not yet faced this question squarely so far, perhaps because it has generally endeavoured to measure the authority of the State in terms of institutions alone. Even without going into detail as to how the authority of the State has been viewed, beyond the simplistic centralization-decentralization dichotomy, in historiography, it will be in order to take note of it briefly for, as we have mentioned earlier, the problem has to be designed and understood in the round, both in terms of actual historical situations as well as in terms of how the State was perceived in the contemporary society. It would seem that among the much-maligned nationalist historians, the presence of what we have termed 'autonomous spaces' did not appear to be contradictory to the authority of the State; the State power, represented by the authority of the king, could reach 'a pitch of absolutism' in different phases. *K. A. Nilakanta Sastri*, for example, envisaged 'the absolutist spirit' of the third century B. C. comparable to what one finds in Ptolemaic and other states that arose on the ruins of the Alexandrine empire.[38] *Sastri*, in his analysis of the 'Government of the Cola empire', similarly contrasts 'the primitive and somewhat tribal chieftaincy of the earlier time' with 'the almost Byzantine royalty of Rājarāja and his successors' and 'a numerous and powerful bureaucracy'[39]. *Sastri* at the same time was clearly aware that the extent to which the bureaucratic apparatus of the State functioned was that of 'controlling, supervising, and regulating an existing order, changing it, if at all, only by imperceptible steps. No government of an Indian state ever enjoyed in those days legislative power in the modern sense of the term. .... Indian society did not commit to the care of the government anything more than the tasks of police and justice'[40]. *Sastri* did not find any contradiction between his notions of 'Byzantine royalty' and 'a numerous and powerful bureaucracy' and 'government by means of primary assemblies', which, in *T. V. Mahalingam's* terminology, represented the 'machinery of rural administration and self-governing institutions'[41].

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[37] *Robert Lingat, op. cit.*, p. 224.
[38] *K. A. Nilakanta Sastri*, cited by *R. S. Sharma*, Rajasasana: Meaning, Scope and Application, in: Proceedings of the Indian History Congress, 37th session (Calicut, 1976), pp. 76-77.
[39] *K. A. Nilakanta Sastri*, The Colas, reprint of second edition (University of Madras: Madras, 1975), pp. 447, 461.
[40] *ibid.*, p. 461.
[41] *ibid.*, Chapter 18, p. 487. In branding *K. A. Nilakanta Sastri* as an historian who repeatedly talked about Cola centralized administration when such centralization is not warranted by evidence, his references to *Dharma* and to the local bodies are often overlooked. He, however, did not posit any contradiction between 'central government' and 'local authority', and would consider these two spheres of authority as complementary to each other. Note, for example, what he says further on legislation: 'What legislation there was took the form of declarations (*vyavasthās*) by local associations of sorts, meant to meet the requirements of new situations as they arose. Such declarations in so far as they conformed to a general conception of what was

In terms of this perspective, to quote *G.S. Dikshit*[42], 'The Central government was not supposed to be interested in the internal affairs of the *nāḍus*' [i.e. local assemblies]. However, there are at least two views which posit total opposition between State authority and 'autonomous spaces'. To cite one example, *K.R. Hall*, who like other adherents of the concept of 'Segmentary State' is highly critical of the views of *Nilakanta Sastri*, keeps on underlining the essential opposition between the autonomy of local institutions[43] like *nāḍus* and 'the sudden expansion and contraction' of the royal polity of the Colas, and does not consider it necessary to analyze the presence of the 'local autonomy' within the Cola State system. A more diachronic approach is present in the 'feudal' view of early Indian polity, which considers the emergence of autonomous spaces as deviation from a bureaucratic State system. In trying to highlight the contrast between the Maurya and Gupta periods, *R. S. Sharma*, for example, writes[44]: 'The [Gupta] period marked the sudden elevation of the village administration to a high position of authority. This was a necessary concomitant of the reduction of the bureaucratic staff. Local elements also played an important part in the administration of law and justice which seems to have been far more organised in this than in an earlier period'. Understandably, this 'feudal' view would consider it futile to look for the presence of 'autonomous spaces' in the pre-'feudal' State system of the Mauryan period.[45]

III

A. '[...] the power of social norms in regulating conduct is often more valid in the study of ancient ideas and values than in the sociological model that stresses the direct power relationship and describes society simply in terms of coercion of some men by others'.[46]

B. 'When men had *dharma* as their sole purpose and were speakers of the truth, then there was no legal procedure, no enmity, and no selfishness. Legal procedure came into

Footnote from p. 10, continued
fair and proper (*dharma*), that is in so far as they commanded support from the public opinion of the class or group concerned, formed part of the social code, and were liable in the ultimate resort to be enforced by the king's government' (*ibid.*, p. 461). Cf. also *T. V. Mahalingam*, South Indian Polity, chapter 8.1.
[42] *G.S. Dikshit*, Local Self-government in Medieval Karnataka (Dharwar, 1964), p. 181.
[43] *K.R. Hall*, Trade and Statecraft in the Age of the Colas (Delhi, 1980), pp. 20-21.
[44] *R. S. Sharma*, Aspects of Political Ideas and Institutions in Ancient India, third revised edition (Delhi, 1991), p. 347.
[45] Note the contradiction in the way *R. S. Sharma* characterized Mauryan bureaucracy, which is distinguishable in qualitative terms from modern bureaucracy. Sharma feels that the 'ancient bureaucracy seems to have been dominated by the brāhmaṇas and kṣatriyas' but at the same time makes the following statement: ' ... we cannot overlook the fact that the orders issued by the central government operated even in distant areas, *though guilds, caste/kin organisations and local potentates also managed the local administration*' (emphasis added): see Aspects of Political Ideas and Institutions in Ancient India, pp. 401-402.
[46] *Charles Drekmeier*, Kingship and Community in Early India, p. 2.

being at the time when *dharma* was lost among men. The overseer of legal procedures is the king; he has been made the rod-bearer'.[47]

The above two quotes, the first from a modern text concerned with the relationship of 'Kingship and Community in Early India' and the second from an ancient *Dharmaśāstra* text, relate to the issue raised in this essay in the following manner. 'The power of social norms in regulating conduct' would conform to the notion of *dharma* in the sense in which the *Dharmaśāstras* enjoin the king to maintain social order by taking cognizance of different *dharmas*; at the same time, the *Dharmaśāstra* text quoted above refers to the loss of *dharma* and goes beyond *dharma* by locating the origin of *vyavahāra* and its implementation through *daṇḍa* in this loss. We mentioned above that the presence of autonomous spaces within State structures was not the only contradiction one has to reckon with; it seems that the built-in resolution of this contradiction is implicit in the way the *Dharmaśāstras* calculatedly contradict themselves. In trying to make this position a little more clear, we choose three ideas interwoven into early Indian perceptions of the state — ideas which must be familiar to all students of early Indian political thought. These ideas relate to: (a) the origin of the state[48], (b) the elements of the State and the position of the *Svāmī* in it[49], (c) the four feet of legal procedure.

The essence of early Indian thought explaining the origin of the State may be expressed in the following way:

$$\begin{array}{ccc} Dharma & \text{X} & Daṇḍa \\ & \downarrow & \\ Dharma & = & Daṇḍa \end{array}$$

It was loss of *Dharma* which made the origin of the State necessary; at the same time *Daṇḍa* which was necessary for the maintenance of social order was so important as to be equated with *dharma*.[50] By implication, *dharma* which existed within the framework of the State, which in turn arose in a situation of conflict, could not have been identical with *Dharma* which was superseded by *vyavahāra* and daṇḍa.

Nārada highlights that the 'king was the overseer of legal procedure'; he was made the wielder of *daṇḍa* or force. But the texts make it abundantly clear that the *svāmī* or the master did not constitute the State; he was one among several limbs (*aṅgas*) constituting it. The concept of *aṅgas*[51] underlines that various elements of the State were inter-related; this interrelatedness is suggested also by other 'allegories' employed to describe

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[47] Nāradasmṛti. 1.1-2; the translation is from *Richard W. Lariviere*, The Nāradasmṛti 2 (Philadelphia, 1989), p. 3.

[48] For origin of the state in early Indian political thought see *R. S. Sharma*, Aspects of Political Ideas and Institutions in Ancient India, Chapters 4 and 5.

[49] For discussions on the *Saptāṅga* theory of the State see *R. S. Sharma*, Chapter 3; *U. N. Ghoshal, op. cit.*, pp. 84-86. The constituent elements of the State were also called *prakṛtis*.

[50] Manusmṛti, VII.17. See also *Drekmeier, op. cit.*, pp. 10-11. The antiquity of the identification of *daṇḍa* with *dharma* has been stressed in Yājñavalkyasmṛti, I.354 : *dharmo hi daṇḍarūpeṇa brāhmaṇā nirmitaḥ purā*, i. e. '*dharma* was created in the form of *daṇḍa* by Brahman in the past.'

[51] *R. S. Sharma*, Aspects of Political Ideas and Institutions in Ancient India, Chapter 3.

the State. *H. Scharfe* has cited the evidence of an inscription of Rāṣṭrakūṭa ruler
Amoghavarṣa I (9th century), which compared the king 'to the soul, the ministers to the
mind, and the servants to the senses'; *Scharfe* also refers to the Jaina author Somadeva
'who compared the state with a tree, in which the king is the root, his people all the
rest'.[52]

If the *svāmī* or the master alone did not constitute the State, the State was not an
agglomeration of various communities either. The constituents of the State comprised
pura or *durga* and the *janapada*, or the city (i.e. residents of the city) and the country
(i.e. rural population) along with *amātya* (officials), treasury, army and so on. The
conceptualization of the State thus made it an entity in which various communities or
territorial segments did not simply exist together; the interrelated limbs of the State did
not correspond to these community or territorial segments but reflected a schema in
which these various segments had an ordered existence. Since the State originated in a
situation of conflict, the *svāmī* as the *Mahāsammata* or the 'Great Elect' had to be
considered as 'the protector' of a social order which negated such conflict. Finally, as
the State was not an agglomeration of communities, so *vyavahāra* too could not simply
be an agglomeration of various *dharma*s. Note, for example, the following statements
made in Nārada: (i) 'Local groups, guilds, assemblies, an appointed judge, and the king:
these are the venues for legal proceedings. They are mentioned in ascending order of
importance;' and further, (ii) 'The four feet of legal procedure are *dharma*, legal
procedure, custom, and the king's decree; each latter one overrules the former'.[53] The
same type of ordering is present in a passage, considered to be late, in the *Arthaśāstra*,
which too 'speaks of four feet of lawsuit, *dharma* (truth or morality), *vyavahāra*
(transactions regarding sale, purchase, debts, deposits, wages etc.), *carita* (usages relating
to time, place, family, guild, etc.) and *rājaśāsana* (royal edicts or orders)'.[54] There is no
need to think that this is what was followed in actual practice; what is important in the
schema is the presence of the notion of hierarchy which clearly places different sources
of authority at different levels.

How does all this relate to the 'autonomous spaces' we referred to earlier and to the
concrete examples of local authority having been exercised by such 'autonomous spaces'?
By now it should be clear that we do not view 'autonomous spaces' as existing outside
a State structure but inside it. As an hypothesis, if the State is viewed as a system of
coordination between different 'autonomous spaces' through the mediation of an apex
authority, then the 'autonomous spaces' cannot be viewed as existing in isolation from
one another or as homogenous entities. In an earlier work[55] we had attempted to show
that physical spaces, even when sharply different from one another, existed in a
relationship of constant interaction and change; so did various spaces of authority. In
the same work we tried to show that in Bengal of the Gupta period, local bodies which

[52] *H. Scharfe*, The State in Indian Tradition (E.J. Brill: Leiden, New York, København, Köln,
1989), p. 3.
[53] Nāradasmṛti, 1.7 and 1.10; transl. by *Richard W. Lariviere, op. cit.*, pp. 4, 5.
[54] *R. S. Sharma*, Rājaśāsana: Meaning, Scope and Application, *loc. cit.*
[55] B. D. Chattopadhyaya, Aspects of Rural Settlements and Rural Society in Early medieval India,
(Calcutta 1990), I and V.

would correspond to our notion of 'autonomous space' could function in active association with representatives of the apex authority. The local bodies were, however, not constituted by the entire local community; the community itself was differentiated, and therefore the local bodies too represented hierarchy and points of authority at local levels.[56]

In conclusion, we would like to stress that by insisting that 'autonomous spaces' existed in different periods of the history of State in India, we do not view the State as a static system. The structure of the 'autonomous spaces' could change, as indeed it did in Gupta and post-Gupta Bengal; the structure of the apex authority was obviously not identical in Maurya, Kuṣāṇa, Gupta and early Rajput periods. It would therefore be illogical to suppose that the relationship between the changing structures of the limbs of the State would have remained static in History.

[56] Although the assumption is implicit in most nationalist historical writings that local bodies were institutions organized, and functioning, democratically, the admission that sharp inequality characterized such institutions is present even in this genre of writing. G. S. Dikshit (op. cit., p. 181) for example initially tries to explain this away by suggesting that '... the leaders represented the people'; he, however, admits that while the mahājanas or the brāhmaṇa members of agrahāra organizations talked about 'the principle that all were equal and should share alike, the principle applied only to themselves. They did not allow others to buy their share of landed property, in some agrahāras. The segregation of untouchables was quite common in this period, as before and later.'

Burton Stein

Communities, States, and 'Classical' India

An annoying assumption increasingly found in general, comparative works on historical polities, is that what is commonly called 'civil society' cannot be extended to classical or medieval India. In contrast to older reasons for this reservation, associated with the substantializing conceptions of *Marx's* 'Asiatic Mode of Production' and *Maine's* 'Indian village community', the present reservation about applying 'civil society' takes its meaning from another sort of substantialization, one that is so centered upon western Europe that contemporary post-communist states in western Europe consider their own histories are excluded. A recent essay by *Charles Taylor* traces the origin and various understandings of the phrase 'civil society' and the uses to which it is now being put by many seeking to reconstitute the politics of Eastern Europe on what are regarded as a western European basis, where something called 'civil society' is and has long been deemed to exist.

   Taylor identifies a weak and two strong senses of 'civil society'. The first sense is stated as being 'where there are free associations, not under the 'tutelage' of state power; a strong sense of 'civil society' is: 'where society as a whole can structure itself and co-ordinate its actions through such associations', which are free of states; and a yet more strong sense is when: 'we can speak of civil society whenever the ensemble of associations can significantly determine or inflect the course of state policy'[1]. He is confident that all three senses of 'civil society' existed in Europe and that most contemporary practitioners of political theory would agree. But, this broad agreement about historical trajectory of development of 'civil society', for the very reason of its very persuasive historical specificity, makes the application of a notion of 'civil society' to India — or any non-western-European historical societies — difficult, possibly impossible.

   The following phases in the evolution of European civil society from medieval times are delineated by *Taylor* and widely assumed by others. There was the foundational principle that society and polity were different and independent, as were political institutions from others, and notably from the Church. Another aspect of European medieval political thought was its emphasis upon subjective rights, the notion that the abstracted individual possessed rights such that under vassalage the superior had obligations as well as superordinate entitlements, and that failure to meet obligations was felonious; subject rights provided the basis for the formation of self-governing towns as well as for the relative autonomy of corporate estates from the royal oppression during the medieval age. The evolution of positive to natural rights in the seventeenth century

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[1] 'Modes of Civil Society', *Public Culture*, 3, 1 (Fall, 1990), p. 98; in the same issue see *Partha Chatterjee's* 'A Response to Taylor's "Modes of Civil Society"', pp. 119-32.

proceeded from the secular autonomy of towns and social estates from monarchs and found full expression in the writings of *Locke* and *Montesquieu*. Both agreed that subjective rights derived from 'natural communities', but each configured the relationship between kings and their subjects differently, according to whether 'natural communities' were prior to states and engaged with rulers on a conditional contractual basis, as *Locke* posited, or whether community and state arose simultaneously, and a contractual relationship resorted to in order to blunt the oppression of the state, in *Montesquieu's* understanding. Both of these seminal formulations attribute first importance to subjective rights, and these rights are seen to lodge in a community.

From this formulation, is was but a short step for *Hegel* to be seen to assert that community, not contract, was the source of statehood and that the foundation for the state was love. Affective binding was thus at once the foundation of the family and, as 'universal family', the foundation of 'civil society' itself². *Hegel* joined the conceptions of *Locke* and *Montesquieu;* at the same time a 'public' and 'public opinion' emerged in Europe capable of devising such radical understandings about civil society and the state, as those of *Thomas Paine*, but more importantly formulating and publicizing nationalist doctrines at the same time as capitalism was laying the material foundation for both states and societies.

Non-European societies of whatever antiquity shared little of this. What they were offered was the distorted conceptions fit for colonized subjects, rather than as free citizens; not for them the inheritance of a rich medieval tradition of rights. Moreover, as colonized subjects, they were deprived of the benefits of capitalism whilst serving and even financing part of the capitalist development. India helped fund British industrial development for a century. Still, it is a striking aspect of the entire post-Lockean narrative that the notion of community loomed large, and in this sense there would seem a broad comparative advantage to consider that *community* and *state* have as much conceptual validity as a discourse for India as for Europe.

While there are doubts about whether pre-modern eastern, western and southern Asia could be thought to possess 'civil society', there are no doubts about the state: Asian societies are thought to have known states as general political formations as early as Europe, if not earlier. Not all are thought to have been as extensive and elaborate as the Han kingdom of China, but varieties of monarchical states are recognized, and often given exaggerated ruling competence, from as early as the Mauryan founded by Candragupta in B. C. 324. Of course that agreement about the universality of states was based upon conceptions about states formed to the template of the absolutist states of sixteenth-century Europe — the centralized monarchies of France, Spain and England. To most scholars, these kingdoms by breaking with the 'pyramidal, parcellized sovereignty of the medieval social formations', as *Anderson* observed, opened the way for the modern state form: unified territorially, centralized administratively, and possessed of all coercive means³. This was *the state*; all other political forms merely approached this model. Some peoples were destined to achieve it according to some evolutionary logic, while other peoples fell by history's wayside, subjugated to the rule of others.

² *Chatterjee* p. 127, quoting Philosophy of Right (Oxford 1967).
³ *Perry Anderson*, Lineages of the Absolute State (London 1974), p. 15.

The recent work of *W. G. Runciman* indicates that such a restricted sense of *state* continues to enjoy credibility; indeed his is even more limited than most followers of *Max Weber,* though he begins at about the same point. *Runciman* defined what he called 'modes of the distribution of power' arising from of a set of historical processes: the evolution of socially stratified societies with complex divisions of labour and contradictions in the relations of production. These configure, for their part, several pre-state forms, some of which attained the position of fully formed 'nation-states' based upon industrial societies[4].

Such a view that only 'semi-states' existed before the advent of industrial society is congenial to some points of view. To formulations such as *Anderson's,* feudal forms, as semi-states — are seen to continue to exist through the era of absolutism in western and eastern Europe until the nineteenth century; then, industrialization broke the political authority of vestigial aristocracratic class survivers from the feudal past and allowed a bourgeois class hegemony to become consolidated. The notion that there were only semi-states until the last century or so also gives some theoretical comfort to those in India who hold the view that there was something called 'Indian feudalism', but who have never sought to define the feudal state that allegedly existed during the fourth and thirteenth century feudal era. For, how does one define a 'semi-state'? If it is a 'mode of power distribution' merely awaiting an industrial base for the economy to happen, then the feudal state is bound to be as uninteresting as it has proven elusive in Indian historiography.

Resituating Communities and States

This is a formulation with which I continue to disagree. Recently, in an issue of the journal *Puruṣārtha*[5], I outlined these differences and recalled that a decade ago, I adopted the segmentary state conception from its use by the African anthropologist, *Aidan Southall,* for my *Peasant State and Society in Medieval South India*[6]. Hundreds of local societies, called *nāḍu* in the inscriptions and literature of Chola times, constituted a communitarian structure in medieval South Indian society, the fundamental components of that society. I saw these *nāḍus* as social and political communities and I also saw, and continue to see, the relationship between these hundreds of communities and the Chola kings as crucial for an understanding of this Indian, or perhaps other pre-industrial societies.

Community in this usage is to be understood in its usual English signification of being simultaneously a people and a place, rather than in its limited sense of sub-caste or reli-

[4] A Treatise on Social Theory, vol. 2, Substantive Social Theory. Cambridge 1989, p. 160.
[5] An issue edited by *J. Pouchepadass* and *H. Stern,* entitled: 'De la royauté à l'état dans le monde Indien', vol. 13. Paris 1990, pp. 217-35.
[6] New Delhi: Oxford University Press, 1980, ch. 7. *Southall's* first formulation was in his 1956 Alur Society; A Study in Processes and Types of Domination (Cambridge); for his later reflections on the concept, see his 'The Segmentary State in Africa and Asia', in: Comparative Studies in Society and History, 30 (January, 1988), pp. 52-82.

gious group. In short, community is to be understood as *janapada*, not *jāti*. Community
in this sense pertains to shared sentiments and values; however, community is also about
shared rights or entitlements over human and material resources, and thus, in its
particularities, pertains to smaller, local spatial entities under conditions of pre-modern
technology. It is because very localised affinities, sentiments and, especially, entitlements
— *and the cultural, social, and political means for defending them* — continued to persist
in India until well into contemporary times, that I have been encouraged to see
segmentary political forms as extending into the last century, giving the concept
considerable historiographical reach.

The conception I have used can be outlined in the following terms, though detailed
understanding must depend on a reading of my 1980, *Peasant State and Society* and my
recent work on the Vijayanagara kingdom[7].

The segmentary state refers to a political order which is distinguished from others.
It is distinguished from the usual model of polities that lurks anachronistically in all of
our heads — including *Runciman's*: the unitary state with its fixed territory, its
centralised administration and coercive power; it is also distinguished from the favored
alternative genus of polity of historians, 'feudal', by which is meant a variety of political
relationships, but most usually — as the Anglo-French species — a form of prebendalism
based upon a high degree of political centeredness. In positive terms, the segmentary
state is a political order in which:

1. there are numerous centres, or political domains;

2. political power (in Indian classical reference, *kṣatra*) and sovereignty (or *rājadharma*)
are differentiated in such a way as to permit appropriate power to be wielded by many,
but full, royal sovereignty, only by an anointed king;

3. all of the numerous centres, or domains, have autonomous administrative capabilities
and coercive means;

4. there is *a* state in the recognition, by lesser political centres, often through ritual
forms, of a single ritual centre, an anointed king.

In the medieval south Indian segmentary state, the numerous communal and political
localities were usually designated as *nāḍu* during the Chola period (9th to 13th century).
These were stratified and ranked, occupationally diverse, and culturally varied territories
which displayed what I took to be complementary oppositions. Though evidence of the
time is admittedly fragmentary evidence on the point, it is argued that lineage and other
kinship affinities were internally opposed and also balanced by occupational and
sectarian principles of affiliation, such as the right and left division of castes; the interests
of peasant groups were opposed and, again, balanced, by the interests of herdsmen or
artisanal producers; and among the latter, between those producing for the market and
those whose products or services were locally consumed and mediated by the clientage
relations usually designated by the term, *jajmāni*. Moreover, I argued that the enstructu-
ration of localized, pyramidally-organized segments was shaped by varied social, political
and cultural developments as well as by ecological, or ecotypic, conditions. This resulted

[7] Entitled, Vijayanagara, vol. 1.2 of *The New Cambridge History of India* (Cambridge 1989).

in three different types of localities which I designated as 'central', 'intermediate', and 'peripheral' zones of the segmentary political system of Chola times.

Lordship for Hindus in classical times combined ritual and political authority. That is, the practice of political authority, or appropriate power, made it incumbent upon any lord to foster and to be involved with ritual actions and services, whether this was in relation to gods or to their subjects. And this is true whether we are speaking about great kings or minor chiefs and whether we are speaking of the ritual of the *abhiṣeka* or that of receiving the first honors of a goddess tutelary. Associating ritual and political authority has the additional clarifying advantage of reinforcing *Southall's* pyramidal principle. This pertains to the authority of great and lesser lords, where it was posited that the nature of the authority of both was the same — that of the lesser being but a reduced version of the greater lord; hence it was the scope of authority, rather than its quality that was differentiating.

There is a need to be more clear about what is meant by 'pyramidality', an essential element in my thinking about the segmentary state. Community in the sense that I suggested above inhabits the core of the notion of pyramidal segmentation, both socio-economic and political. Entitlements derived from community institutions, as well as being based in these institutions, do not merely reflect the nature of varied community structures in pre-modern South India, but can be deemed constitutive of these structures. Shared social group rights were established by the political enactments of *mānya* and later of *in'am* grants from kings and chiefs, and these rights were confirmed, as well as contested, in temples. In being the socio-economic foundation of that medieval metasociety, these locality societies should not be thought of as isolated or complete in themselves; all were part-societies, linked to more extensive formations in ways dictated by historical contingencies in relation to their own attributes. Communities, or localities, were thus linked by political and cultic affiliations to the protection of great or small kings and gods and, increasingly in later times, by commercial ties to even quite distant places in India and beyond. Still, as part-societies these communities of pre-modern South India retained historic identities and the capability to act with considerable independence regarding their internal constitutions and their external linkages.

Toward a Typology of States and Communities in Early India

Recent findings and interpretations on a set of major issues in the study of the Indian past invite an attempt to trace the extended dialectical formation of communities and states in the subcontinent. I refer to the new evidence on pre- and proto-history and its early urbanization; new formulations about early medieval India; revisionistic conceptions about the Indian eighteenth century which shatter much of the received wisdom about the Mughal period; the evidence of class formation in the eighteenth century and especially the emergence of indigenous bourgeoises and petty-bourgeoises; and the compellingly clear and dangerous communalism of recent times, whose origins and morphology require urgent attention.

As a first step in delineating the long conjoined history of states and communities in the

subcontinent, I propose the following 'meta-chronology':

     (a) communities without states from B. C. 7,000 to 800;

     (b) communities *as* states (*mahājanapadas*) from B. C. 800 to 300 A. D. when the Gupta monarchy was founded;

     (c) communities *and* states, A. D. 300 to 1700; and

     (d) states without communities, from 1700 to the present, when the historic conception of 'community' had been reduced from what had been historically vital and changing community formations to corticated shells of ideology.

Only part of this meta-chronology can be dealt with in the present paper, which must treat the relationship of community and state in 'Classical India'. An obvious problem arises about what 'Classical India' is deemed to be. Judging from colleagues like *Kulke* and *Chattopadhyaya* I can assume that early medieval time is encompassed in 'classical'.

    Having indicated the broad context within which I shall ultimately examine the relationship between communities and states, let us turn to that main issue. Definitions of both terms are essential. I have suggested that 'community' should not be taken to mean caste or religion in the usual usage by historians and social scientists of India; rather it denotes people who live in some particular place and only secondarily a people who share some common quality apart from co-residence, such as a caste or religious affiliation[8]. Nor does 'state' mean the sort of unitary political formation that *Runciman* and others require; 'states' are taken here to be polities of whatever degree of centralized authority and power, that stand conceptually and empirically apart from and are often constituted by communities. It must be recognized that there is always some form of political institutionalization in communities: chiefs, elders, priests or some such; when these communal authorities are assimilated within encompassing political formations, through state service and other means, then states may be deemed to exist even as communal leaders retain (and often even fortify) their communal bases of authority. The distinction as well as the inter-relationship which I am drawing here between community and state is obviously related to the conception of 'segmentary state' of which I have made use.

    The conception of complex communities persisting over extended time and space forced itself upon me some years ago when, in Paris, I visited the superb exhibition on the microlithic site of Mehrgarh, near the Bolan Pass. Dating from around B. C. 7,000, this site completely overturned the problematic of the pre- and proto-history of the subcontinent. It had long been held that the urban phase in the northwest was preceded by so shallow a pre-urban era that the cities of the Indus — Mohenjo-Daro and Harappa — must have been colonies of Mesopotamian city-states of the third millennium B. C. Civilization was thought then to have been introduced into the subcontinent in these western Asian colonies. Mehrgarh's carbon-dated evidence of occupation from about B. C. 7,000 to possibly 2,000 shows that stone-using farmers and animal husbandmen lived in communities with large storage buildings and other public architectural works of mud-bricks and sustained a variety of ceramic, metallic and textile industries. This back-projection of sophisticated community forms reversed the fundamental question of sub-

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[8] Collins Cobuild English Language Dictionary (London 1987), p. 280.

continental pre-history. The earlier colonization explanation was now suspected, if not rejected; now the long delay in the appearance of urban forms required explanation. Moreover, Mehrgarh is seen to have been linked to other pre-urban sites in the northwest through pottery typologies and signs of extensive trade networks and contact between Central Asia and Baluchistan suggesting a wholly new sequencing of pre-history.

Consequently, archaeologists have begun to rethink and reevaluate many aspects of the urban phase in the northwest of what has come to be called 'Harappan Culture' and apparently arose around 3,500 B. C. in the valley of the Indus. Two differing ideas about this urban phase continue to be held, the one emphasizing a gradual evolution from the base of agrarian communities associated with Kot Diji in Sind, while the other favours a sharper development of urban forms, possibly the intrusion of external Mesopotamian models upon what was previously a very slow and long development from sites like Mehrgarh. In both, elaborate and complex communities are taken as the base structure.

There is no longer general agreement that Harappan materials were as homogeneous as long believed; far greater variety in material culture over time and from place to place is now supposed. Other older notions have also been challenged, including that powerful states created the purported cultural, material and political uniformity over the Indus basin. Still undeciphered, the script continues to lack the long samples necessary for decipherment, nor has more evidence come forward about state granaries and palaces, as promised in earlier finds. Convincing evidence of heavily walled centres of the sort that might have sheltered a governing elite are absent, as is burial evidence that might have extended the base for assessing social stratification; long expected documentation on these and other matters, promised in older studies of Harappa and other chalcolithic cities, have failed to emerge.

Instead, other views have come to be held by scholars of Harappan culture, including the idea that complex chieftaincies rather than unified states were the prevailing political form and that some of these urban places — simultaneously and successively — were actually independently governed 'gateways' to agrarian and pastoral hinterlands and points of trade, rather than imperial capitals. And the Harappan phase is seen to have begun a dispersal around 2,000 B. C. as urban centres moved south and west into farming cultures of the Gangetic Plain, Rajasthan and central and peninsular India. These were agrarian and iron-using communities and chiefdoms which eventually attained quite extensive form in the *janapada* organizations that can be dated certainly from around 800 B. C. and may have begun earlier.

Since the turn of the twentieth century, Indology and Indian history has known a type of polity, dubiously and always within inverted commas, called 'republic'. These so-called 'republics' are far better designated: communities *as* states, or, *janapada*, a more useful term; for a shorter temporal range, the term *mahājanapada* is also appropriate. In some reckonings, these communities *as* states arose as early as 1500 B. C. and lasted until B. C. 500, but for most scholars, an earlier time is allotted, from about B. C. 800 to the time of Kauṭilya's *Arthaśāstra*, first taken as the fourth century B. C. by T. W. Rhys-Davids. His writings were the first to identify clan-based polities from the Pali sources of the Buddhist and Jaina canons; scholarly successors added other sources, some taking later Vedic traditions (including Brāhmaṇas and Upaniṣads) as apposite, but most moving

forward in time from the Buddhist and Jaina sources to the *Mahābharata*, the *Artha-śāstra*, and to Pāṇini's *Aṣṭādhyāyī*. These later textual traditions also shift the ground of investigation to northeastern Indian during the sixth to fourth century B. C.

Janapadas and *mahājanapadas* were seldom monarchical. According to *R.S. Sharma* and some other historians of ancient India, the social key of these regimes is *gaṇa*, glossed by the term 'tribe', though *Sharma* sought to reduce any rigid kinship, or blood, affinity, choosing instead to take *gaṇa* as an association of people living in the same area. For others, the key term designating this form is *saṅgha*, or the combined *gaṇa-saṅgha*, but there seems to be no significant difference in meaning, nor less general agreement about a distinctive form of political organization that may have come into existence around 800 B. C. This new form was characterized by colleagiate government; its leading members were recruited partly through birth in a particular place, hence the terms *jana*, birth place, and *janapada*, belonging to a particular place, and *janarājya*, as 'sovereignty'[9]. Accordingly, ruling credentials derived partly from clan affiliation and their corporate entitlements to status and property, and partly from individual merit. In such polities there might or might not be a man designated as king, *rājā*, but if there were, he would apparently have been a creature of a council, selected by and responsible to them. Models for non-monarchical governance could legitimately be dated from later Vedic institutions like the *sabhā* and *samiti*, and these are taken as the models for the 'Sixteen *Mahājanapadas*' known from later Vedic as well as from Jaina texts. *Mahājanapadas* are translated, variously, as: realm, state, domain, and political region. However, taking a somewhat more literal gloss and mindful of *R.S. Sharma's* distinctions, I offer the gloss of 'great community', that is, a conjoint sense of people and place, the governance of which was often carried out by sophisticated and religiously-legitimated colleagueal institutions. For this reason, I identify a long era — from 800 B. C. to 300 A. D. — as one during which communities *were* states.

This assertion contradicts much old and some new wisdom to be sure. For example, it is a formulation that can only partly be reconciled with that of *Romila Thapar's* 'From Lineage to State' of 1984 where she argues that lineage-based polities, or *janapadas*, attained a fundamentally new stage in being transformed into monarchical states with the establishment of the Mauryan regime in the western Gangetic plain. However, if this transformation is taken adequately to explain the supersession of one basic political form — the community-based polities of lineage — by another, the imperial regime, in part of the Gangetic plain, many questions remain about the extent and quality of that imperium. Even if we accept Megasthenes' testimony about the size of Pataliputra, making it the largest city of the ancient world, and even if we limit the kingdom to its core in the eastern Ganges valley, so as to accommodate the possibility that the *Arthaśāstra* was a descriptive text in part, very large uncertainties remain about the Mauryan state. In political terms, what is to be made of the vast territory delimited by the distribution of Aśokan edicts? If it is conceded that a new state formation came into being in the eastern Ganges during the third millennium B. C., what of the rest of northern and peninsular India and why was it that no similar states were constructed along lines similar in ideology and in structure to the Mauryan state? Unless doubts such

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[9] *M. Monier-Williams*, A Sanskrit Dictionary (Oxford 1963), p. 418.

these can be stilled, are we entitled to hold to the notion that communities *as* states continued to exist in much of the subcontinent until the founding of the Gupta regime? Then, it would seem, a different conception of monarchy took hold, one in which communities *and* monarchies formed the basis of state regimes.

This sort of reasoning can be defended with the evidence that *Thapar* has, in her usual competent fashion, assembled to document her argument about the passing of one order and its supersession by another. In fact, something like what is proposed here is conceded in the last three pages of *Lineage to State*, where she observes that lineages did not cease to exist with the emergence of the State. Clan polities — *gaṇa-saṅgha*, i.e., communities *as* states — persisted in many places until the Gupta period, and even where monarchical states emerged fully and powerfully as the Mauryans in the eastern Ganga region, community polities were not absorbed since administration remained a local matter and was inevitably based upon communal forms of an antique origin. This cannot be understood to mean some sort of communal stasis — unchanging social forms that might be thought to constitute yet another sort of 'orientalist' distortion. *Thapar's* evidence is rich in references to multiple modes of production, divisions of labour as well as social stratification, and considerable urbanization as well. These endured well beyond the onset of monarchical polities of Mauryan impressiveness as we are reminded in the work of *Thapar's* and our colleague, *B.D. Chattopadhyaya*, on early Rajputs[10]. According to his argument, royal lineages amongst Rajputs were still in the process of emergence in the ninth century A. D.!

But, is there not also the question of the Mauryans themselves: was theirs not a fundamentally different monarchy from those *mahājanapada* communities *as* states, and is that not what *Romila Thapar* is expressly arguing? In one sense that answer must certainly be yes: there was a profound difference, and that was the ideological content of the hegemonic expressions of Aśoka. His inscriptions were long held to delineate the gigantic territory of the Mauryan kingdom, but that is less supposed these days; however, there is no question that these inscriptions must be seen as the expression of one of the great communities of Indian history, the Buddhist *saṅgha*, suggesting that the Mauryans were the apotheosis of the community *as* state. Certainly, Mauryan kings failed to attain the same model existence as the Guptas, who provided a template for a millennium of states by which, in part, we are able to define a medieval epoch in India.

A good deal of uncertainty exists about how to characterize the politics of the medieval age. Most of us who argue about the issue agree that it is quite essential to take into account both formal state forms — however we designate them — and a civil society that is still localized, or, as I would say, 'communalized': such were the political regimes of communities *and* states that seem to have become general around Gupta times.

This I take to be the starting condition for *Chattopadhyaya's* influential formulations of a few years ago about the early medieval[11]. He has asserted that our thinking about

[10] 'Origin of the Rajputs: The Political, Economic and Social Processes in Early medieval Rajasthan', in: *The Indian Historical Review*, 3, July, 1976, pp. 59-82.
[11] 'Political Processes and Structure of Polity in Early medieval India: Problems of Perspective', in: *Proceedings of the Indian History Congress*, Burdwan, December, 1983; Presidential Address, Ancient India Section.

historical changes in polity are fixated upon a dichotomy between the 'unitary empire' and 'constituent state' forms as these are manifest in the fourth century A. D..

It is worth probing *Chattopadhyaya's* notion of 'constituent state' and particularly to notice what he takes to be constitutive, for there are four senses adverted to by him in relation to medieval states of the fourth century on. The first is a logical, or perhaps logistical, sense that the technological basis for something like a single focus and level of power for the subcontinent was plainly non-existent; indeed, he notes that during the eleventh century there were about forty ruling houses in the subcontinent. Ideology seems to constitute for him a second basis for the states of the period, that is the spread of the idea of something he calls 'state society'. The dispersing agency of the state society conception were Brahmans: cult leaders, ritual cognoscenti, and priestly custodians of the numerous sacred centres that had begun to exist after the fourth century A. D.. According to *Chattopadhyaya's* scheme, Brahmans were part the third sense of constitutiveness, one of a set of social transformations, including the religious ones; other elements of social transformation and also of dispersion were: expanding agrarian settlement and production and caste institutions involving the same Brahman agents. Whatever state society is taken to mean, *Chattopadhyaya* has not in mind simply smaller scale unitary polities, empires in miniature, but rather systems cognate with feudal ones. He differentiates himself carefully from upholders of 'Indian feudalism', displaying similarities with formulations of 'fragmentary' polities by *Kulke*, and 'segmentary' conceptions by me in the sense that in all three salience is given to the formation and structural importance of communities — localized and integrated systems of social, cultural, economic and political relations and institutions. Communities are seen in something of balanced relations with states. Sometimes, as in the case of the Rajputs and the Orissan kinglets discussed by *Chattopadhyaya* and *Kulke*, states emerge directly from previous clan/communal formations; and sometimes, as in the case of the Cholas about whom I wrote, imperial-like states emerged from localistic chiefdoms and endure without eliminating that same stratum of their provenance. I call this the politics of communities *and* states, and I see this form dominating Indian politics until the eighteenth century, when the differentiated modern state comes into being in the subcontinent and with that the gradual decline of communities into shells of an ideological sort.

This was a gradual development. During the Mughal age, localized community institutions of clan, sect and caste were numerous and often embraced tens of thousands of people who were stratified in various ways, reflecting ideologies of divine and royal honour, caste and blood ties; local communities were also multiple, intersecting and cross-cutting one another to give multiplex identities to family- and to individual-sharers of collective property; extensive exchange relations traced a logic of re-distribution according to differential 'honour' and 'status'; and localized communties performed juridical and political functions deemed to be appropriately theirs[12].

[12] The nature of communitarian rights and institutions has been most explored in the context of South India: see *B. Stein*, Peasants, Politics and the Deconstruction of Feudalism in Medieval India, in: *Journal Peasant Studies 12*, 1985; also *N. B. Dirks*, The Hollow Crown (Cambridge 1987); *A. Appadurai*, Worship and Conflict (Cambridge 1982), ch.1.; but also see, in the context of Rajput clans, *R. Fox*, Kin, Clan, Raja and Rule (Berkeley, 1971) and in the context of North

South Asia medieval polities could not be centralized and transformed from above, even by the powerful Mughals, not least because they failed to develop a bureaucratic structure beyond the patrimonial form[13]. Rather, the Mughal regime was being transformed by developments from below, where local and regional institutions and rulers came into conflict with and undermined imperial authority. In Southern, Western and, to a degree, Eastern India, a noticeable feature, perhaps dating back to the late medieval period, but becoming clearer by the seventeenth century, was the rise of local 'lordships' or 'little kingships' out of community institutions[14]. In the North, where the Mughal Empire came to rest upon and to utilise prior kingships based upon the clan structures of predatory Rajput warriors, the case was rather different. Because they were never expunged by Mughal authority, the re-emergence of those community-based polities that ultimately transformed the Mughal polity cannot be a surprise. I say 'ultimately' because political developments took a long and twisting path beset by countless contingencies. The tendencies towards lordship existed at several different levels of the system, creating tension and conflict between regional and local would-be kings: resultant tensions and conflicts worked themselves out in different patterns in different places. Also, a vital 'conjuncture' with these processes was that which *Chr. Bayly* has termed the inruption of 'the tribal fringe'. From the later seventeenth century, large numbers of lightly-armed, fast- moving Central Asian cavalrymen percolated into the South Asian plains, looking for military work or to found kingdoms of their own. They were widely available for hire by would-be lords (whom they sometimes subsequently displaced), and their military techniques partially transformed the nature of warfare in South Asia, undermining the supremacy previously attached to the heavy cavalry and siege equipment of the central Mughal armies[15]. The new military cutting edge supplied by the tribal influx made it possible for often communally-founded lordships to emancipate themselves further from the final sanctions of Mughal terror.

What emerged from these processes by the eighteenth century, in terms of authority and property right, was a very different kind of state for all that it sometimes tried to hark back to the Mughal past. Perhaps the strongest consolidation of state authority occurred where regional cultures and political traditions were rooted in former Mughal provincial governorships or surviving medieval Hindu kingships. Rulers here sought to deepen and extend their claims to rights and resources over and within community institutions and over local magnates sustained by those institutions. Effective demands for tax and tribute escalated, and royal institutions sought to dominate and extract resources from commerce on a new scale, not least to pay for the mercenary armies on which rulers now depended[16].

Footnote from p. 24, continued
Indian priestly sects, C. A. Bayly, Rulers, Townsmen and Bazaars (Cambridge, 1983), ch.4.
[13] S. Blake, The Patrimonial-Bureaucratic Empire of the Mughals, in: *Journal of Asian Studies 39*, 1979.
[14] See B. Stein, Vijayanagara (Cambridge 1989); N. B. Dirks, The Hollow Crown (Cambridge 1987); D. Ludden, Peasant History in South India (Princeton 1985).
[15] *Bayly*, Rulers, ch.1.
[16] B. Stein, 'State Formation and Economy', in: *Modern Asian Studies 19*, 1985; *Bayly*, Rulers, ch.2; A. Wink, chapter entitled, 'Revenue Farming' in his *Land and Sovereignty in India* (Cambridge 1986).

By the middle of the eighteenth century, the effects of all this on concepts of property, right and the state were considerable. On the one hand, and obviously, these states sought to centralize their authority and control of resources as never before, confiscating or claiming power over much that previously had been held under community tenure. Yet two problems stood in the way of the realisation of this 'dream of despotism' (dreamt most fully, perhaps, by Tipu Sultan of Mysore, who proposed nothing less than a total state economy). The first problem was, once more, lack of a bureaucratic apparatus beyond the patrimonial form. This meant that the administration of 'royal power' tended to be farmed out, usually for cash, to merchants, bankers and local notables within community institutions[17]. There were rarely difficulties in finding such financial agents: the new and expanding claims of royal power, besides providing lucrative perquisites, could be used by moneymen to wrench control of rights and resources from community institutions and to divert the resulting cash flows away from redistributionist ends and into their own pockets. In Maharashtra, F. Perlin has seen in the seventeenth century the rise of 'great households' of administrators, including the Bhonsle house of Shahji and Shivaji, by bundling together collections of rights drawn both from 'the king' and from community institutions. Such entitlements were administered promiscuously within the economy of their own household. Research on Bengal, the South and Punjab has noted similar developments[18].

Excursions into the seventeenth and eighteenth century worlds of Shivaji and of Tipu Sultan certainly takes us well beyond anything one would want to designate as 'classical India'. This is therefore a place to close this excursus into what I have called the 'meta-chronology' of the dialectic between communities and states over the long duration of Indian history. The final stage of that development, where community is divested of all meaning save ideological, requires a contextualizing of social and political relations within a class frame, and that discussion has no place here.

[17] In *Bayly's* phrase, 'the commercialisation of royal power' (*Bayly*, Rulers, ch.2).
[18] F. Perlin, 'State Formation Re-considered' in: *Modern Asian Studies 19*, 1985, a general discussion of these relations, under the concept of 'Portfolio Capitalism', can be found in S. Subramanyam and C. Bayly (eds.), State, Markets and Merchants in Early Modern India, in: *Indian Social and Economic History Review*, 25, 1988 (special issue).

II. Konstellationen

Michael Witzel

Early Sanskritization
Origins and Development of the Kuru State

Kurukṣetra,[1] the sacred land of Manu where even the gods perform their sacrifices, is the area between the two small rivers Sarsuti and Chautang,[2] situated about a hundred miles north-west of Delhi. It is here that the Mahābhārata battle took place.[3] Why has Kurukṣetra been regarded so highly ever since the early Vedic period? Actually, the Rgvedic archetype of the Mahābhārata, the 'Ten Kings' Battle' (dāśarājña), took place further west on the Paruṣṇī (Ravī). Due to the victory of the Bharata chieftain Sudās in this battle, the Bharata tribe was able to settle in the Kurukṣetra area.[4] The evolvement of the small tribal Bharata domination into that of a much larger Kuru realm is not recorded by our texts. The Kurus suddenly appear on the scene in the post-Rgvedic texts. As so often, the Sanskrit texts record only the results of certain developments.

I. The Middle Vedic Period and the Mantra Epoch

This 'gap' between the Rgveda and the other Vedic texts is one of the major *dark periods* of Indian history; in fact, it often is not even recognized as a separate period by the very scholars who deal with the Vedic texts. However, in my opinion, it is this period (together with the slightly earlier formation of the Bharata realm), which is of crucial importance for the development of all later Indian culture and civilization. It is at *this* moment that the social 'raw material' present in Rgvedic time was *intentionally* transformed into what became the core and the pattern first of Vedic and, later on, of Hindu culture.

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[1] This article is a summary of my forthcoming monograph *The Realm of the Kuru*. Here, I make liberal use especially of its introduction and final chapters and present the results rather than the line of the argument of the underlying investigations.

[2] Sarsuti (Ved. *Sarasvatī*) = Ghagghar, Chautang = Ved. *Dṛṣadvatī*, in the Thanesar/Sirsa/Hanumangarh area; see H. Wilhelmy, Das Urstromtal am Ostrand der Indusebene und das Sarasvati-Problem, in: Zeitschr. f. Geomorphologie, N.F. Suppl. Bd. 8, 1969, Yash Pal et al., Remote sensing of the 'lost' Saraswati River, in: B. B. Lal and S. P. Gupta, Frontiers of the Indus Civilisation, Delhi 1984, 499-504.

[3] Actually, another big battle is attested in the RV, at 1.53.9, one of *twenty kings*. — Kurukṣetra is well known from various Vedic texts as the offering ground of the gods (*devayajana*) and from later sources such as the Manusmṛti, Mahābhārata, Vāmana Pur.23.13-40; even today it is visited by many pilgrims.

[4] See RV 3.53, with Sudās settling in the centre, on the Sarasvatī, and the areas conquered east, west and north of it, while the south is *expressis verbis* excluded as the non-Indo-Aryan land of

What we have of this time are only the Vedic texts.[5] Archaeology has recently, and increasingly so, become another factor in describing this period, although the correlation between the texts and the archaeological facts is still a matter of much discussion.

We have to rely on the texts, their form, their organisation, and their language in its historical development as well as in its synchronic dialectic spread, their internal chronology; furthermore we have to take into account criteria such as that of text formation, that of the development and spread of the various Vedic schools of ritual interpretation, of the development of ritual and religious thought in general, and, of course, the occasional remarks about the tribes and peoples of the area, their history, their material culture and its gradual development in time, etc.

In doing so, it is notable that apparently small observations, such as those on phonetic peculiarities, on intentional use of 'high' Rgvedic forms in one of the two AV texts (Paippalāda Samhitā), the intentional use of outdated, archaic materials in ritual, the taking over of ancient materials into the final RV collection and into the YV texts, or the archaization of Atharvaveda Mantras by starting hymns with hieratic meters, help to create a framework for judging the historical developments and the trends in this early culture.

In this procedure, special attention must be paid to the *historical levels* in the development of the texts, — and not just to their order in Indian tradition: one usually distinguishes Samhitās, Brāhmanas, Āranyakas, Upanisads, and Sūtras, in roughly that chronological order. The internal chronology of the texts helps to establish historical levels. Even more so, the development of the Vedic language is a secure guide in doing so: we have to distinguish *five* text layers[6] which do not always coincide with the traditional division given just now. These five linguistic and textual levels can conveniently be divided into three major periods which are distinct in language, habitat, and in their social, religious, and political features: the Old Vedic period (level 1: Rgveda), the Middle Vedic period (levels 2-4a) and the Late Vedic period (levels 4b, 5: the Brāhmanas, Āranyakas, Upanisads, and most Sūtras).

However, when Vedic texts are discussed by Vedic and other scholars, they usually are treated as poetry, as ritual handbooks or as early philosophy, that is — only as *texts*.[7] Even after some 150 years of study, the Vedic period as a whole does not seem to have a history, and its texts are generally thought to have been composed in a geographical vacuum 'somewhere in Northern India'.[8]

Footnote from p. 27, continued
the Kīkata and of Pramaganda.
[5] For a summary of the texts and the available tools for their study as well as the major work done on them, see S. Jamison and M. Witzel, Vedic Hinduism, in: A. Sharma, The Study of Hinduism (forthc.).
[6] They are: 1. Rgveda (with a late addition, book 10, and also including parts of book 1); — 2. Mantra language (Atharvaveda, Sāmaveda, Rgvedakhila, the *mantras* of the Yajurveda, i.e. MS, KS/KpS, TS, VS, etc.); — 3. Expository prose of the Yajurveda Samhitā texts (MS, KS/KpS, TS); — 4. the Brāhmana prose (including the older portions of the Āranyakas and Upanisads, as well as the earliest Sūtras, such as BŚS, VādhS); — 5. the late Vedic Sūtras (and the post-Vedic Upanisads).
[7] With a few notable exceptions such as those of W. Rau, K. Mylius, M. Sparreboom.
[8] Cf. Author, Tracing the Vedic Dialects, in: C. Caillat, Dialectes dans les littératures indo-aryennes (Paris 1989), pp. 97-264.

Against this vague background it is perhaps not surprising that the professional writers on older Indian History did not shed much light on the early and middle Vedic period until a few years ago. The *communis opinio* still is that the RV represents a fight of 'everybody against everybody else'.[9] It is only in the recent book on Indian history by H. Kulke and D. Rothermund[10] that the Vedic period is treated more adequately. In this work, recent progress both in archaeology and in Vedic studies has been made use of and an up-to-date, fairly detailed and quite reliable picture of the period emerges. However, in this paper, I propose to add some significant features to the evolving picture.

The history of the earlier Vedic period can be summarized as follows. The first fixed dates in Indian history that are usually mentioned are that of the Buddha around 500 B. C.[11] and that of Pāṇini. Both dates, in fact, presuppose the evolvement of the bulk of Vedic literature. The beginning of the Vedic period, however, is equally vague and uncertain. Recent findings in archaeology, however, put the disintegration of the Indus civilization at c. 1900 B. C. As the RV does not speak of cities but only of ruins (*armaka*),[12] even larger ones (*[mahā-]vailasthāna*), we may suppose that the Indo-Aryans immigrated,[13] or rather, gradually trickled in,[14] tribe by tribe[15] and clan by clan, *after* 1900 B. C.[16] As a possible date ad quem for the RV one usually adduces the Hittite-Mitanni agreement of the middle of the 14th cent. B. C. which mentions four of the major Ṛgvedic gods: Mitra, Varuṇa, Indra and the Nāsatyas (Aśvins).[17] The next major

[9] R. Thapar, A History of India 1, Harmondsworth 1966 repr. 1979.

[10] H. Kulke and D. Rothermund, A History of India, New York 1986.

[11] Or, as H. Bechert now tells us, maybe 100 years later: The date of the Buddha reconsidered, in: Indologica Taurinensia 10:29-36; now also: The dating of the historical Buddha / Die Datierung des historischen Buddha, part 1, ed. H. Bechert, Göttingen 1991-2. Cf. now G. Erdosy, The archaeology of early Buddhism, in: N. K. Wagle, Studies on Buddhism in honour of A. K. Warder, Toronto 1993.

[12] See the discussion by W. Rau, Zur vedischen Altertumskunde, Wiesbaden 1983, p. 36-38.

[13] Cf. G. Erdosy, Ethnicity in the Rigveda and its Bearing on the Question of Indo-European Origins, in: South Asian Studies 5, Cambridge 1989: 40; cf. also G. Erdosy, The Prelude to Urbanisation: Ethnicity and the Rise of Late Vedic Chiefdoms, in: Early Historic India, ed. R. Allchin, Cambridge, forthc.; A. Parpola, The coming of the Aryans to Iran and India and the cultural and ethnic identity of the Dāsas, in: Studia Orientalia 64, Helsinki, 1988: 195-302. — On the currently fashionable denial of any immigration, see J. C. Shaffer, The Indo-Aryan invasions: Cultural myth and archaeological reality, in: The people of South Asia, ed. J. R. Lukacz, New York 1984, pp. 77-90; more zealously: A. K. Biswas, The Aryan Myth, in the recent seminar proceedings (Calcutta 1988): Historical Archaeology of India. A dialogue between archaeologists and historians, ed. A. Ray and S. Mukherjee, New Delhi 1990, p. 29-47.

[14] Cf. G. Erdosy, op. cit.

[15] In my opinion, the earlier ones of the Yadu-Turvaśa, Anu-Druhyu tribes, and later ones such as the combined Pūru-Bharata, who split into two groups upon their arrival in the Afghani borderlands. The Bharatas were the last to move eastwards into the Panjab and into Kurukṣetra, and this is represented especially by RV 3 and 7. See Author, Rigvedic history: poets, chieftains and polities, in G. Erdosy (ed.), The Indo-Aryans of Ancient South Asia. Language, Material Culture and Ethnicity (Indian Philology and South Asian Studies 1, ed. A. Wezler and M. Witzel, Berlin-New York 1995.)

[16] Some overlap of the immigrating Indo-Aryans with the later stages of the Indus civilization is, of course, possible, but should be demonstrated.

[17] The Mitanni had been exposed to early Indo-Aryan (not: Indo-Iranian) influences a few hun-

archaeological date available is that of the introduction of iron[18] at c. 1200 B. C. It is first mentioned in the second oldest text, the Atharvaveda, as 'black metal' (kṛṣṇa ayas, śyāma ayas) while the RV only knows of ayas itself 'copper/bronze'.[19]

Of the three periods in Vedic history mentioned above, the Old Vedic (Rgveda) and the Late Vedic periods (Brāhmaṇas, Upaniṣads, etc.) differ from each other in many respects. It is necessary, first, to characterize the Old and the Late Vedic period briefly.

The Old Vedic Period:	The Late Vedic Period:
RGVEDA, THE OLDEST TEXT	LATE BRĀHMAṆAS/EARLY UPANIṢADS

Geographical Area

Afghanistan, Panjab and surroundings up to the Yamunā, Gaṅgā (once)	All of Northern India, from the Kabul River (Gandhāra) to Aṅga, Puṇḍra (Bengal), and to Vidarbha (NE Mahārāṣtra), Āndhra in the South

Political Setup

Some 50 smaller tribes, in constant conflict (gaviṣṭi) against each other and against some of the aborigines (dasyu). The Vedic tribes are sometimes arranged into 5 'peoples' (kṛṣṭi, jana), etc.: 4 in the 4 directions, with major tribe at the 'centre'.	Two major groups, the Kuru-Pañcāla and Kosala-Videha; at the borders of these units, there are some minor tribes: Matsya, Uśīnara, etc. The area is divided into some 16 'kingdoms'; the Kuru-Pañcāla form the centre; the minor tribes and 'outsiders' (Bāhika, Magadha etc.) constitute the outward frames.

Society

Chieftains (rājan) lord over fellow rājanya/kṣatriya (nobility) and the viś, 'the people', with the addition of the aborigines and servants/slaves (dāsa, dasyu, puruṣa)	Front of the Kṣatriya and the Brahmins (brahma-kṣatra) against the 'people' (viś); successively stricter stratification into the three ārya (twice-born) and the additional śūdra (aboriginal) classes (varṇa)

Footnote from p. 29, continued
dred years earlier, exerted by a branch of those tribes who entered the Bactro-Margiana area around 2100 B. C. and who then proceeded to India. See P. Thieme, Kleine Schriften, Wiesbaden 1971, 396-412; cf. M. Mayrhofer, Die Arier im vorderen Orient — ein Mythos? Wien 1974.
[18] Apparently from central India, not from Iran!
[19] See W. Rau, Metalle und Metallgeräte im vedischen Indien, Wiesbaden 1973; Zur vedischen Altertumskunde, Wiesbaden 1983. AV 11.3.7, 9.5.4, PS 16.53.12

Texts and Ritual

Gods are invited to often quite elaborate rituals, such as the Soma ritual; they are treated as guests, fed and praised by poets who are inspired and compose hymns in the traditional (I.Ir./I.E.) poetical language and metres; the hymns are collected in small sets by the poets' families and clans.	The ritual has been transformed into an elaborate framework of complicated, frame-like structures, set according to two major patterns (*Soma, Isti*); poetry of ancient style is no longer produced; most older poetry is collected in some major texts and used in the ritual in a rather schematic way.— New traditional forms of literature dealing with the explanation of the ritual have developed.

The intervening period, i.e. the Middle Vedic epoch, is represented by the Mantras and the expository prose of the YV Saṃhitās (MS, KS/KpS, TS) and by several older Brāhmaṇas[20] — texts composed in the Kuru-Pañcāla area, between Eastern Panjab and Kausambi/Allahabad. The geographical centre of Vedic civilization thus has spread from the the Gandhāra/Panjab area to the Eastern border of the Panjab (Kurukṣetra, Haryana) and beyond, well into Uttar Pradesh. Both Saṃhitās of the AV attest the borders of geographical knowledge of this period. They are *Balhika* (Bactria), and *Gandhāri* in the north-west while the south-east is marked by the *Kāśi* (PS) viz. *Aṅga* (in the somewhat later ŚS).[21]

II. Emergence

However, the origin of the new large Kuru tribe is still unclear: earlier tribes were remembered as forming parts of the new tribal union, such as the *Krivi* among the Pañcāla.[22] In fact the great chieftain of the Kuru still is called chief (*rājan*) of the *Bharata*.[23] In addition, some very neglected passages in Middle Vedic texts suggest that even among the Kuru 'dominion is threefold'[24], and it was six-fold[25] (originally threefold

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[20] The older portions (1-5) of the Aitareya Br.; TB; the lost Śāṭyāyana Br. which was elaborated as JB; the older, lost form of PB (pace *Bodewitz*, JB 1.66-364, introd. p. 2 f.); some older portions of the largely lost KaṭhB.

[21] Only occasionally the Vaideha, Saindhava horses and cows (see Localisation p. 181: KS 13.4:183.17, MS 2.5.3:50.10; TS 2.1.4.4, cf. p. 183, 195 n. 76) or the Himalayan mountains are mentioned.

[22] Vedic Index I,198; Kraivya Pañcāla ŚB 13.5.4.7.

[23] In the Mantra collection of the royal consecration in Taittirīya Saṃhitā: TS 1.8.10.2, TB 1.7.4.2,6.7 *eṣa vo Bharatā rājā*; MS 2.6.9:69.7, KS 15.7:214.1 are vague: *eṣa te janate rājā*; VSK 11.3.3, 6.3 *eṣa vaḥ kuravo rājā*; VSM 9.40 *eṣā vo 'mī rājā*; cf. Keith, *TS transl.*, p. xciii, Author, Localisation, esp. p. 177 ff. and 182, n. 42.

[24] The *rāṣṭra*: Vaitahavya, Mitravat, JB 3.196: 196; the third group most probably is that of the reigning clan, the Bharata. - Note that this kind of division is still reflected in the Mahābhārata, with two Kuru groups, the Pāṇḍava and Kaurava, and with their two 'capitals' at Indraprastha and Hastinapura.

[25] It is significant that the YV school of the Pañcāla, the Taittirīya, has 6 subschools as well

as well)[26] among the Pañcāla, which may suggest *phyle/tribus*-like divisions of these larger unions.[27] Both tribes, the Kurus and the Pañcālas, form a 'people', of two large 'tribes' with separate chieftains whose families, however, intermarry.[28] In other respects as well, the two tribes form a ritual union within a large chiefdom; it is based on competition between two moieties: for example, they exchange their roving bands of *vrātya*s (see below). Most interestingly, the pottery of the period seems to echo the tribal differences between the Kurus and Pañcālas and it remains to be seen whether further distinguishing archaeological traits can be identified.[29]

We now know that the linguistically defined period of the Mantra language[30] (level 2) intervened between the RV (level 1) and the beginning of the Middle Vedic, which is first attested as the expository prose in the '*brāhmaṇa* style' (level 3) of the earliest extant YV Saṃhitās.[31]

This dark age, the 'gap' between the late RV and the Mantras of the early YV Saṃhitās, can be approached by asking such questions as: what was the reason for the shift in the geographical location of the tribes from the Panjab to Kurukṣetra and Pañcāla; for the shift of the political centre; for the disppearance or unification of the 50-odd major clans and tribes into a few large tribes; for the importance of Kurukṣetra in general; for the development of the the new Vedic (Śrauta) ritual, such as the new order of priests, multiplication of ritual of new gods such as Prajāpati, beginning already in RV 10; for the collection of the Ṛgvedic hymns and other texts; for the differences in language and order of the texts as preserved by different schools of the same Veda:AVŚ : PS, KS : MS, TS; JS : KauthSV?

The Mantra period proper can be characterized as the time of the establishment of the Kuru realm. One or more persons had the ingenious idea to use whatever was present and prominent in the religion and society at the time and to reshape and tailor all these elements in order to establish and maintain Bharata/Kaurava and Kuru dominance.[32]

Footnote from p. 31, continued
(Baudh., Vādh., Bhār., Āp., Hir., Vaikh.) which echo, also in location (see Author, Localisation, p. 205), the division of this great tribe.
[26] KS 30.2:183,17, speaks only of a threefold division: JB 3.156 *tvatvādṛśās ṣaḍ rājanaḥ Pañcālesu vedyā iti.* (*W. Rau*, Staat und Gesellschaft im alten Indien, Wiesbaden 1957, p. 47: 'Es gibt bekanntlich sechs wie du [Abhipratāraṇa] hochadlige Männer'.
[27] And which provide a parallel to the much later development of Greek city states and the early Roman kingdom and republic, see *G. Nagy*, Greek mythology and poetics, Ithaca, p. 276 ff.
[28] See intermarriage at JB 2.278-9.
[29] See *G. Erdosy*, Urbanisation in Early Historic India. Oxford 1988; *G. Erdosy*, The Prelude to Urbanisation, forthc. — Note that there is at least one central settlement ('capital') with a brick building.
[30] See *J. Narten* in: Die Sprache 14, 113-134, and Author, Tracing, p. 124.
[31] The texts concerned are the two Atharvaveda texts: Paippalāda and Śaunaka Saṃhitā; the Ṛgveda Khilas (*Scheftelowitz'* Apokryphen); the Sāmaveda Saṃhitās: Kauthuma/Rāṇāyaṇīya Saṃhitā (SV) and Jaiminīya Saṃhitā (JS), as far as they actually differ from their direct source, the Ṛgveda; and finally the Mantras of the Yajurveda Saṃhitās of the Maitrāyaṇī (MS), Kaṭha (KS), Kāpiṣṭhala (KpS), Taittirīya (TS), and the Vājasaneyi (VS) schools: the Kāṇva (VSK) and the Mādhyandina Saṃhitās (VSM).
[32] Note that the name of the Kurus is a new one (cf., however, Old Persian *kuruš* / Cyrus); apparently it was originally a nickname (*K. Hoffmann* in KEWA III 677); the Kuru kings typically have names that include the denigrating elements *duḥ-, ku-*, such as *Dur*-yodhana, *Duḥ*-śāsana; (RV *Dur*-gaha is probably only the horse of a Pūru king, see *H.-P. Schmidt*, Fs. *Heesterman*), ŚB 13.5.4 Bharata *Dauḥ*-śānti; *Duṣ*-tarītu Pauṃsāyana, a Kauravya king, ŚB 13.9.3.2

As will be detailed below, this affected and involved traditional ritual, the institutions of priests, including their number and character, their traditional poetry and ritual texts; furthermore, whatever was amenable to change in the other tribal elites, such as the families of the high aristocracy and the gentry, the poets and bards, and even the leadership of the settled aboriginal population (Niṣāda).

When and where did this take place and who were the main actor(s)? The clue to the enigma is traceable by an investigation into the *Kuntāpa* ritual (RVKh 5, ŚS 20.127). The Kuntāpa section of the Ṛgveda Khilas is a very enigmatic but intriguing small collection of hymns and a few prose Mantras (*yajus*). It forms part of the *Mahāvrata* day, i.e. the culmination point of the one-year *Gavām Ayana* rite at winter solstice. The main idea seems to be that of helping the sun around its 'turning point' at winter solstice. The procedure is assisted by sympathetic magic, such as chariot races imitating the elliptic course of the sun around its turning point. But the *Kuntāpa* rite also is a fertility rite[33] and some of the hymns have a curious relation to royal fame and power.[34]

The name *Kuru* occurs first as part of the name of a person in the late RV,[35] and then, independently, in the Kuntāpa section as the *Kaurava* clan/tribe (*Kaurama*[36]), where the reign of one of their chiefs is described[37] as the golden age of the Kaurava/Kuru people under their Great Chief (*Kaurava, Ruśama,* cf. *Kauravya pati*). The verses themselves tell us when they were composed: their language is that of the Mantra period. This important yearly ritual transports us into the centre of early Kuru power, to *Kurukṣetra.*[38] In these stanzas, the ritual is mentioned as taking place with the ⁺Kaurava (*Kaurama*) among the *Ruśama,* in Kuru territory. At 5.10.2 a member of this tribe is called a *Kauravyaḥ patiḥ.* His king's reign apparently constitutes the high point in the history of the tribe. It is clearly described as such:[39] 'Listen to the good praise of the King belonging to all people, who, (like) a god, is above men, (listen to the the the praise) of Parikṣit! — 'Parikṣit has just now made us peaceful dwelling;[40] darkness has just now run to its dwelling.' The Kuru householder, preparing (grains) for milling,

Footnote from p. 32, continued

Uccaiḥśravas, a Kuru king, the son of *Ku*-yava; the Pañcāla king *Dur*-mukha Pañcāla AB 8.14/8.19.

[33] The *Mahānagnikā* prostitute, and a Brahmacārin tease and challenge each other; she and a *Māgadha* man copulate in a hut on the offering ground.

[34] As does PS 10, which already mentions a Śrauta *sava* rite, and PS 18.15-26 = ŚS 13.

[35] *Kuruśravaṇa* Trāsadasyava and the Kāṇva poet *Kuru-suti* (appearing in the RV Anukramaṇī).

[36] See K. Hoffmann, in: Aufsätze zur Indologie und Iranistik, Wiesbaden 1975, p. 1 ff.

[37] N.B. in the present tense! This indicates contemporaneousness of the author of the hymn and of the king.

[38] Cf. that the early Krivi, who later make out part of the Pañcālas, defeat, at 8.51.8-9, the Ruśama (several times in RV), and a Ruśama king Ṛṇaṃcaya at 5.30.12-14. This would fit the usual pattern of Pūru, Krivi > Pañcāla, Ikṣvāku, and Bharata, Ruśama, etc. > Kuru.

[39] M. Bloomfield, Hymns of the Atharva-Veda, Oxford 1897, repr. Delhi 1964, already used the same words, but he takes *vaiśvānrá- parikṣít-,* following AB 6.32.10, cf. KB 30.5, GB 2.6.12 ŚŚS 12.17, as a name of Agni. Note the more popular Anuṣṭubh metre (for which see H. Oldenberg, Kl. Schr. 1188 ff.)

[40] This is a pun on Parikṣit and Agni. Parikṣit as epithet of Agni means 'casting light all around', cf. the use of the word (of Heaven-Earth) in RV 1.123.7, 3.7.1, 10.65.8.

speaks (thus) with his wife. — 'What shall I bring you, sour milk, the Mantha [a barley/milk drink], (or) the Parisrut [liquor]?' the wife keeps asking in the Realm of King Parikṣit. — By itself, the ripe barley bends heavily (*iva*) over the deep track of the path. The tribe thrives auspiciously in the Realm of King Parikṣit.'[41]

The hymn sums up the good life of this period: peaceful settlement (*kṣema*), not strife and war; a variety of food and drink: barley flour, sour milk, the mixture of barley and milk (*mantha*), a sort of herbal alcohol (*parisrut*), and a rich harvest of barley.[42]

Even the exact timeframe is indicated: after Sudās' Ten Kings' Battle, which is mentioned at RVKh 5.14.1 as *dāśarājñé mānuṣam*, the Mānuṣa (locality)[43] at the Ten Kings' Battle. The language of the stanzas affirms this date.[44] The Ṛgvedic social institution of a *vidatha* (5.12.1 *vidathyà*)[45] is still known: The Kuru king must have regularly distributed the booty of raids and wars. The most important point, however, is the early post-Ṛgvedic praise of the golden age of the Kurus under their King Parikṣit, the ancestor of the well-known Janamejaya Pārikṣita of Brāhmaṇa and Mahābhārata fame and of the Pārikṣita dynasty.

The most important political result of the reform carried out by the dynasty of Parikṣit was the formation of the Kuru tribe and the permanent establishment of the Bhārata-Kuru chiefdom. The formation of the Kuru state and the establishment of its new socio-religious basis is a lasting feature of the Vedic period, and not a transient one like that of the Pūru or Bharata realms in Ṛgvedic times. In fact, as we shall see, the 'new order' has its distant *effects until today*.

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[41]   *rā́jño viśvájanīnasya yó devó mártyām áti*
        *vaiśvānarásya suṣṭutím ā́ sunotā **Parikṣítaḥ***
        '*Parikṣín naḥ kṣémam akarat táma āsanám ā́ ⁺saran*'
        ⁺marāyyáṅ kúrvan Káuravyaḥ pátir vadati jāyáyā
        '*katarát ta ā́ harāni dádhi mánthām3 parisrútam?*'
        jayā́ pátiṃ ví pṛcchati rāṣṭré Rā́jñaḥ Parikṣítaḥ
        ábhīva svàḥ prá jihīte yávaḥ pakváḥ pátho bílam
        jánas sá bhadrám edhate rāṣṭré Rā́jñaḥ Parikṣítaḥ

[42] Barley fits the Kurukṣetra area; rice is found further eastwards at the time (where wild rice is indigenous), though some rice has been used already in the late Indus civilization. See *I.C. Glover*, in: South Asian Archaeology 1977, 7-37.

[43] *H.-P. Schmidt*, in: Indica 17, 1980, pp. 41-47, takes *mānuṣa* at RV 7.18 not as a locality (as it clearly is in JB etc.) but as meaning 'human world'; cf. also Author, Eastern Iran and the Atharvaveda, in: Persica 9, 86-128; for *mānuṣa* cf. also EWA II 309.

[44] The injunctive is still used while it occurs just a few dozen times in AV: *likhat, hanat* (3x, 5.15.17-18); the Ṛgvedic particle *gha* (5.15.3-4), *devatta-* (5.15.8a), *akṛṇoḥ* instead of later (AV) *akaroḥ* (5.21.2).

[45] See *F. B. J. Kuiper*, The ancient Indian verbal contest, in: Indo-Iranian Journal 4, 1960, 217-281.

III. Strategies

The changes were carried out in the centre of political power and of contemporary culture, in Kurukṣetra, which now also became the centre of the newly emerging Vedic orthopraxy and 'orthodoxy'.[46] At this time, various Ṛgvedic tribes in eastern Panjab, Haryana and western Uttar Pradesh first fused into one tribe, the Kuru, which later expanded into two major tribes, the Kuru-Pañcāla. The Kuru union and the realm of their Bhārata/Kaurava kings represents the first larger polity or 'early state'[47] on Indian soil. Its sheer size among the few other surviving Ṛgvedic tribes would have insured their dominance.

The Kuru realm matches many of the characteristics of early states which emerged from traditional tribal chiefdoms or from the larger aggregation of such chiefdoms.[48] The new Kuru king, in fact, may often still be characterized as a Great Chief.[49] He is only the *primus inter pares* (*śreṣṭhaḥ svānām*) among the high nobility of the Kuru confederation which is characterized as having three subtribes.[50] However, the new powerful kingship is at least semi-hereditary,[51] bolstered by a claim of ultimately divine ancestry[52] re-enacted in ritual. This claim is supported by the royal priest (*purohita*) and by a retinue of *ratnins*, royal officials who are bound to the Kuru lord by loyalty and liberal gifts. The new order is further sustained by some major changes in society, such the incipient stratification into four 'classes' (*varṇa*), first met with in the late RV, the establishment of the new priestly corporations representing the Four Vedas, and especially by the ever-increasing dominance of the Brahma - Kṣatra alliance.[53] It was

[46] This is also evident if we trace the movements and differences of the various Vedic schools backwards: The East (Kosala/Videha) has the later schools (Vājasaneyin); the Central area (U.P.: Taittirīya) shows a clear dependence on the western (Kuru) KS/MS traditions; the South (M.P. north of the Vindhyas: Jaiminīya etc.) is equally dependent on the earlier Central (Pañcāla) schools; there remains, thus, the Kuru territory with schools such as the Maitrāyaṇīya and Kaṭha as the nucleus.

[47] Note also that the Indus civilization had about 5 centres i.e. large cities, including one in Gujarat, according to our present state of knowledge: that means no longer 'dual capital cities.'

[48] Cf. *H.J.M. Claessen*, in: Current Anthropology Aug.-Oct. 1984, 365-379; *H.J.M. Claessen* and *P. Skalnik*, The Early State. The Hague, 1978.

[49] I will use 'king' to designate the ruler of the new Kuru tribe as to underline his preeminence in comparison with the chiefs of the Matsya, Uśīnara, Satvant, etc. tribes who survived from the Ṛgvedic period as smaller independent units.

[50] Bharata/Tṛtsu, Vaitahavya, Mitravat; cf. above n. 23.

[51] In the RV, and later on, it is clear that kings were elected, but at the same time, there existed dynasty-like lineages: obviously, the chieftains could be elected from a larger group of noblemen (note that RV 10.90 only speaks of *rājanyas*, not of *kṣatriyas*!) In one case, that of Duṣṭarītu (ŚB 12.9.3.2), we hear of an uninterrupted succession in ten generations before he was ousted. Note that a ritual such as the Rājasūya was necessary to keep the line of the King intact, in case he had no direct heir: by this ritual, he could adopt one (see *H. Falk*, Die Legende von Śunaḥśepa vor ihrem rituellen Hintergrund, in: ZDMG 134, 1984, 115-135).

[52] For Rohita, see AV 13 = PS 18.15-26=AV 13, and his relation to the sun, *varcas* (*xᵘarⁱnah*), his identification with Indra, the king of the gods etc. — cf. See *Tsuchiyama*, Veda.no várcas, in: Indogaku Bukkyōgaku Kenkyū, Heisei 2, 67-80.

[53] Note that the Brahmins pretend to be pre-eminent and semi-independent: 'Soma is our king' they say in the royal consecration. The texts, however, also stress that the nobility is the 'eater', and the Brahmins are their 'food', see *W. Rau*, Staat, p. 34 n.6.

created, as some Brāhmaṇa texts clearly say with Marxist analysis before its day, in order to exploit the rest of the population.[54] — The establishment of the new Kuru order differed qualitatively from the more gradual Ṛgvedic political and social developments. In Ṛgvedic times, there clearly were some 'non-Aryan'[55] chiefs such as *Varo Suṣāman*, *Balbūtha*, *Bṛbu*[56] who followed Indo-Aryan religion. They represent examples of an early wave of acculturation.[57] Even the hieratic poetic language of the RV hymns shows the increasing influence of the local substrate.[58]

Now, under the Kuru kings, acculturation was followed by well-planned Sanskritization[59] representing major changes in social format.[60] It included, in a strategically advantageous way for the Kuru, the older (Ṛgvedic) elements of ritual with its priests, texts, and language, while exceedingly stressing its traditional character by being overly archaic[61] and restrictive. The new class ('caste') system introduced non-Aryans such as the Śūdras into the Vedic society[62] but, at the same time, barred them from ritual (and thus, from heaven). Only by way of exception, prominent non-Aryans such as the *Niṣāda-sthapati* and a 'border line' artisan, the *rathakāra*,[63] were allowed to sponsor sacrifices[64] — early forms of the inclusionism which later on characterizes Hinduism, in fact, until today.[65]

The effect was the creation of a permanent, and now, after all the liberal Ṛgvedic intermingling and acculturation, of an *artificial* boundary between Aryans and non-Aryans (*śūdra : ārya*). The changes in the social formation, from semi-nomadic tribe to a larger tribal union, need a definite expression in order to be able to function as a 'new order.' This is frequently expressed as antagonism between classes and groups both in language and ritual, and is first met with in the 'first constitution of India,'[66] the *puruṣa* hymn of RV 10.90. Such demarcations are, as can also be observed elsewhere,[67] a

[54] See W. Rau, Staat, p. 118, A. Weber, in: Indische Studien 10, 26-35.

[55] See now also F. B. J. Kuiper, Aryans in the Rigveda, Amsterdam, Atlanta 1991.

[56] Bṛbu, 'lording over the Paṇis on the Gaṅgā', 6.45.31 (part of a late addition to the hymn). His grandfather had immigrated; Bṛbu fights with the Bharatas.

[57] This must have been fairly wide-spread and thorough as not just the names of kings but even the linguistic features of Vedic Sanskrit indicate acculturation.

[58] See F. B. J. Kuiper, Rigvedic Loanwords, in: Studia Indologica, Fs. W. Kirfel, Bonn 1955, p. 137-185, and Aryans in the Rigveda, Amsterdam, Atlanta 1991, cf. H. Hock, Substratum influences in (Rigvedic) Sanskrit? in: Studies in the Linguistic Sciences 5.2, Urbana 1975; M.B. Emeneau, Language and Linguistic Area: Essays, Stanford 1980.

[59] For the term and concept, see M.N. Srinivas, Religion and Society among the Coorgs of South India. Oxford 1952; M.N. Srinivas, The Cohesive Role of Sanskritization, Delhi 1989, 56-72, J.F. Staal, Sanskrit and Sanskritization, in: Journal of Asian Studies, 22, 1963, 261 ff.

[60] As Claessen calls it (in: Current Anthropology Aug.-Oct. 1984, 365-379); see further H.J.M. Claessen and P. Skalnik, The Early State. The Hague, 1978.

[61] See below, notes 93-95.

[62] Cf. the parallel in the development of the class system in the Greek *polis*, see G. Nagy, Greek Mythology and Poetics, Ithaca, 1990.

[63] C. Minkowski, The Rathakāra's Eligibility to Sacrifice, Indo-Iranian Journal 32, 1989, 177-194.

[64] See MS 2.9.5 on their chieftain, the Niṣāda-*sthapati*, cf. KS 17.13, TS 4.5.4.2. AB 8.11 etc.

[65] Similar patterns of Hinduization are visible in modern Nepal, Orissa, in medieval Bali.

[66] See P. Mus, in: East and West 9, 75-77.

[67] The British in India did not react differently in the 1830s when their free-wheeling lifestyle as half-Indianized traders was changed by a series of 'reforms' which brought them in line with

typical reaction to an initial stage of free and wide-spread acculturation. The dominant *brahma-kṣatra* elite, already thoroughly mixed with local and aboriginal elements, now encapsuled itself vis-à-vis the 'third estate', the Vaiśyas, and stressed its superiority with regard to them, as well as religious and racial 'purity' over the non-Aryan Śūdras.

One of the strategies of the Kuru kings by which they achieved their new status was the traditional gaining of booty in their external expeditions (see below) and its distribution, but this is now supplemented by the collection of 'taxes', or rather, the coercion of 'tribute', *bali*. The Kuru king is the ideal type of a 'benevolent lord' who seems to give more than he takes from his subjects and who supports his nobles and other subjects.[68]

Sociologically speaking, this is typical for many early societies, whether based on collecting/hunting, simple horticulture or agriculture, or on (semi-) nomadic pastoralism. However, since the Kuru period, this kind of exchange, implemented throughout the realm, has been institutionalized in Indian society in a semi-religious fashion. As *W. Rau* has pointed out, the mutual relationship is expressed in the Vedic period by the concept of *bhartṛ :: bhārya*. The form of exchange follows a complicated pattern, a 'social contract' that cannot be detailed here.[69]

The RVKh Kuntāpa hymns still reflect something of the old ideal in their description of the golden age of Parikṣit with the distribution of booty (*vidatha*) at a great festival about the time of the winter solstice. But the Ṛgvedic pattern of a ritual exchange of goods and booty within a small tribe is now replaced by complicated (Śrauta) ritual and social exchange within the larger Kuru realm, in which, nevertheless, tribal sub-units survive. As has been pointed out, the Kurus had three, and their neighbours, the Pañ-cāla, six (originally three only). The great royal rituals underline the new and strengthened position of the king: Vedic ritual is not always as private as some think.[70] The power of the Kuru king was qualitatively different from that and much greater than that of a chieftain, say of the Yadu tribe, in the RV (see below).

The expanded rituals are supported by the increasing stratification of society during the Mantra and YV Saṃhitā period. It is visible, apart from the establishment of the four classes (*varṇa*), in the formation of a large number of artisan specialists which are mentioned in the more complicated royal rituals such as the Aśvamedha.[71] This development coincides with an increasing production of goods: now, also the land *between* the rivers is settled and production increases;[72] later on, the east is 'reformed' by

Footnote from p. 36, continued
the (soon to be 'Victorian') norms of their homeland.
[68] It has always belonged to the traditional duties of a king (and a *kṣatriya*) to collect *and* to distribute wealth, down to modern times: the king is supposed to distribute *dāna*.
[69] Reminiscent of the modern *jajmān* relationships, but extending to other areas as well: it comprises a social contract including several generations, as well as the relationship between men, their ancestors and the gods; see a forthcoming publication, and in brief form, S. *Jamison* and M. *Witzel* in: A. *Sharma*, Hinduism (forthc.).
[70] *J. Heesterman* underlines their private character too much. Even a simple Agnihotra can attract visitors — at least nowadays, and Vedic evidence points to similar, contemporaneous occurrences. Certainly, larger rites, such as Soma sacrifice, and especially the Horse sacrifice, were often disturbed by rivals.
[71] See e.g. the list in VādhB. (*W. Caland*, Kleine Schriften, Stuttgart 1990, p. 365).
[72] See *G. Erdosy*, Urbanisation: The early settlements are on the banks of rivers, Yamunā and

the Kuru-Pañcāla Brahmins, whose 'culture hero', Agni Vaiśvānara, 'sweetened the country as to make it suitable for agriculture'. Excess production apparently took place only after the establishment of a central power, such as that of the Kuru, that of the legendary Videha king as well as that of the better attested Kosala and Magadha realms. Centralized power also brought about the perceived necessity of specialized crafts, best visible at the occasion of the great state rituals. As far as the rest of the nobility and gentry was concerned, competition for superiority (*śreṣṭhaḥ svānām, ahaṃśreṣṭha*) among them was stimulated when it did not interfere with the role of the supreme chieftain, the king of the Kuru. All important positions in society were occupied by the alliance of Brahmins and Kṣatriyas (*brahma-kṣatra*), which exploited — according to their own words — the rest of the population; but within this new system competition was possible and indeed persistent.[73] But rivalry and competition is also clearly visible in the newly developed Śrauta ritual. — Indeed, one of the strategies of achieving their goal of an internal competition without peril was the setting up by the Kuru kings of the complicated Śrauta ritual, which once and for all divided the people into four classes and forged a new unity based on exchange between Brahmins and Kṣatriyas (*brahma-kṣatra*).[74] The Kuru kings also succeeded in controlling, in turn, the older, amorphous groups of priests[75] by a clear subdivision of their ritual labor. This was now re-distributed into four fields of specialization, i.e. the four Vedas and their ritual use. These four groups of priests (RV: *hotṛ*, SV: *udgātṛ*, YV: *adhvaryu*, AV: *brahman*)[76] had quite specified duties during the solemn (Śrauta) rituals. The priestly occupations were even further divided, for good measure, into sub-specializations of 16 or 17 types[77] — something not unlike the increasing specialization among the craftsmen and artisans. In both cases, centralized power stimulated specialization. With a political master stroke, the Kuru kings also succeeded in controling the aristocracy, that is their fellow Rājanyas and Kṣatriyas, by giving them something else, new, and fashionable to 'worry about': the complicated Śrauta ritual. In evaluating this one should disregard, for the moment, the usual phenomenological, pseudo-historical, and 'philosophical' approaches to Vedic ritual and concentrate on its social effects.

It is surprising that even the contemporary specialists of Vedic ritual have not noticed that the Śrauta ritual — while often having one and the same aim, namely reaching heaven — is set up in such a way as to satisfy various levels of solemnity and status. A

Footnote from p. 37, continued

Gaṅgā, only; this is still reflected in some Mantras of the (much later) Gṛhyasūtras, see Author, Localisation p. 205.

[73] The examples are too numerous to be quoted, see for example the many expressions with *bhrātṛvya*, and *W. Rau*, Staat, p. 45.

[74] See *W. Rau*, Staat, p. 59-60, 118: they exploit the *viś* (an important item missing in *R. Thapar*, Lineages).

[75] See the enumerations in RV, with five or seven priests, e.g. RV 8.72: Adhvaryu, Hotṛ, etc.

[76] Even though the Atharvaveda remained a text which was not fully recognized for quite some time.

[77] Note the same technique in medieval Orissa where we find not one but four rājagurus, see *G. Pfeffer*, Puris Sasandörfer. Basis einer regionalen Elite, Heidelberg 1975; *G. Pfeffer*, Status and Affinity in Middle India, Wiesbaden 1982.

not (very wealthy) Vaiśya might have been content with the domestic (gṛhya) rituals of passage that are executed for him and his family. However, a lower rank Kṣatriya might have attempted to go on to the next step on the socio-religious ladder and become a dīkṣita, that is an initiated 'sacrificer' (yajamāna), after having learnt more of the Veda than a Vaiśya (such as a grāmaṇī, a 'trek leader')[78] or a lower rank Kṣatriya owner of such a wagon train (a grāmin), or a simple kṣatriyabandhu. After he had established the three sacred fires, he could then perform the Agnihotra, the New and Full Moon sacrifices, etc. If he wished for more, he could add the seasonal rituals (Cāturmāsya) and the yearly Soma ritual. If he was still not content with this and wished to impress his rivals further (who would often come to interfer with or destroy his rituals),[79] he could go on with seven more types of Soma rituals (soma-saṃsthā). While violent interference with one's ritual may have been a remnant of a more agonistic period, as Heesterman believes, (this would be the one of the RV, not of a nebulous past!), ritual violence was still visible but tamed. Nobody takes the trouble to disturb a simple Agnihotra or New- and Full Moon ritual. It is the more important rituals, especially the Aśvamedha (capturing the horse), which bring out the rivals of the sponsor. What is important here is that these — only natural — rivalries were cleverly channelled in the new, Śrauta way of stratification.

Beyond the Kṣatriyas, the next level is that of the nobility of royal blood, i.e. of men who are 'fit to be elected as kings' (abhiṣecanīya[80]), then that of the rājans themselves, not 'kings' but rather 'chieftains'; for example one of the 3 among the Kurus or one of the 6 of the Pañcāla. And, finally, there is the Great Chief, the King of the Kurus. The nobility had the means — and apparently also the leisure — to perform such rituals as the agnicayana, a complicated rite taking a whole year, or — instead of the seasonal offerings (cāturmāsya), — the Gavām Ayana which also takes a year. In similar gradation, a low-rank ruler could receive, as pointed out above, the consecration as chieftain through the simple royal abhiṣeka,[81] the more complicated rājābhiṣeka[82] and ekarāj-ābhiṣeka,[83] or the solemn aindrābhiṣeka,[84] and finally, there was the solemn Śrauta option of the rājasūya. Later on, a revised, complicated Śrauta version of the Rgvedic, originally even Indo-European,[85] horse sacrifice (aśvamedha), was added for especially powerful supreme kings who claimed 'world domination,'[86] which nevertheless only encompassed parts of (northern) India.

[78] See W. Rau, Staat, p. 56.

[79] This was overly stressed by Heesterman; note that in even in the classical Vedic sattra ritual everyone could come and dispute with the sacrificers until the 11th day, see H. Falk, Bruder-schaft und Würfelspiel, Freiburg 1986, p. 35.

[80] See W. Rau, Staat, p. 84 ff.

[81] cf. W. Rau, Staat p. 89.

[82] KS 37.9, TB 2.7.15-17, Baudh. ŚS (as Mṛtyusava) 18.16-19, ĀpŚS 22.28, etc.

[83] As found in the Atharvavedic manuals and in Kauśikasūtra, see Author, The coronation rituals of Nepal, in: Heritage of the Kathmandu Valley, ed. by N. Gutschow and A. Michaels, St. Augustin 1987, 417-467.

[84] In AB 7.13 ff., see Author, On the localisation of Vedic texts and schools.

[85] For a brief summary see J. Puhvel, Comparative Mythology, Baltimore 1989, p. 269-276.

[86] As cakravartin, etc., see now S. Tambiah, The Buddhist Conception of Universal King and its Manifestations in South and South-East Asia, Kuala Lumpur 1987. The first attested case is that of the great chieftain Sudās, RV 3.53.11-12, and the Aśvamedha of the Pūru chief Purukutsa, RV 4.42.8-9.

In the case of Parikṣit and his dynasty we can see the process of Śrauta adaptation happen before our eyes: It has not been noticed so far[87] that another Mantra time text, Paippalāda Saṃhitā 10, was composed to serve as 'coronation' text of the early Kuru kings. It is here that we get for the first time the mentioning of typical Śrauta terms such as *sava*. More importantly, there is the connection, established by H. Falk, of the Rājasūya and royal adoption, which is hinted at already in an older text, the Rohita book of AV (ŚS 13, PS 18.15-26). The son of the Aikṣvāku King Hariścandra also was called 'the Red One' (Rohita, AB 7.13 ff. in a story discussing the Rājasūya); he apparently was added to this story in order to show his descendence from Rohita, the Sun (i.e. Vivasvant/Mārtāṇḍa, one of the great Āditya gods; in fact, Rohita was engendered with the help of the Āditya god Varuṇa). The term *rohita* also hints at the close connection of the 'brilliance of the sun' and of royal glory (*varcas*, Avest. *xᵛarᵊna*). This whole complex, too, is in need of further investigation.[88]

Summing up the discussion of ritual it can be said that by the time of the Mantra period, there were, on all levels of Indo-Aryan society, several *ritual* options available to each man if he wished to attain fame and glory, *kīrti* and (*brahma*)*varcas*. Every Rājanya, Kṣatriya and Vaiśya could perform such solemn rites on an offering ground near his home.[89] The new Śrauta ritual thus put everyone in his proper station and at his proper place: in the life cycle and in society, both during the period of one's Veda study and the roaming about as Vrātya as well as during one's time as 'settled' householder (*gr̥hastha*). There was opportunity for each and everyone to gain higher status by having the Brahmins perform more and more elaborate rituals — instead of simply raiding one's neighbours.

In order to carry out many of the religious and social reforms mentioned so far and as to achieve the general purpose of overlordship in northern India,[90] the Kuru kings also initiated a collection of the major poetic and ritual texts, — certainly intended to show their care for *traditional* lore and knowledge. The 'trick' was to preserve the old but to institute some, often minute changes as to serve the new ruler's goals. In the case of traditional Aryan lore, the aim was not only to collect all (suitable) texts but also to re-arrange them in a fashion suitable for the new goals. The old ritual hymns and some poetry were assembled in the Ṛgveda-Saṃhitā, the major ritual Mantras and early (now lost) explanatory prose texts in an *Ur*-Yajurveda-Saṃhitā, the melodies sung during the Soma sacrifice in an *Ur*-SV-Saṃhitā, and the healing and other charms as well as speculative hymns, though all reworked by Āṅgirasa Brahmins, in an *Ur*-AV-Saṃhitā.

What could have motivated the late Ṛgvedic and early Mantra time poets and 'copyright owners' and priests to make major changes in text transmission and ritual performance? The 'extraction' of the often secret Ṛc and Mantra texts from their authors' and owners' clans of poets and priests cannot have happened without a certain amount of pressure. Traditional owners of the 'copyright' to a certain hymn were not likely to divulge the

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[87] But now see *Tsuchiyama*, Veda.no várcas, in: Indogaku Bukkyōgaku Kenkyū, Heisei 2, 67-80.
[88] Note that 'brilliance' and glory often are linked in Indo-Iranian thought (cf. Iran. *xᵛarᵊnah*); see preceding note.
[89] He had to ask the king for permission, however, to use land for this.
[90] See ŚB 13.5.4.1 ff. with hymns which praise the Bharatas, especially 13.5.4.23.

exact text or to voluntarily give up all their exclusive rights to the collection of texts composed and customarily also transmitted by their family or clan. Therefore, the carrot of 'joint ownership' by the newly formed Brāhmaṇa class (RV 10.90) or, at least by those Brahmins learning just one Veda by heart, had to be offered as well. Indeed, the tradition of individual and clan-wise origin of each hymn was preserved by a complicated system of arrangement of the Ṛgvedic hymns in the 'collection' (saṃhitā), which also took into account the author whose name must be mentioned to this very day before reciting a hymn.[91] Thus, the goal of having a new text collection fit for Śrauta ritual was achieved by preserving much of the traditional status of the poets/priests, their rights, and their 'ownership' of compositions in sacred speech.

The collection of texts was not only made from the poets' clans closely allied with the Bharata royal family, such as the Vāsiṣṭha, but in order not to lose continuity, also with hymns linked to the glorious past of the Pūru and even the Yadu-Turvaśa, Anu-Druhyu tribes. Many if not most of the traditionally remembered old hymns were included in the 'national' collection of hymns, the Ṛgveda, though the hymns of the Bharata and the Pūru clearly dominate the collection.

Once the collection was fixed, there was no need, of course, to create new hymns — which was a major goal of poets/priests (brahmán) in Ṛgvedic times. What was still carried on was the composition of new speculative hymns: in the late RV, under the Bharatas, and especially in the AV under the Kurus. Note that the poet (brahmán) of the RV now reappeared as author of (part of the) AV, which was at first called ātharva-āṅgirasa, 'the (collection of hymns) of the Atharvans and Aṅgiras.'[92] Many of these new hymns deal with the ritual and its 'philosophical' underpinnings, such as yajña, 'food' (brahma-)odana, ucchiṣṭa, etc. which are in need of a detailed investigation.

In all these cases one can notice that one means to bring about continuity in spite of the great changes carried out under the Kurus, was the artificial archaization of certain parts of the new Śrauta ritual[93], the use of artificial, archaic forms[94] in the poetic and

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[91] The arrangement is based on the author, deity, type of meter and length of hymns and the number of hymns in each collection that originally belonged to one poets' clan.

[92] Most of the authors of the Ṛgvedic hymns belong to the Aṅgiras clans.

[93] For details see my forthcoming monograph: The Realm of the Kurus. Only the results of this investigation can be summarized here. As for the ritual, note that the metal (ayasmaya) vessel of the Ṛgvedic pravargya (or gharma, mahāvīra) rite, RV 5.30.12-14 etc., was substituted by a clay one fashioned in a very primitive, archaic way by the Brahmin priests themselves; ritual garments were freshly made in a very archaic fashion, without the use of needle and thread; or, in the reorganization of the labor of the priests many old names of priests and their job descriptions were kept, while the role of the Brahman changes markedly.

[94] Ṛgvedic kṛṇoti, kṛṇumaḥ, kṛṇu (PS) for the Atharvavedic (and later) allegro forms karoti, kurmaḥ, kuru, see K. Hoffmann, Aufsätze zur Indologie und Iranistik, p. 573 ff.; — PS kṛṇva is more archaic than the Ṛgvedic form kaṇva, see K. Hoffmann, ibid., 15 ff.: writing in 1940, he could not yet know but reconstructed the correct form kṛṇva (PS) as predecessor of kaṇva. — Archaic forms are also attested to some extent in another Kuru text, KS (and much less so in TS). — The artificial Taitt. form suvar may be an imitation of older Kuru archaisms. Note that we find suvar, suvarga but svasti; further: the rather artificial introduction of this principle in uv eva for u eva/-v eva: see Author, Tracing, p. 174, 178. — Note also the l/r treatment; RV 10 has the popular l where KS, PS often avoid them, e.g. rohita, romaśa, ariklava, see Author, Notes on Vedic Dialects 1, in: Zimbun 67, p. 44 f.

learned language of the poets, priests and 'theologians' of the Mantra and YV Saṃhitā periods, and of text formation and their collection.[95] The new ritual and its language appeared to be more elaborate and impressive, but at the same time had to give the appearance of having come down from a hallowed past.

The formation of early states such as that of the Kurus usually brings about important changes in ideology, religion and mythology. The new religious and political ideology necessary for the expanded dimension in tribal organization included many elements of the older, Ṛgvedic beliefs about mankind's descent from the gods, their access to heaven and to eternal 'happiness' after death: for example, warriors who died in battle were taken to heaven by the Apsaras (the rather unnoticed sisters of the Norse Walkyries), and they were readily accepted there by the gods — a topic found from the Ṛgveda[96] onwards.[97] Access to heaven is one of the major topics of all Śrauta ritual. Next to sons, rain, cattle, long life (āyus) it is a prolonged (theoretically, but only by exception, eternal) stay in heaven that one strives for, after a stint on earth characterized by constant strife and frequent hunger, as has been described in detail by W. Rau[98]. It is in the Kurukṣetra area that the heavenly river (Sarasvatī, the Milky Way) was regarded as flowing down from heaven about the time of the winter solstice: it thus opened, with its two branches touching the north-eastern horizon, the 'gate' to heaven.[99]

An important, if not the chief one among the religious developments is that the new royal centre in Kurukṣetra gave rise to a new mythology of the region. It is here and not elsewhere that the gods traditionally sacrifice and hold their long sattra rites to overcome their perpetual foes, the Asuras.[100] Further, the river Sarasvatī itself is the per-

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[95] Inclusion of all the Ṛc materials, including some old Yadu-Turvaśa, Anu-Druhyu and many of the Pūru hymns; note also the archaization of Atharvaveda Mantras by starting hymns with hieratic metres. — Oldenberg (Prolegomena) has noticed that the archaizing tendency further increases with time: the later SV, YV texts tend to introduce Ṛgvedic forms instead of their own traditional ones.

[96] Note the promise given to Purūravas, RV 10.90.18; cf. KU 1.4, etc.

[97] All through classical literature, even as late as 1149 A. D. in the Rājataraṅgiṇī where the motif figures prominently: Rāj. 7.173 'brave men wedded to the heavenly maids (apsaras)...' The concept is perpetuated in the later Rājataraṅgiṇīs of Jonarāja, etc. — Cf. also Bhagavadgītā 2.31-32 (yudhād chreyo 'nyat kṣatriyasya na vidyate ‖ yadṛcchayā copapannaṃ svargadvāram apavṛtam ǀ sukhinaḥ kṣatriyāḥ...labhante yuddham īdṛśam).

[98] W. Rau, Staat, p. 31.

[99] This is a transformation of the older Ṛgvedic concept of the heavenly gates, a standard feature found in the āprī hymns, see L. van den Bosch, The Āprī hymns of the Ṛgveda and their interpretation, in: Indo-Iranian Journal 28, 1985, 95-122, 169-122, and cf. Author, Sur le chemin du ciel. Bulletin des Etudes indiennes, 2, 1984, 213-279. — The old idea of an inverted tree is found in the Ṛgvedic aśvattha, held upside down by Varuṇa 1.24.7, cf. TĀ 1.11.5, KaṭhUp. 6.1, BhG 15.1-3 (see F. B. J. Kuiper, The Heavenly Bucket, in: India Maior, Leiden 1972, 144-156, cf. The Bliss of aša, in: Indo-Iranian Journal, 8, 1964, 117; and see now Author, Looking for the Heavenly Casket, forthc. in Fs. Thieme, 1995). By performing a sort of pilgrimage along the banks, against the current of the stream, one could move along the Sarasvatī (= Milky Way) through the night sky and reach heaven.

[100] PB 25.13 'Indra and Ruśamā made a wager: 'Whichever of us shall first run around the earth shall be the winner.' Indra ran around the earth, Ruśamā ran around Kurukṣetra (only).' This indicates that Kurukṣetra is identified with the whole earth; cf. K. Hoffmann, Aufsätze zur Indo-Iranistik 1, Wiesbaden 1975, p. 7.

sonification on Earth of the goddess Sarasvatī, the name of the Milky Way in the Vedic texts; this falls down on earth at the Plakṣa Prāsravaṇa, the world tree at the centre of heaven and earth,[101] and then continues to flow through the land of the Kuru people,[102] — which is identified with the whole earth.[103] The area was conceived as the 'centre of the world', a trait first visible after the victory of the Bharata king Sudās and his settling on the Sarasvatī (located according to RV 3.53.11 *vara ā pṛthivyāḥ* 'at the best place of the earth.'[104]) Such identifications of one's habitat with the centre of the world are common among many peoples, and in such cases the place of the ritual always is regarded as the centre.[105] However, Kurukṣetra now also became the place where even the gods offer (*devayajana*).[106]

IV. Structure

The immediate outcome of the establishment of the new system of Śrauta ritual for a king of the Kurus was: his 'reform' unified various smaller tribes by a single, but complicated network of mutual ritual relations; this frequently was of a dualistic and partly antagonistic nature (note especially the Kuru-Pañcāla *vrātya* relationship which imitates the *deva* :: *asura* strife in myth, and the *ārya* :: *śūdra* competition in society).[107]

The older dual organization of the Five Peoples of Ṛgvedic times (Anu-Druhyu, Yadu-Turvaśa) was probably echoed in the Kuru Kingdom, originally, by that of the Bharata-

[101] See Author, Sur le chemin du ciel; — one span north of Plakṣa Prāsravaṇa (the Plakṣa tree of 'forth-streaming') is the centre of both heaven and earth (JB, VādhPiS); cf. in Germanic lore, Yggdrasil, which is the source of three rivers.

[102] The concept of Kurukṣetra occurs first at MS 2.1.4, 4.5.9; then at AB 7.30, ŚB, JB, PB, KaṭhB, and TĀ 5.1.1 (with a description of its borders); that of *devayajana* as early as ŚS 10.5.15-20, PS 16.129.1-5, MS 1.1.8, KS 1.7, TS 1.2.3., etc. but the two are not immediately linked formally; though descriptions such as MS 2.1.4:5.9 are clear enough: *devā vái sattrám āsata kurukṣetré.*

[103] Later ritual (PB 25.13, JB, LŚS, etc.) makes the Sarasvatī and her companion river, the Dṛṣadvatī, the place of long treks which one may perhaps call 'pilgrimages' along their banks, leading to heaven, as the heavenly river (Sarasvatī, the Milky Way) was regarded as flowing down from heaven at this spot about the time of the winter solstice: it thus opened, with its two branches touching the north-eastern horizon, the 'gate' to heaven. — All of this is unmatched by any other area mentioned in Vedic texts; places like Prayāga and Kāśi or even the Naimiṣa forest (though mentioned already in KS 10.6:130.8) attain this kind of fame only well after the Vedic period.

[104] 'At the navel of the earth' RV 8.43.4 *nabhā pṛthivyā, bhuvanasya majmane*; and 'the best place on earth' RV 3.23.4 *ni tvā dade vara ā pṛthivyā, iḷāyās pade*; 3.53.11 Sudās will offer at the best place on earth: *athā yajāte vara ā pṛthivyāḥ.*

[105] At this location, the Plakṣa tree clearly is the central world tree which pushes up heaven. See Author, Eine fünfte Mitteilung über das Vādhūla-Sūtra, in: Studien zur Indologie und Iranistik 1, 75-108, and Sur le chemin du ciel, in: *Bulletin des Études indiennes*, 2, 213-279.

[106] MS 2.1.4:5.9 *devā vái sattrám āsata kurukṣetré.*

[107] Note that it is formalized in the Mahāvrata ritual as a Śūdra :: Ārya conflict (ĀpŚS 21.17 ff. etc.); the discussion on the Aśvamedha mentions the taking away the goods of the lower classes, see Vādhūla Śrautasūtra 3.79 = *W. Caland*, Kleine Schriften, p. 370 f. — During the Ṛgvedic period it might have been a Bharata : Pūru configuration.

Pūru. This pattern emerges more clearly when the Kurus started to spread eastwards. The new territories (up to Kausambi/Allahabad) were settled by groups who then organized themselves as the Pañcāla tribe[108] which was explicitly divided into *six* sub-units, — a fact which should lay to rest all speculation about the origin of the name in the number 'five'.[109] The (Pūru-)Ikṣvāku are mentioned to have settled on their eastern border near Benares.[110]

The relationship between Kurus and Pañcālas was ambiguous. On the one hand, both royal families intermarried.[111] This, actually, was one of the strategies of the supreme Kuru king aiming at asserting his authority at this highest level, and has been a favorite method in all early states which cannot rely on paid bureaucrats but must rely on various types of relations built on personal loyalty between the ruler and his nobles. Poly-gamy, which is well attested for Vedic kings,[112] helped to establish multiple relation-ships with important external and internal noble families, something which certainly was necesssary as the Kurus and Pañcālas still were divided into three viz. six powerful subgroups. The device, in fact, was one of the means to forge alliances between various exogamic units of *gotras* even for the richer ones among the Kṣatriyas and Brahmins.[113]

On the other hand, the union (of ritual[114] moieties) of the Kurus and Pañcālas was stressed by the custom of sending their *Männerbund* associations (*vrātya*) into each other's territory: note the KS 10.6 story about king Dhṛtarāṣṭra Vaicitravīrya,[115] and also the story in BŚS 18.26 about the Vrātyas of the Kurus in the land of the Pañcālas.[116] Most telling, perhaps, is the note about the Southern (Madhya Pradesh) people at JB 3.146 who send their sons northwards to the Kurus.[117] It is important to note that these young men associations do not enter new, 'virgin' territory south of the Vindhya but go, in their *vrātya* excursions, just as the Kurus and Pañcālas respectively,

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[108] This included the Ṛgvedic Krivi tribe, see above for other members.

[109] See literature in *M. Mayrhofer*, KEWA II 188, EWA II, 66. — Note that the YV school of the Pañcāla, the Taittirīya, has 6 subschools (Baudh., Vādh., Bhār., Āp., Hir., Vaikh.) which echo, also in location (see Author, Localisation, p. 205), the division of this great tribe.

[110] Ikṣvāku in the eastern parts of the Kuru-Pañcāla-Kosala area, see Tracing, n. 253, 349, 389; cf. JB 3.168-170; 190. Note that JB has Tryaruṇa as an Ikṣvāku, see Author, Rigvedic history (above, n. 15), p. 329; cf. also JB 3.237-238; 204, JUB 4.6.1.2.

[111] See JB 2.278-9.

[112] Note the technical names of the Kuru king's wives already in the Kuntāpa hymns.

[113] A well known example are the two wives, Maitreyī and Kātyāyanī, of the rich (*mahāśālina*) Yājñavalkya. Polygamy led to the necessity to specify the mother of a certain prince (or a Brahmin's son): See the names in -*putra* in the Maurya, Sātavahana dynasties, and of the authors of ŚB in the Vaṃśas of this text.

[114] Note the ritual competition between the two tribes, e.g. at JB 1.262 where they hold a debate (*brahmodya*) on cosmological and theological questions.

[115] The *vrātyas* were not accepted by him, and therefore destroyed his cattle with the help of some rituals. Why this Kuru king? Does this reflect the *vrātya*, i.e. a not always amiable relation between Kaurava and the Kuru-Pañcāla *vrātya* (here led by a Pañcāla: Vaka Dālbhi). See *H. Falk*, Bruderschaft, p. 58 ff.

[116] See *H. Falk*, Bruderschaft, p. 55 ff.

[117] Cf. *W. Rau*, Staat p. 14 'wenn ein Vater seinen Sohn aussiedelt, dann siedelt er ihn im Norden aus,' which Rau understands as settlement. I think this rather is a question of *vrātya* movement to one's neighbours.

to the land of their closest orthoprax neighbors. This clearly indicates that *vrātya* exchange is carried out between (nominal, ritual) allies,[118] and *not* between, for example, the Aryans and the aboriginal tribes of the south. — At the same time, these stories indicate something of the traditional aggression resulting in cattle rustling, fighting and small scale warfare existing with one's neighbors which was now canalized by the new (*vrātya*) ritual.

Through the ritualization of these relationships, all social and political energy could now be projected either towards a common goal, namely expansion to the east and south,[119] or otherwise towards more or less innocuous, often petty rituals which enabled ambitious Kṣatriyas to compete with their neighbors and rivals. This sort of rivalry always existed, even within the clan, where one wanted to become *śreṣṭhaḥ svānām*.

While the strategies described so far were successful in the establishment and enlargement of Kuru power, the rather minute origins of the Kuru realm are reflected by the terms used for its incipient 'administration.' The titles of the royal functionaries[120] are designations such as 'butcher', or 'dice-thrower', 'meat cutter', etc. At first glance, these seem to be rather minor servants at the home of the king.

The originally quite small nucleus of Kuru power is also visible in the (royal) ritual itself. Most of the older, Ṛgvedic and tribal rituals were linked to the course of the days and nights, the phases of the moon, the seasons, and the course of the sun. However, the new unified and rearranged Śrauta ritual, with its highly archaizing tendency,[121] not only included all aspects and all officiants of the older rituals, but it also included some major new royal and 'national' rituals. These took place, just as their counterparts performed by the gods, at the Kurus' spiritual and political centre in Kurukṣetra, at *Āsandivat* 'the (place) having the throne', obviously a (temporary) seat of the frequently travelling Kuru kings;[122] other names for their royal settlement (*sādana*) are *Naḍapit* and

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[118] The 'south', i.e. the JB territory north of the Vindhya and south of the Yamunā, is inhabited by Matsya (on the Yamunā), by the Satvants, both going back to Ṛgvedic times, and apparently also by the (aboriginal?) Kunti, MS 4.2.6 *Kūrūnāṃ kaunté*. — Note the fight of the Pañcālas with the Kuntis, see Author, Tracing, n. 113, KS 26.9, end.

[119] See KS 26.2 : 123.17, MS 4.7.9 : 104.14, TB 1.8.4.1, but contrast ŚB 5.5.2.3-5, cf. and *W. Rau*, Staat p. 13, Author, Localisation p. 178, *Bodewitz*, transl. JB 1.66 ff., p. 276 n. 31. — Note that this also refers to ritual: JB 1.262, 94 is very clear in this regard: the Śrauta ritual had by then spread even to the *udantyas*, see Localisation p. 187.

[120] See *W. Rau*, Staat, p. 107 ff.; now *H. Scharfe*, The State in Indian Tradition, Leiden 1989; the officials (*ratna/ratnin*) are: *purohita:* house chaplain, *senānī:* army leader, *grāmaṇī:* smaller leader or later village head, *sūta:* herald, *saṃgrahītṛ:* chariot driver, *kṣattṛ:* meat cutter, *bhāgadugha:* food distributor at the 'table', *govyaccha / govikarta:* butcher, *akṣavāpa:* dice thrower, *takṣan:* carpenter, *rathakāra:* chariot maker, *pālāgala:* runner, and other *rājopajīvins*; also the *sthapati* of the aborigines (*W. Rau*, Staat p. 113): of Niṣāda, others; *ugra/pratyenas* 'henchmen' (who do not belong to aristocracy); cf. also: *dūta* 'emissary', *abhikrośa* 'herald', *piśuna, pariskanda* '?'.

[121] See above, n. 93; cf. below *ad* n. 165, 167.

[122] Note that the kings roam about in their territory because of their comparative lack of centralized power, in order to control the various parts of their realm, cf. *Claessen*, in: Current Anthropology Aug.-Oct. 1984, 365-379, *W. Rau*, Staat, p. 128.

Rohītakūla.[123] Some other rites took place 'at the back of Kurukṣetra' at *Parisaraka* or *Parīnaḥ*[124] where the river Sarasvatī disappeared in the desert.

All of these strategies, and the changes brought about, underline the increased power of the supreme *rājan* of the Kuru as a new 'great chief'. The relation between the royal court, the subtribes (*jana, janatā*), the clans (*gotra*), and the individual families (*kula*) was characterized by the ability of the higher levels in the social hierarchy to extract tribute (*bali*) from the lower levels. These tributes (in kind) still were to some degree 'recycled' during the great rituals just as they had been in Rgvedic times (during the *vidatha*[125]). However, the royal officials of the budding administration of the Kuru kings also took their 'fair' share. That this was not always acquired in genial fashion can be noticed already in a Mantra time text, at Atharvaveda 3.29.1, which describes the other world as one where one has to give up just one sixteenth[126] as tribute. The Mantra and Brāhmaṇa texts bear frequent witness to the relatively undetermined nature of this kind of 'tax'.[127] *Sahlins* has described this type of society in some detail.[128]

The royal officials were 'paid' by the king from his *bali*. They did not hold just ceremonial offices (such as the *govikartā*, etc.[129]) but had real administrative functions as well: as army leader (*senāni*), herold (*kāru*) or emissary (*dūta, sūta*), and as royal priest (*purohita*) who was closely linked to the actual carrying out of government and who was very closely allied to the King also on a personal level, sometimes as chariot driver.

The various levels of authority within the new Kuru super-tribe are discernable to some degree: At the top was the   king (*ekarājan*[130]),   as   JB 2.275 and later an Atharvavedic text have it), his relatives and his peers (the high aristocracy), from which alone the king could be chosen (*rājya*).[131] Below this ranged the smaller chiefs (*rājan*, three in the Kuru, and six in the Pañcāla tribe).[132] Then came the leaders of the various clans who strove to become 'the best' (*bhrātrvya, ahaṃśrestha*); for them a title is not found. They may, however, often have been identical with the owner (*grāmin*) viz., the leader of a wagon train[133] (*grāmaṇī*). Significantly, this term was first intro-

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[123] PB 14.3.11-12; cf. JB 3.183: 192: the high bank (*kūla*) of the Yamunā; cf. also Rohita PS 18.15-26 = AV 13, and his relation to the (red) sun, *varcas* (cf. x^ar̯naḥ).

[124] See Author, Sur le chemin du ciel.

[125] See F. B. J. *Kuiper*, The ancient Aryan verbal contest, in: Indo-Iranian Journal 4, 1960, pp. 217-281.

[126] See already RV 8.47.17; AV 3.29.1 'What the kings share among themselves — the sixteenth of what has been offered-and-bestowed...' (*Whitney*).

[127] Examples in *W. Rau*, Staat, 24.3, 25, 40.2, p. 104.

[128] *Sahlins*, Poor Man, Rich Man, Big Man, Chief: Political Types in Melanesia and Polynesia, in: Comparative Studies in Society and History 5, 1963, p. 285-303.

[129] *W. Rau*, Staat, p. 107.

[130] In the late Kauśika Sūtra; cf. the Mantra time names *samrāj, adhirāj* see Author, Localisation p. 183.

[131] See *W. Rau*, Staat, p. 68: The Vaiśya and others were *a-rājya*.

[132] Note that according to *W. Rau*, Staat, one could be a *rājan* even before one's 'coronation'. Note also the more than 7000 '*rājas*' of the Vesali people in the Pāli texts. — Cf. *S. Zimmer*, *viśām páti* und *viśpati*, in: Münchener Studien zur Sprachwissenschaft 44, 291-304.

[133] Cf. the Germanic term Germ. *Herzog*, Dutch *hartog* 'the one who leads in front of the army [on the move]'. See now *H. Kulke* on the wish for a settlement: Grāmakāma - 'das Verlangen

duced in RV 10, thus under the Bharata chieftains. Finally, there is the head of the extended family (*dampati, pitā(mahā), pati*).[134]

The king could exert his will by a ready band of 'terrible [warriors]' (*ugra*)[135] or henchmen. He also relied on a network of spies, known since Ṛgvedic times as *spaś*, in the Brāhmaṇa perhaps as *piśuna*; this institution was perfected under the early empires, as described in detail by Kauṭalya (as *cāra*). Nevertheless, the chieftain and even the great chief of the Kuru, was not yet, by any means, an absolute monarch. He could be dis-posed by a rebellion among his peers or by the people. This happened fairly frequently; the person of the exiled king is a recurrent in the texts of the YV Saṃhitā and the Brāhmaṇas, and special rituals were created to let him regain his kingdom.[136]

The new concentration of power created, as *Sahlins* notes,[137] at the same time, the roots for its destruction, of revolution. Absolute power was realized only in the first great states, with aspirations of empire, such as Magadha about 500 B. C.[138] The Vedic Kuru realm still resembles that of a large Polynesian chieftainship[139] such as that of Hawaii — and with a similar ideology.[140] In its origin and size, though not in its ideology,[141] it may be compared with another early state, the realm of the Franks under the Merowingian kings.

The new arrangement of the Vedic society — superficially united in a diversity of four classes — did not only provide each member of the new Kuru super-tribe with a clear and *fixed* identity but it also allowed society to eliminate much of intra-tribal and inter-tribal strife, such as the constant cattle rustling, and to turn the Kṣatriyas' activities *outwards*. Military expansion quickly established the new Kuru tribe as the only major force among the few remaining smaller tribes of Northern India, such as the Matsya, Satvant, Uśīnara. While the nuclear area of the Kuru was the eastern Panjab, Haryana and the western part of Uttar Pradesh, the Kurus soon made their presence felt beyond this.

The military expansion of the Kurus may have been limited to the periodic raiding

Footnote from p. 46, continued
nach einem Dorf'. Überlegungen zum Beginn frühstaatlicher Entwicklung im vedischen Indien, in: Saeculum 42, 1991, 111-128.
[134] See *W. Rau*, Staat, p. 38 ff. for details of the later, YV Saṃhitā and the Brāhmaṇa period.
[135] See *W. Rau*, Staat, p. 114, who takes them as some sort of military men, referring to the famous passage of BAU 3.8.2; they were ranked higher than other officials such as the *grāmaṇī*, etc. Cf. also *pratyenas*, loc. cit.
[136] See *W. Rau*, Staat, on revolts and the exiled king, p. 128 f., e.g. Balhika Prātipīya, the Kauravya king (ŚB 12.9.3.1 ff.) regains the chieftainship over the Kuru subtribe of the Sṛñjaya.
[137] *Sahlins*, Poor Man, Rich Man, Big Man, Chief (see above, n. 128).
[138] Which is, consequently, characterized in quite unpleasant fashion by the Indian Epic in the person of king Jārasandha of Magadha (Mbh. 2.14 ff.).
[139] *Sahlins* has described this type of society in some detail for Polynesia.
[140] Which is not only an accident of history or the result of social and economic development. Both societies make use of the old Eurasian 'ideology' of a descent of the chiefs from the Sun deity. More on this see Author, The myth of the hidden sun, (forthcoming).
[141] Though the Vedic (and later Indian) kings had to give (*dāna*), they did not and could not hand out such gifts continually as the Franconian kings did (cf. also *Claessen*, in: Current Anthropology 1984, 365 sqq). Rather, they had to rely on periodically making booty in the east and of distributing new pasture (and also fields for barley and rice agriculture) to their nobility and their people (*viś*).

and looting of new agricultural crops,[142] taken from the pockets of aboriginal agricultural populations (Niṣāda, 'those sitting at their proper places'), and may have occurred as recurrent parts of the yearly transhumance movements. But in other cases[143] we notice a long-range advance. The texts clearly describe this as happening in two directions: eastwards (KS 26.2:123.17; including the victory over the Kāśi[144]) and southwards (MS 4.7.9:104.14).[145] This means expansion into the territories of the materially little progressed, chalcolithic cultures of the east and into the lands of the aboriginal agricultural peoples of the south, the Banas/Malwa cultures along the Chambal river.

All this is confirmed by the development of the Vedic dialects.[146] The newly stratified society of the Kurus with its model of orthopraxy emerged from a fairly small territorial nucleus and the new pattern spread quickly in all directions, as far as the natural conditions of the subcontinent would allow. The testimony of the texts, their language, and archaeology indicate the expansion of these traits from a small nucleus centering around Kurukṣetra.

Considerable re-organization of texts, rituals and social functions therefore were the hallmark of the strategies underlying the establishment of the Kuru realm. Especially the introduction of the Śrauta type ritual, the division of labour between the King and his brahmins, the close cooperation between Kṣatriyas and Brahmins (brahmakṣatra), and even more so, the establishment of the system of four 'classes' (varṇa) was to become seminal for the development of Indian society ever since.

The Kuru realm survived under Parikṣit's descendant, Janamejaya Pārikṣita, Janamejaya's sons, his grandson Augrasainya and probably beyond this.[147] A closer reading of the texts yields more results for this still very hazy picture of Vedic history: the Kurus were overcome by the (probably non-Vedic) Salvas[148] who 'dispersed the Kurus from Kurukṣetra' (JB 2.206, ŚŚS 15.16.11-12[149]) — a fact completely overlooked by the historians of old India. The Salvas (or Salvi), mentioned at ĀpMp 2.11.12 as Yaugandhara, settle opposite or near the Matsyas on the Yamunā. By that time, the former and by now defeated Kuru tribe and the Salvas had apparently coalesced and they therefore re-appear

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[142] See W. Rau, Staat, p. 13, and J. Heesterman in: Contributions to Indian Sociology, N.S. 15, 258, ad TB 1.8.4.1.

[143] Such as the march eastwards of the Kurus (TB 1.8.4.1), the victory of the Pañcālas over the Kāśi, ŚB 13.5.4.19.

[144] See ŚB 13.5.4.19 ff.; note that Ajātaśatru is (at the same time?) king of the Kuru (VādhB).

[145] Cf. W. Rau, Staat, p. 13, without making use of the different direction of movement, though. Author, Das Kaṭha Āraṇyaka, Erlangen 1974 and H. Kulke, A History of India, make this connection.

[146] See Author, Tracing the Vedic Dialects.

[147] Cf. ŚB on the fights with the Kāśi.

[148] Later known as the Y(a)ugandhara: ĀpMp. 2.11.12.

[149] The fight of the Kurus with the Salvas may be echoed by the great battle of the Mahābhārata where it is confused with the Ṛgvedic Dāśarājña (between the Bharatas and the other tribes of the Panjab; note also the earlier Twenty Kings' Battle of RV 1.53.9); all of this was distant memory even by the time of RV Khilas, and definitely so in JB 3.245: 205, KS 21.10:50.1, MS 3.7.7: 40.6.

in a late Brāhmaṇa[150] as a standard Vedic people, and then, in the Epic and Buddhist literature also as Śūrasena.[151] The name of the Kurus was kept alive during the Vedic period, and, in fact, the area appears to have been thoroughly (re-) Sanskritized[152] already by the time of ŚB: the Kurus are not reckoned with the despised Bāhīkas ('the Outsiders') of the Panjab but are again regarded as belonging to the heartland of orthopraxy.[153]

Against this background it is not surprising that a late Vedic text, BĀU 3.3.1, can look back at the royal family of the Kuru as belonging to the distant past. The passage (ŚB 14.6.3 = BĀUK 3.3.1-2) mentions the fate of the Parikṣitas, the royal family of the Kurus, and asks: 'what has become of the Parikṣitas?' — The answer is: 'they have, in truth, gone whither the offerers of horse sacrifice go' — and this is 'heaven', a place beyond the ends of the world, and the ring ocean around it. Apparently they have gained a firm place in heaven which is otherwise granted only to such extra-ordinary persons as the Seven Ṛṣis.

These few passages might, ultimately, provide the clue for the prominence, in the later YV-Saṃhitā and the Brāhmaṇa period, of the Pañcālas with their Taitt., Kauṣ., Śāty. schools. The political and cultural centre now had shifted from the Kuru to this tribe which lived farther East, in what is now Uttar Pradesh. The Pañcāla king Keśin Dālbhya and his successors are prominent in a later YV-Saṃhitā, TS, and beyond.[154]

According to JB 2.278-9, however, Keśin was closely related to the royal family of the Kuru: his maternal uncle was Uccaiḥśravas, son of Kuvaya, the King of Kurus (kauravya rājā). Apparently he simply took over when the Kuru line was in decline (or without heirs?), due to the Salva invasion. Keśin is also credited with the 'invention' of the dīkṣā of the Soma sacrifice.[155] He is both the new political as well as 'spiritual' leader. The power of this dynasty lasted much longer than that of the original Parikṣita dynasty. His descendants are reported as being numerous even in the comparatively late ŚB where they are called Dālbhya/Dārbhya Kaiśina.[156]

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[150] Cf. also ŚB 10.4.1.10, where the Salvas have the regular classes (varṇa): rājānaḥ, brāhmaṇāḥ, and vaiśyāḥ.

[151] Perhaps originally a nickname, cf. the names of the sons of Parikṣit, such as Ugrasena etc. — The name is foreshadowed in JB 1.262: 'Therefore, among the Kuru-Pañcālas, a hero (vīra) is born with all the heroes.' — In the Epic they occasionally occur next to the Kuru(-Pañcālas).

[152] For the nature of the Salvas, see Author, Tracing, n.333; cf. further, the information of JB 2. 297-299 on vyādhinīḥ, the female hunters which may be compared to the story of Alexander meeting the queen of the Amazones in north-west India, see now E. Garzilli, First Greek and Latin documents on sahagamana and some connected problems, with notes 105-106, in: Indo-Iranian Journal (forthc.)

[153] Note also the fierce Kathaíoi 'tribe' (i.e. Katha Brahmins) who live in the same area as the Salva (and Mahāvṛṣa) at the time of Alexander. Arrian, Anabasis 5.22. The 'tribe' is reported to be one of the fiercest in north-west India.

[154] For the prominence of Keśin Darbhya, see Author, Notes on Vedic Dialects I, in: Zimbun 25, 1990, 40-41; cf. also JB 1.285.

[155] Keśin's invention of the consecration to the Soma ritual, the Kaiśinī dīkṣā, is told in VādhB 4.37 = W. Caland, Kl. Schr. 147 f., KB 7.4, JB 2.53; cf. Sri Krishna Sharma, Keśin Dārbhya and the legend of his dīkṣā, in: Annals of the Bhandarkar Oriental Research Institute 48/49, 1968, 241-245.

[156] ŚB 11.8.4.6 says that Keśin's descendants continue to survive.

The mysterious Ikṣvākus, which already appear at RV 8.60.4, may help to explain the developments in the Eastern part of the Pañcāla area. They are mentioned already in the AV 19.39.9 = PS 7.10.9 as one of the Eastern groups (with the Kāśi and Matsya) living at the edge of Indo-Aryan settlements.[157] In the Pāli texts (DN 3.1.15 ff.), Okkāka (Skt. *Ikṣvāku*) is the forefather of the Śākyas, who lived in the Central Tarāī of Southern Nepal. A connection of the Ikṣvāku territory with that of the Kāṇvas (of the Brāhmaṇa period and their ŚBK texts) is highly probable. The Rāmāyaṇa, of course, takes the Ikṣvāku ancestry of the Kosala dynasty of Rāma for granted. Its appearence in the East may be directly correlated with the movement of the King Videgha Māthava into the country East of the Sadānīrā. (To the Kāṇva, this is the country East of the Kuru-Pañcālas, i.e. Kosala).[158]

The famous Videgha Māthava legend of ŚB 1.4.1.10 ff. tells the story of the 'civilization process of the East' in terms of its Brahmanical authors, and not, as usally termed, as the tale of 'the Aryan move eastwards.[159] For it is not only Videgha Māthava, a king living on the Sarasvatī, but also his priest Gotama Rāhūgaṇa who move towards the east. Not only is the starting point of this 'expedition' the holy land of Kurukṣetra; the royal priest, Gotama Rahūgaṇa, is a well known poet of Ṛgvedic poems as well, — and thus, completely anachronistic.[160] Further, the story expressively mentions the role of Agni Vaiśvānara, the ritual fire, in making the marshy country of the East arable and acceptable for Brahmins. All of this points to Sanskritization (or rather, Brahmanization) and Kṣatriyazation[161] rather than to military expansion.[162]

The *Māthavas*, about whom nothing is known outside the ŚB, may be identical with the *Máthai* of Megasthenes (c. 300 B. C.), who places them East of the *Pazálai* (Pañcāla), at the confluence of the *Erénnesis* (Son) with the Ganges.[163] The movement of some clans, with their king Videgha and his purohita, eastwards from the River Sarasvatī in Kurukṣetra towards Bihar thus represents the 'ritual occupation' of Kosala(-Videha) by the bearers of orthoprax (and orthodox) Kuru culture, but it does *not* represent an

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[157] Cf. also Ikṣvāku in the Vādhūla Mantras, see Author, Early Eastern Iran and the Atharvaveda, in: Persica 9 (1980), pp. 86-128. Cf. on Ikṣvāku myths, *H. Berger*, in: Wiener Zeitschrift für die Kunde Süd- und Ostasiens 3, 1959, 34-82.

[158] Note the intention of the story: Gotama Rahūgaṇa is otherwise known only as the author of Ṛgvedic hymns. To make him the culture hero of the East is as conspicuous as the Ṛgvedic person Namin Sāpya as King of Videha at PB 25.10.17, where he is interestingly described as making a 'pilgrimage' to Kurukṣetra, the holy land of the Veda and the home of Gotama Rahūgaṇa and Videgha Māthava who in ŚB are the prototypes of the eastward movement of Vedic orthopraxy.

[159] *R. Hauschild*, Über die frühesten Arier im Alten Orient, p. 55 on the migration of Videgha; *A. Weber*, Zwei Sagen aus dem Śatapatha-Brāhmaṇa über die Einwanderung und Verbreitung der Ärier in Indien, in: Indische Studien 1,161 ff.

[160] Unless one takes the ŚB legend literally and supposes a Ṛgveda time move towards the east.

[161] To use *H. Kulke*'s term.

[162] Which nevertheless is attested: 'The people move eastwards victoriously,' in the earlier YV text, KS 26.2:123.17, cf. *W. Rau*, Staat, p. 13.

[163] See Arrian, Indikē 4.5 and cf. the commentary by *O. v. Hinüber*, in: Arrian, Der Alexanderzug. Indische Geschichte, hg. und übers. von *G. Wirth* und *O. v. Hinüber*, München, Zürich 1985, p. 1095; cf. also Author, Localisation.

account of the first settlement of the East by Indo-Aryan speaking tribes which must have taken place much earlier, as the (still scanty) materials of archaeology indicate.[164]

V. Summary

It can be said that the Bhārata/Kaurava/Parikṣita dynasty of the Kurus sucessfully carried out *and* institutionalized a large scale re-organization of the old Ṛgvedic society. Many aspects of the new ritual, of the learned speech, of the texts and their formation reflect the wish of the royal Kuru lineage and their Brahmins to be more archaic[165] than much of the texts and rites they inherited. In this fashion, the new Parikṣita kings of the Kurus betray themselves as typical newcomers and upstarts who wanted to enhance their position in society through the well-known process of 'Sanskritization.' In fact, to use the modern term out of its usual context, *the establishment of the Kuru realm was accompanied by the First Sanskritization.*[166] Incipient state formation can only be aided if it is not combined with the overthrow of *all* inherited institutions, rituals, customs, and beliefs. The process is much more successful if one rather tries to bend them to one's goals or tries to introduce smaller or larger modifications resulting in a totally new set-up. The new orthopraxy (and its accompanying belief system, 'Kuru orthodoxy') quickly expanded all over Northern India, and subsequently, across the Vindhya, to South India and later to S.E. Asia, up to Bali. This procedure is visible in the Bhārata/Kaurava dynasty's large scale collection of older and more recent religious texts: In all aspects of ritual, language and text collection, these texts tend to be more archaic than much of the inherited older texts and rites.[167] On the other hand, the new dynasty was effective in re-shaping society[168] and its structure by stratification into the four classes (*varṇa*), with an internal opposition between *ārya* and *śūdra* which effectively camouflaged the really existing social conflict between *brahma-kṣatra* and the rest, the *vaiśya* and *śūdra*; further, the Bhārata/Parikṣita dynasty was successful in reorganizing much of the traditional ritual and the texts concerned with it. (It must not be forgotten that public ritual included many of the functions of our modern administration, providing exchanges of goods, forging unity and underlining the power of the elite.)

The small tribal chieftainships of the Ṛgvedic period with their shifting alliances and their history of constant warfare, though often not more than cattle rustling expeditions, were united in the single 'large chiefdom' of the Kuru realm. With some justification, we may now call the great chief (*rājā*)[169] of the Kurus 'the Kuru king'. His power no

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[164] Note the two level settlements of small villages and larger market places of the Ochre Colored Pottery and Black and Red Ware cultures in the area.

[165] See above, notes 93-95.

[166] Ironically, if we use Srinivas' term, — of people speaking Vedic Sanskrit.

[167] See above, notes 93-95.

[168] Note the *Puruṣa* hymn RV 10.90, with its designation for the 4 classes (see above) and note that this is a late hymn indeed: it also has one of the first cases of *loka-* instead of *uloka-*.

[169] Note that even this title is traditional. While other areas of northern India use titles such as *adhirāja, sarvarāj* (see above) etc. the Kurus and Pañcālas retain the simple title of *rājan*. One

longer depended simply on ritual relationships such as exchange of goods (*vidatha*)[170] but on the extraction of tribute (*bali*)[171] from an increasingly suppressed third estate (*viś*) and from dependent subtribes and weak neighbours; this was often camouflaged as ritual tribute, such as in the Aśvamedha.

In view of the data presented in this paper, we are, I believe, entitled to call the Kuru realm the first state in India.[172] To quote *W. Rau*, who has described the social and political conditions of the YV Saṃhitā and Brāhmaṇa period in such detail: '... the Indians of the Brāhmaṇa period lived in political organizations which, with good reasons, can be called states.'

It must be underlined, again, that the developments which brought about the the Kuru realm were lasting and not transient ones as those under the Ṛgvedic Pūru or Bharata. *In effect, many of the changes in religion and society then carried out shape Indian society even today.*

Footnote from p. 51, continued
may regard this as another 'trick' of the Kuru king: he stresses he is only a *primus inter pares*.
[170] Again, note that Parikṣit still uses this term at RVKh 5 — though he must have been the one who formed the early Kuru state.
[171] *W. Rau*, Staat, p. 104, cf. *W. Rau:* 24.3, 25, 40.2.
[172] Of course, barring the decipherment of the Indus seals which might point to a political and social organization that can be compared to Near Eastern states. See now *W.A. Fairservis*, The Harappan civilization and its Writing. A Model for the Decipherment of the Indus Script. Delhi 1992; *A. Parpola*, Deciphering the Indus Script. New York 1993.

Heinz Bechert

Die Gesetze des buddhistischen Sangha
als indisches Rechtssystem

Wenn man von indischer Rechtsliteratur und von indischen Rechtssystemen spricht, so denkt man zunächst an die *Dharmasūtras, Dharmaśāstras* und an das *Kauṭalīya-Arthaśāstra*. Dies sind die Quellen, die z.B. *Ludo Rocher* in dem einschlägigen Abschnitt der "Einführung in die Indologie" erwähnt. In diesen literarischen Werken sind die Rechtsvorstellungen und Rechtsregeln des klassischen Indien niedergelegt. Hier werden auch die Prinzipien formuliert, auf denen die Rechtsordnung der vorislamischen indischen Staaten beruhte. Die überlieferten Texte sind schwer datierbar. So setzt *Ludo Rocher* den Ursprung des ältesten erhaltenen *Dharmaśāstra*-Textes, nämlich des *Mānavadharmaśāstra*, in die Zeit zwischen 200 v. Chr. und 200 n. Chr. und datiert das Ende der *Dharmaśāstra*-Literatur „wohl um 700 n. Chr.". Auch die Entstehungszeit des *Arthaśāstra* ist nach wie vor heftig umstritten. Im Hinblick auf alle diese Texte stellt sich nun die Frage, ob die darin enthaltenen Angaben die wirklichen Verhältnisse im alten Indien beschreiben oder ob sie uns nicht eher nur die Beschreibung eines Idealfalls geben. Ganz offensichtlich ist letzteres der Fall.

Trotz dem hohen Grad an detaillierter Ausarbeitung zahlreicher Rechtssätze etwa im *Arthaśāstra* haben wir es bei diesen Werken nicht mit Gesetzbüchern in unserem Sinne zu tun, also nicht mit einem in sich geschlossenen, widerspruchsfreien System, das eine unabhängige Rechtsprechung gewährleisten könnte. Diese war Sache der tatsächlichen Inhaber der Macht; allerdings waren deren Befugnisse durch die in den genannten Quellen niedergelegten Prinzipien wesentlich eingeschränkt. Die Entwicklung geschlossener Systeme für die juristische Praxis ist erst im Laufe der letzten Jahrhunderte festzustellen, nachdem die Notwendigkeit eindeutiger Rechtsverhältnisse vor allem im britisch-indischen Kolonialreich entstanden war. Die überlieferte, auf den religiösen Vorgaben der brahmanisch-hinduistischen Wert- und Sozialordnung beruhenden Rechtsungleichheit der Angehörigen verschiedener Kasten und anderer religiöser und sozialer Gruppen wurde dabei keineswegs ganz beseitigt; für große Teilbereiche des Zivilrechts galten weiterhin Partikularrechte für die einzelnen Bevölkerungsgruppen. Erst im unabhängig gewordenen indischen Staat sind auch diese Rechtsgebiete, also z.B. Eherecht, Erbfolgerecht usw., einheitlich geregelt worden.

Wenn man nun auf die Gesamtheit der uns überlieferten literarischen Quellen zurückblickt, so kann man die überraschende Entdeckung machen, daß uns aus dem alten Indien ein Rechtssystem überliefert worden ist, das nicht nur weiter zurückreicht als die erwähnten brahmanisch-hinduistischen Rechtsbücher, sondern auch im Sinne unserer heutigen Rechtsvorstellungen „moderner", oder, besser gesagt, fortgeschrittener ist als alles, was die übrige Rechtsliteratur des alten und mittelalterlichen Indien, soweit sie uns erhalten ist, hervorgebracht hat. Dies ist das Recht des buddhistischen Mönchs- und

Nonnenordens. Ich will dazu einige grundsätzliche Bemerkungen machen und auf die Problematik des Standes sowie auf die Aufgaben der Forschung in diesem Bereich hinweisen.

Das buddhistische Ordensrecht ist im *Vinayapiṭaka* formuliert, also im ersten Teil der Sammlungen kanonischer Schriften, ergänzt durch die zugehörige Kommentarliteratur. Es ist naturgemäß Verbandsrecht nur dieser Ordensgemeinschaft, und es wurde erdacht, um die Rechtsverhältnisse ihrer Mitglieder einheitlich zu regeln. Es ist im Prinzip bis heute als Recht des buddhistischen Ordens gültig geblieben. Wie das hinduistische Recht bezieht dieses Rechtssystem seine Legitimation aus einer religiösen Quelle, die allerdings anderer Art ist als bei den Hindus. Die Quellen gehen nämlich davon aus, daß alle wesentlichen Bestimmungen der Rechtsordnung des buddhistischen Sangha vom historischen Buddha als Religionsstifter erlassen worden sind. Der Buddha ist also zugleich religiöser Lehrer und Gesetzgeber.

In der Theorie — wenn auch nicht in der Praxis — ging man auch in späterer Zeit davon aus, daß dieses Gesetzgebungswerk unveränderlich feststeht. Man kann darüber streiten, ob dies wirklich die Intention des Buddha gewesen ist. Nach einer m.E. glaubhaften Überlieferung, auf die ich noch in anderem Zusammenhang zurückkommen werde, hat der Buddha kurz vor seinem Tode die Aufhebung von sog. „kleineren Regeln" durch den Sangha genehmigt. Die Überlieferung berichtet weiter, daß der Sangha kurz nach dem Tode des Buddha beschlossen habe, nichts an den vom Buddha erlassenen Vorschriften zu ändern, d.h. der Sangha verzichtete darauf, von diesem Recht auf Änderung „kleinerer Regeln" Gebrauch zu machen.

Abgesehen von der Tatsache, daß eine Legitimation auf religiöser Grundlage gegeben ist, hat das buddhistische Ordensrecht wenig gemeinsam mit dem hinduistischen Recht. Die Bestimmungen regeln das Zusammenleben einer Gemeinschaft, die sich ein religiöses Ziel gesetzt hat, nämlich das der Erlösung aus dem Kreislauf der Wiedergeburten. Die Vorschriften sollen sicherstellen, daß sich die Mitglieder dieser Gemeinschaft tatsächlich möglichst ungestört diesem Ziel widmen können. Die Verfahrensweisen selbst sind fast durchweg rational begründete reine Rechts- und Verhaltensregeln, weitgehend ohne direkten Bezug zu den Inhalten der Erlösungslehre. Die meisten modernen Leser des *Vinayapiṭaka* haben sich in der Beurteilung dieses Rechtssystems durch manche der erbaulichen, gelegentlich auch ganze Predigten oder Predigtteile enthaltenden sog. Vorgeschichten zu einer Fehleinschätzung dieses Rechtssystems verleiten lassen; diese Vorgeschichten schildern die Präzedenzfälle, die den Buddha jeweils zur Verkündigung einer Regel veranlaßt haben. Sie sind zwar Teil des Textes, aber nicht Teil des Rechtssystems.

Zu den aus der Zielsetzung des Sangha resultierenden Notwendigkeiten gehörte es, Konflikte mit Staat und Gesellschaft zu vermeiden. Die Mönche haben sich wohlanständig zu benehmen; sie dürfen keinen Anstoß erregen. Es darf niemand in den Sangha aufgenommen werden, der in königlichen Diensten steht oder der in Schuldknechtschaft geraten ist. Eine ganze Reihe derartiger Bestimmungen diente der Vermeidung von Konflikten mit weltlichen Gewalten und mit weltlichem Recht. Asketengemeinschaften mit eigener innerer Ordnung waren im alten Indien jener Periode bekanntlich nichts Außergewöhnliches. Um die Zeit des Buddha hatten sich bereits Voraussetzungen in der Gesellschaft entwickelt, unter denen solche Asketengemein-

schaften einerseits in einer von der brahmanisch-hinduistischen Sozialordnung geprägten Umwelt existieren konnten, ohne mit dieser in Konflikt zu geraten, andererseits aber auch in der Lage waren, die Gültigkeit eben dieser Sozialordnung im Leben ihrer eigenen Gemeinschaft zu ignorieren. Die innerhalb der hinduistischen Ordnung gegebene Möglichkeit, sich als *Sannyāsin* aus dem sozialen Leben ganz zurückzuziehen, hatte den gesellschaftlichen Rahmen dafür geschaffen.

Zu den aus diesen Gegebenheiten resultierenden Prinzipien gehört die Trennung von Sangha und Staat als Regelfall auch in überwiegend buddhistischen Gesellschaften. Dieses Prinzip ist allerdings im Laufe der geschichtlichen Entwicklung mehr und mehr unterlaufen worden, weil die Inhaber der Staatsgewalt naturgemäß Einfluß auf die buddhistischen Ordensgemeinschaften nehmen wollten. Daß andererseits auch die buddhistische Ordensgemeinschaft im Laufe der Geschichte nicht nur ein mächtiger „Staat im Staate" werden konnte, dessen Einfluß in manchen Theravāda-Ländern nicht selten über die weltliche Macht triumphierte, ja daß daraus sogar — wie in Tibet — eine Staatsmacht werden konnte, resultiert aus einer Vielzahl von Faktoren, auf die ich hier nicht eingehen kann. Eine solche Entwicklung widersprach mit Sicherheit dem Geist und zum Teil auch dem Buchstaben des Vinaya, und im indischen „Mutterland" ist sie übrigens auch in den Perioden, in denen der Buddhismus starken Einfluß ausübte, kaum festzustellen. Eine der Voraussetzungen für diese Entwicklung ist die Tatsache gewesen, daß, wie später zu erwähnen, größere Lebensbereiche des Sangha in den Bestimmungen des Vinaya nicht geregelt sind, weil dies in der frühen Zeit offenbar überflüssig gewesen ist.

Der Text des buddhistischen Rechts, also das *Vinayapiṭaka*, ist in verschiedenen Rezensionen überliefert, die in vielen Einzelheiten voneinander abweichen. Diese Abweichungen beruhen auf der Entscheidung des Buddha, keine Kodifikation seiner Lehre in Form eines Corpus heiliger Texte nach dem Vorbild des Veda anzuordnen, sondern die freie Überlieferung in der Volkssprache vorzusehen. In dieser freien Überlieferung sind regionale Unterschiede nichts Überraschendes; erst in der Zeit der Herausbildung unterschiedlicher sog. Schulen (*nikāya*) kam es dann doch zu Kodifikationen. Die konsequenteste Kodifikation des Kanons erfolgte durch die Theravāda-Schule unter Verwendung eines Dialekts, der von den Theravādins selbst als Māgadhī, die Sprache des Buddha, angesehen wird. Wir bezeichnen heute diese in Einzelheiten von der Sprache des historischen Buddha abweichende Sprachform mit dem Wort für „Text" als *pāli*. Durch diese Kodifikation wurde Pāli zur Sakralsprache dieser Schule.

Die erwähnten Abweichungen der verschiedenen Textrezensionen betreffen meist Einzelheiten, kaum grundlegende Fragen. Nicht nur alle Rechtssätze von grundsätzlicher Bedeutung, sondern auch die Struktur der Texte ist in allen Versionen des Vinaya die gleiche. Die Rechtssätze sind eingebettet in Berichte der vorhin erwähnten Art, also die sog. Vorgeschichten; diese schildern den Anlaß ihrer Verkündung durch den Buddha und geben damit die Legitimation für die betreffende Vorschrift. Während diese Berichte in der Zeit rein mündlicher Überlieferung offenbar noch ganz frei tradiert wurden, sind die Rechtssätze selbst sowie die Rechtsformulare relativ einheitlich, sind also schon wesentlich früher in ihrem Wortlaut festgelegt worden. Alle Versionen des *Vinayapiṭaka* beginnen mit dem *Vinayavibhaṅga*, in dem die im *Pāṭimokkha* (skt. *Prātimokṣa*), dem als Beichtformular dienenden Text, enthaltenen Regeln mit Vorgeschichte, dem Text der

Regel, kommentariellen Erläuterungen dazu sowie einer Erörterung von Einzelfällen
enthalten sind. Gerade hier findet man Rechtsgrundsätze, die erstaunlich modern
anmuten. So ist der Ersttäter straffrei, nach dem Rechtsgrundsatz *nulla poena sine lege*;
es wird zwischen vorsätzlicher und fahrlässiger Handlung unterschieden, der Fall der
Unzurechnungsfähigkeit des Täters sowie die Wertung des Versuchs werden geregelt.
Soviel ich sehe, ist ein von *Hellmuth Hecker* 1977 veröffentlichter Aufsatz die erste aus-
führliche rechtsgeschichtliche Würdigung dieses Teils des buddhistischen Ordensrechts.[1]

Im zweiten Teil des *Vinayapiṭaka*, dem *Khandhaka* (Sanskrit-Entsprechung *Vinaya-
vastu*), sind die Rechtshandlungen des Sangha dargestellt, die jeweils unter Verwendung
eines vorgeschriebenen Textes vorgenommen werden müssen. Diese Rechtsformulare
(*kammavācā*, skt. *karmavācanā*) bilden in ähnlicher Weise das Gerüst des *Khandhaka*,
also des zweiten Teils des *Vinayapiṭaka*, wie das *Pātimokkha* das Gerüst des *Vinaya-
vibhaṅga* darstellt. Die meisten Versionen des *Vinayapiṭaka* enthalten noch einen dritten,
deutlich jüngeren Teil, der jeweils eine Art Nachtrags- und Ergänzungswerk darstellt.

Schon *Hermann Oldenberg* hat in seiner 1881 erschienenen, bis heute nicht überholten
klassischen Darstellung des frühen Buddhismus mit Nachdruck darauf hingewiesen, in
welch hohem Maße „die äußeren Ordnungen, welche geistliche Sitte und geistliches
Recht dem Leben dieser Mönchsgenossenschaft gesetzt hat", festen rechtlichen Normen
folgen. *Oldenberg* erläutert weiter (S. 380):

*„Als ein rechtlich geordnetes erscheint jenes Leben von Anfang an. Ein Rechtsakt mußte
vollzogen werden, um das neu hinzutretende Mitglied in die Gemeinschaft aufzunehmen.
Das Gemeinderecht zeichnete seinem Tun und Lassen die Bahnen vor. Als Disziplinarhof
wachte die Gemeinde selbst, unter der Einhaltung eines geordneten Rechtsverfahrens, über
die Befolgung der geistlichen Ordnungen."*

Oldenbergs Darstellung beschränkt sich auf eine Skizze der wichtigsten Lebensbereiche
der Gemeinde: Eintritt in und Austritt aus dem Orden, Besitz, Kleidung, Wohnung,
Unterhalt, Kultus sowie Vorschriften für die Gemeinde der Nonnen.

Überraschenderweise hat die buddhologische Forschung, die auf fast allen anderen
Gebieten in den seit dem Erscheinen der ersten Auflage von *Oldenbergs* „Buddha" bis
heute vergangenen 111 Jahren gewaltige Fortschritte erzielt hat, die Erschließung des
Vinaya als Rechtsquelle weitestgehend vernachlässigt. Als ich vor drei Jahrzehnten im
Zusammenhang mit der Diskussion über die Interpretation von Aśokas sog. Schismen-
edikt nach brauchbaren Darstellungen des buddhistischen Ordensrechts suchte, wurde
ich nicht fündig. Ich konnte damals die Klärung der Bedeutung des Wortes *sangha* als
Rechtsbegriff nur anhand einer unmittelbar aus den Quellen schöpfenden Interpretation
vornehmen.[2] Trotz einigen zwischenzeitlich erschienenen Darstellungsversuchen, auf
die ich an dieser Stelle nicht weiter eingehen möchte, konnte *André Bareau* auch 30
Jahre später in seinem neuesten Forschungsbericht im Jahrbuch des Collège de France
1990-91 dieses Gebiet noch zu Recht als „généralement beaucoup plus négligée en
Occident" bezeichnen (S. 673).

Zu den auffälligen Merkmalen des *Vinayapiṭaka* gehört die weitgehende Freiheit von

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[1] *H. Hecker*, Allgemeine Rechtsgrundsätze in der buddhistischen Ordensverfassung (Vinaya), in:
Verfassung und Recht in Übersee 10 (1977), 89-115.
[2] *Verf.*, Aśokas 'Schismenedikt' und der Begriff Sanghabheda, in: Wiener Zeitschrift für die
Kunde Süd- und Ostasiens 5 (1961), 18-52.

Widersprüchen in diesem System. Diese wird erreicht, indem nötigenfalls Ausnahme-regelungen verfügt werden. Es gibt so gut wie keinen Fall, wo im *Vinayapiṭaka* der Pāli-Schule an unterschiedlichen Stellen einander in dem Sinne widersprechende Regeln zu finden sind, daß die buddhistische Rechtssprechung zu unterschiedlichen Ergebnissen kommen müßte. Das Textcorpus ist ganz offenbar bewußt und einheitlich durchredigiert worden.

Trotzdem sind die Spuren der historischen Entwicklung nicht ganz verwischt. In der Einleitung zu seiner Ausgabe des *Mahāvagga* (1879) hat *Oldenberg* bereits darauf hingewiesen, daß im Khandhaka für Verstöße gegen das vorgeschriebene Verhalten zwei Termini für Vergehenskategorien verwendet werden, die sich im *Pāṭimokkha* nicht finden, nämlich *dukkaṭa* für leichte und *thullaccaya* für schwere Vergehen (S. xx). *Oldenberg* weist aber gerade in diesem Zusammenhang auch darauf hin, daß die Kenntnis der Regeln des Pāṭimokkha im *Khandhaka* überall vorausgesetzt wird, d.h. daß der Aufbau eines Gesamtsystems und die Integration der historischen Entwicklung in dieses System gelungen ist. Das *Pāṭimokkha*, das als Text bereits abgeschlossen vorgelegen haben muß, ist bei der Redaktion des *Khandhaka* umfassend konsultiert worden.

Die Anwendung dieses Rechtssystems setzt die Kenntnis des gesamten Vinaya voraus. Dasselbe gilt natürlich für die Interpretation dieser Texte, d.h. man kann die einzelnen Aussagen nicht isoliert, sondern nur im Gesamtzusammenhang verstehen. Außerdem muß man sich von der Vorstellung verabschieden, das *Vinayapiṭaka* sei ein Werk, das man durch einfache Lektüre in der gegebenen Anordnung des Textes verstehen könne. Der größte Teil der Autoren einschlägiger Sekundärliteratur, also der Versuche einer Darstellung des frühen buddhistischen Ordensrechtes, haben dies nicht beachtet. Außerdem arbeiten sie mit methodischen Ansätzen, die einem wirklichen Verständnis dieses Rechtssystems im Wege stehen. Mehrere Autoren versuchen, die historische Entwicklung innerhalb der von ihnen dargestellten Tradition zu rekonstruieren, ohne das Regelsystem als geschlossenes System verstanden oder überhaupt erkannt zu haben. Das Ergebnis ist eine unsystematische Mischung von Angaben aus den Texten und Spekulationen, die kein klares Bild entstehen lassen.

Als charakteristisches Beispiel einer solchen Darstellung nenne ich *Sukumar Dutt*, Early Buddhist Monachism (London, 1924), noch heute ein viel benutztes und zitiertes Hand-buch; in vieler Hinsicht gilt das gleiche auch von den meisten neueren Werken der indischen und der westlichen Literatur, die mehr oder weniger den gleichen Darstel-lungsmustern folgen: *Patrick Olivelle*, The Origin and The Early Development of Buddhist Monachism (Colombo, 1974); *Rabindra Bijay Barua*, The Theravāda Sangha (Dacca, 1978); *Jotiya Dhirasekera*, Buddhist Monastic Discipline (Colombo, 1981); John *Clifford Holt*, Discipline: The Canonical Buddhism of the Vinayapiṭaka (Delhi, 1981).

Eine andere Gruppe von Autoren arbeitet von Anfang an rein vergleichend; sie geht — mit gewissen Einschränkungen durchaus zu Recht — davon aus, daß die allen Vinaya-Rezensionen gemeinsamen Bestimmungen ursprünglich oder wenigstens sehr alt sind, verlieren aber dabei den Blick auf das Rechtssystem, das man in dem einzelnen Text findet und das als Grundlage für die historische Analyse dienen müßte; dies gilt für die Ausführungen einiger westlicher, aber auch japanischer Autoren wie z.B. Akira Hirakawa.

Die hier formulierte Kritik gilt nicht für Werke der einheimischen buddhistischen Rechtsliteratur, die für den praktischen Gebrauch im Sangha gedacht sind. Solche Werke sind in singhalesischer, birmanischer oder siamesischer Sprache verfaßt. Nur ein größeres Werk dieser Art ist in eine westliche Sprache übersetzt worden: *Vinayamukha*, verfaßt von Vajirañāṇa Varorasa (Lebenszeit 1860-1921), Sangharāja in Thailand. Die 1921 veröffentlichte Thai-Version wurde 1969 bis 1983 in einer dreibändigen englischen Übersetzung in Bangkok publiziert. Als nützliches Hilfsmittel, das auf Zusammenarbeit mit gelehrten birmanischen Mönchen beruht, sei noch C. S. Upasak, *Dictionary of Early Buddhist Monastic Terms* (Varanasi, 1975), genannt; die Bedeutung der Termini wird hier ohne historische Spekulationen entsprechend der monastischen Theravāda-Tradition Birmas erklärt, aber leider nicht im systematischen Zusammenhang dargestellt.

Um die Notwendigkeit zu exemplifizieren, die Vorschriften des Vinaya als System zu verstehen, komme ich auf die Interpretation des sog. Schismenedikt Aśokas zurück, die ich schon erwähnt habe. In dieser Inschrift steht *saṃghe samag(g)e kaṭe, saṃghasi no lahiye bhede*; nach Alsdorf Übersetzung (1959): „Die Einheit des Ordens ist (wieder) hergestellt. Im Saṃgha kann keine Spaltung geduldet werden." (Kl. Schr., S. 416). Alsdorf stützte, wie andere ältere Bearbeiter, seine Interpretation der Stelle allein auf die Berichte über Aśokas Ordensreform in den Pāli-Chroniken (vor allem im *Mahāvaṃsa*). Nun ist zweifellos richtig, daß sich die Inschrift auf die auch in der Chronik geschilderte Ordensreform bezieht. Alsdorf hat jedoch übersehen, daß man für die Interpretation der Termini nach älteren Quellen suchen muß, als es die erst ein halbes Jahrtausend später formulierten Pāli-Chroniken sind. Ich darf die Kenntnis der historischen Umstände von Aśokas Ordensreform für meine Ausführungen als bekannt voraussetzen.

Wichtig ist in unserem Zusammenhang, daß es sich um eines der sog. buddhistischen Edikte handelt; Aśoka formuliert eine Vorschrift für den Sangha. Daher ist davon auszugehen, daß der König sich auch der bei den Buddhisten üblichen Rechtsterminologie bedient, zumal er mit diesem Edikt Recht setzt oder, genauer gesagt, die Anwendung buddhistischen Rechts mit der Autorität des Staates durchsetzen und überwachen läßt. Tatsächlich finden wir die entsprechenden Termini und die hier zugrunde liegenden Regeln im *Vinayapiṭaka*.

Ich will nun anhand dieses Beispiels, das bereits in meiner erwähnten Studie zum Schismenedikt 1961 erörtert wurde, diesen Sachverhalt kurz skizzieren. Wir finden die Verbindung der Termini *saṅgha* und *samagga* in den Regeln für die Durchführung des *uposathakamma*, also der regelmäßigen Beichtfeier. Hierzu sagt der Buddha: *anujānāmi samaggānaṃ uposathakammaṃ* „ich ordne die Beichtfeier der vollzähligen (sc. Mönche) an" (*Mahāvagga* II.5.1).

Das Wort *anujānāmi* wird von den meisten Vinaya-Interpreten bis heute mit „ich erlaube", „ich gestatte" wiedergegeben. Dies ist in diesem Zusammenhang falsch; es bedeutet hier „ich ordne an". Soweit ich sehe, ist *Oldenberg der einzige ältere Autor, der diese korrekte Übersetzung gewählt hat* (z.B. Reden des Buddha, S. 309).

Was unter *samagga* zu verstehen ist, erklärt der Text (*Mahāvagga* II.5.2): *anujānāmi ... ettāvatā sāmaggī yāvatā ekāvāso*. Die Bedingung der Vollzähligkeit ist mithin erfüllt, wenn alle Mönche eines Wohnbezirks (*āvāsa*) sich versammelt haben. Da aber Unsicherheit hinsichtlich der Abgrenzung des Wohnbezirks entstehen kann, wird dieser Rechts-

terminus *āvāsa* nun durch einen präziseren definiert: *anujānāmi ... sīmaṃ sammanituṃ* „ich ordne an, daß eine Begrenzung (*sīmā*) [dafür] festgelegt wird" (*Mahāvagga* II.6.1). *sīmā* ist also eine für die Rechtspraxis notwendige nähere Definition des *āvāsa*, also des Terminus, der in der negierten Form *an-āvāsa* „der Ort, wo sich keine Mönchswohnstätte befindet", auch in Aśokas Inschrift vorkommt. Das Wort *sīmā*, das normalerweise „Grenze" bedeutet, gewinnt hier die spezielle Bedeutung des Gebietes, aus dem sich alle Mönche vollzählig versammeln müssen, um eine gültige Beichtfeier durchführen zu können. Eine weitere Bestimmung sieht vor, daß sich alle Mönche an einem Orte zu versammeln haben, wenn sich innerhalb einer *sīmā* mehrere *āvāsa* befinden. Hier also ist *āvāsa* im nicht-terminologischen Sinn einfach als „Mönchswohnstätte" aufzufassen. Dieses Nebeneinander von terminologischem und konventionellem Wortgebrauch hat zu erheblichen Verständnisproblemen bei der Interpretation des Vinaya-Textes geführt. So ergibt sich nur aus dem jeweiligen Zusammenhang, ob das Wort *dhamma* die Lehre des Buddha, also die Erlösungslehre, die Ordnung der Dinge im Sinne der sittlichen oder auch der tatsächlichen Weltordnung, oder „Gegebenheit" u.ä., oder aber terminologisch das vom Buddha erlassene Gesetz, also das System der Vinaya-Regeln bedeutet.[3]

Die grundlegende Bedeutung der *sīmā*-Regeln ergibt sich aus dem Umstand, daß sämtliche Rechtshandlungen des Sangha nur dann gültig sind, wenn sie innerhalb einer gültig festgelegten *sīmā* vollzogen werden. Dazu gehört in erster Linie auch die *upasampadā*, die Mönchsweihe. Die Kenntnis der Regeln über die *sīmā*, die sich erst im zweiten Kapitel des *Mahāvagga* finden, ist für die im ersten Kapitel dargestellten Verfahren der Mönchsordination vorausgesetzt. Man muß also auch hier den Gesetzeskodex als Gesamtheit kennen und darf nicht Teile daraus isoliert anwenden.

Von diesen Voraussetzungen ausgehend, hat *Petra Kieffer-Pülz* in einer Göttinger Dissertation sämtliche Vorschriften und Bezüge der *sīmā*-Regeln im *Vinayapiṭaka* der Theravādin, in der *Samantapāsādikā*, also dem klassischen Kommentar dazu, sowie im *Vinayavastu* der Mūlasarvāstivādins untersucht und jeweils als geschlossenes Regelsystem dargestellt[4]. Für die weitere Erforschung des frühen buddhistischen Rechtssystems wären nun vergleichbare Untersuchungen zu anderen grundlegenden Regelkomplexen erforderlich. Daß man gerade mit den *sīmā*-Regeln, die im zweiten Kapitel des *Khandhaka* enthalten sind, beginnen mußte, und nicht — wie fast alle früheren Autoren — mit den am Anfang stehenden Regeln für die Ordination, war bereits aus meiner erwähnten Studie zum Schismenedikt deutlich geworden. Nur auf dieser Grundlage wird

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[3] Man hat versucht, mit Hilfe der Etymologie und anhand der Geschichte der Wortbedeutung in älteren Texten so etwas wie eine Grundbedeutung wichtiger Termini der frühen indischen religiösen Literatur zu rekonstruieren, aber es wäre völlig unsinnig, eine solche Grundbedeutung etwa für die Interpretation der hier in Frage stehenden Texte annehmen zu wollen. Am Rande bemerkt, zeigt dieses Beispiel auch, wie problematisch die von *Heinrich Lüders* entwickelte Methode ist, die Bedeutung zentraler Termini der frühen vedischen Literatur wie *ṛta* an allen Belegstellen grundsätzlich aus einer solchen erschlossenen „Grundbedeutung" herzuleiten. Man wird wohl auch auf diesem Wissenschaftsgebiet von diesen neueren Spekulationen wieder zu *Oldenbergs* Auffassung zurückkehren müssen.

[4] Vgl. *P. Kieffer-Pülz*, Die Sīmā. Vorschriften zur Regelung der buddhistischen Gemeindegrenze in älteren buddhistischen Texten. Berlin 1992 (Monographien zur indischen Archäologie, Kunst und Philologie 8).

das Gesamtsystem verständlich. Bis in unser Jahrhundert hinein hat die Frage der korrekten Festlegung einer *sīmā* als Voraussetzung für die Rechtmäßigkeit der Ordination ganzer Mönchsgruppen zu mehr Kontroversen im Theravāda-Sangha geführt als irgendein anderes Vinaya-Problem.

Kehren wir noch einmal zu Aśokas Schismenedikt zurück. Hier war die Interpretation des Terminus *saṅgha* von entscheidender Bedeutung. Ich habe zeigen können, daß in diesem Kontext die jeweils konkrete Einzelgemeinde innerhalb einer *sīmā* gemeint ist. Der Gesamt-Sangha ist nur insofern indirekt angesprochen, als er die Summe aller einzelnen Sanghas darstellt, *saṅgha* hier also gleichzeitig auch als kollektiver Singular aufgefaßt werden darf. Die konkrete Rechtsregel bezieht sich aber immer nur auf einen einzelnen Sangha: Was sich innerhalb einer *sīmā* versammelt, ist eine individuelle Mönchsgemeinde, die eine im Vinaya je nach Art des Rechtsaktes (*saṅghakamma*) vorgeschriebene Mindestzahl von Mönchen umfassen muß. Zwar kann das Wort *saṅgha* — in dieser Bedeutung oft genauer bestimmt als *cātuddisa saṅgha* „der Sangha der vier Himmelsrichtungen", d.h. der ganzen Welt — auch kollektiv die Gesamtgemeinde bezeichnen, doch zu rechtlichen Handlungen fähig ist immer nur der einzelne Sangha, der *samagga*, also vollzählig, innerhalb einer *sīmā* zusammentritt.

Damit war eine Art von Fragmentierung des Gesamt-Sangha vorprogrammiert. *Oldenberg* hat dieses Problem bereits 1881 treffend charakterisiert (S. 388f.):

„*Durch ganz Indien und bald über Indien hinaus, in den Wäldern, durch die Dörfer zogen predigend und bettelnd buddhistische Mönche. Wie sollte da die 'Gemeinde der vier Weltgegenden, Anwesende und Abwesende' die Verwaltung ihrer gemeinsamen Angelegenheiten tatsächlich wahrnehmen? Zu lösen wäre diese Aufgabe allein durch das Schaffen einer mächtigen Zentralstelle gewesen, einer geistlichen Regierung, in welcher der Wille der ganzen Gemeinde sich konzentriert hätte. Aber wir finden, daß zur Bildung solcher Einrichtungen in den alten Kirchenordnungen auch nicht der geringste Versuch gemacht worden ist. Der Schwerpunkt der ganzen kirchenregimentlichen Tätigkeit, wenn überhaupt von einer solchen gesprochen werden darf, fiel in die Peripherie, in die kleinen Gemeinden der in demselben Bezirk wohnenden Brüder. Im Wanderleben dieser Bettelmönche aber, in ihrem steten Kommen und Gehen, in das nur die drei Monate der Regenzeit Stillstand brachten, fluktuierte natürlich der Bestand dieser engeren Gemeinden fortwährend.*"

Oldenberg sieht hier eine Lücke in den Institutionen des Ordens, aber in diesem Punkt würde ihm aus buddhistischer Sicht entschieden widersprochen werden müssen. Der Buddha hat bekanntlich bewußt keinen Nachfolger eingesetzt; vielmehr hat er *dhamma* und *vinaya* als Richtschnur nach seinem Tode bezeichnet (*Dīghanikāya* XVI.6.1). Die modernen Übersetzer sehen in diesen beiden Wörtern Bezeichnungen für „die Lehre und die Regeln" (so R. O. Franke, *Dīghanikāya*, S. 242). In den folgenden Sätzen des Textes wird zunächst geregelt, wie sich ältere und jüngere Mönche gegenseitig anzureden haben; es folgt die schon erwähnte Genehmigung, „nebensächliche und auf Kleinigkeiten bezügliche" Vorschriften aufzuheben. Der — bekanntlich viel spätere — Pāli-Kommentar legt zwar die zitierte Übersetzung nahe, aber sowohl die Parallelstellen (vgl. E. Waldschmidt, *Mahāparinirvāṇasūtra*, S. 386f.) wie der Zusammenhang lassen erkennen, daß dies nicht der ursprüngliche Sinn der Stelle gewesen ist. Der Buddha spricht hier von *dhamma* und *vinaya* im Sinne der Rechtsordnung und der Verhaltensvorschriften für die Gemeinde und sagt anschließend, in welchem Umfang die zu seinen Lebzeiten

etablierte Ordnung geändert werden solle oder dürfe. Die späteren Interpreten — und in diesem Fall bereits der Pāli-Kommentator — haben übersehen, daß die Wörter *dhamma* und *vinaya* im Kontext der Rechtsvorschriften für die Gemeinde eine andere Bedeutung haben als in konventioneller Redeweise: Dort ist es „Lehre und Ordenszucht", im Kontext der Vinaya-Regeln aber „Verfahrensvorschriften" und „Verhaltensvorschriften" für den Sangha. Dementsprechend heißt die Durchführung eines im *Vinayapiṭaka* geregelten Verfahrens auch *dhammakamma* („Rechtsakt").

Aus dem Gesagten wird die Intention der Aussage des Buddha an der zitierten Stelle deutlich: Der Sangha soll seine Angelegenheiten in autonomen Einzelgemeinden selbst verwalten; alleinige Richtschnur dafür sind die Vorschriften für die Rechtsverfahren (*dhamma*) sowie das richtige Verhalten (*vinaya*), d.h. die Ordenszucht. *dhammavinaya* ist nichts anderes als „Gesetz und Ordnung". Die Schwierigkeit, dies richtig zu erkennen, liegt in der bereits angesprochenen Vieldeutigkeit vieler Wörter begründet, wie hier am Beispiel von *dhamma* gezeigt werden konnte.

Der Buddha hat also, wenn man der Überlieferung Glauben schenkt, seinem Sangha ein in sich geschlossenes, wohl geordnetes Rechtssystem hinterlassen, das anstelle des verstorbenen Meisters höchste Autorität für die Regelung aller Rechtsfragen im Sangha genießt. Der Texthistoriker wird hier allerdings widersprechen; denn — wie schon erwähnt — finden wir bei den verschiedenen Schulrichtungen des frühen Buddhismus nicht nur unterschiedliche Rezensionen des *Vinayapiṭaka*, sondern auch innerhalb der Texte Spuren historischer Entwicklung. Trotzdem meine ich, daß die vergleichenden Studien genügend Argumente dafür geliefert haben, die Grundlagen dieses Systems in die früheste Zeit des Buddhismus zurückzudatieren und als die Schöpfung eines Mannes, nämlich des historischen Buddha, anzusehen, wie dies schon *Oldenberg* getan hat.

In der frühen Geschichte des Sangha sind die vorhandenen Konzeptionen weiter ausgebaut und verfeinert worden. Die Regelungen im *Pāli-Vinaya* belegen, welches Maß an Perfektionismus und Theorie hier wirksam wurde. Als Beispiel sei die *nādīparā sīmā* herausgegriffen, die auf beiden Seiten eines Flusses liegt, wobei die beiden Flußufer innerhalb der *sīmā* durch eine Brücke verbunden sind. Da könnte nun gefragt werden, wie die Rechtslage ist, wenn während einer Rechtshandlung des Sangha auf dem durch das Gebiet der *sīmā* fließenden Flußabschnitt ein Boot mit Mönchen durchfährt, die der gleichen Gemeinschaft angehören. Auch dazu gibt es natürlich eine einschlägige Vorschrift. In einer in einem anderen Abschnitt des Textes stehenden Regelung ist festgelegt, daß ein Fluß als Ganzes keine *sīmā* darstelle, und daher gehört der von der *nādīparā sīmā* auf beiden Seiten eingeschlossene Flußabschnitt nicht zur *sīmā*. Die durchfahrenden Mönche gefährden also die Gültigkeit der Rechtshandlung des Sangha nicht (*P. Kieffer-Pülz*, op. cit., § 2.4.2). In ähnlicher Weise werden viele Sonderfälle anhand von Bestimmungen aus anderen Zusammenhängen geregelt.

Demgegenüber fällt auf, daß grundsätzlich neue Probleme, die in der Zeit des Buddha und unmittelbar danach noch nicht auftreten konnten, im Vinaya nicht angesprochen sind. So kommt der mit Sicherheit in eine verhältnismäßig frühe Zeit zurückgehende und zum Zeitpunkt der endgültigen Formulierung der uns vorliegenden Vinaya-Rezensionen schon längst allgemein geläufige Terminus für die sog. Schulen des Buddhismus, nämlich *nikāya* (eigentlich „Gruppe"), im Vinaya nirgends in dieser Bedeutung vor. Die Angehörigen dieser Nikāyas bemühten sich aber sehr wohl darum, ihre Angelegenheiten

nach den allgemeinen Prinzipien des Vinaya zu regeln. Solange sie dies taten, war die Bildung solcher „Gruppen" *dhammika*, „rechtmäßig" im Sinne des Vinaya. Nur wenn diese Regeln gebrochen wurden, konnte ein *saṅghabheda*, also eine „Ordensspaltung" entstehen.

Es gab, wie vorhin schon angedeutet, zahlreiche nicht geregelte Rechtsgebiete. Für sie galt Gewohnheitsrecht oder einheimisches Landesrecht. Dies betraf vor allem die meisten Vermögensangelegenheiten des Ordens. Diese Art von dualistischem Rechtssystem besteht bis heute. Ich habe es für Sri Lanka und für Birma 1966 bzw. 1967 in der Monographie *Buddhismus, Staat und Gesellschaft* beschrieben. In das Gebiet des buddhistischen Gewohnheitsrechts gehört auch die Entwicklung einer Hierarchie mit Nāyaka-theras, in Südostasien mit einem Saṅgharāja usw. In einigen Fällen wurden die neuen Regelungen in Ordenssatzungen formuliert, die das im Vinaya kondifizierte Recht ergänzen. Dazu gehören z.B. die *Katikāvatas* für den Sangha in Sri Lanka.

Alle diese Entwicklungen haben nichts daran geändert, daß die im Vinaya vorgeschriebenen Rechtsakte des Sangha bis zum heutigen Tag nach den alten Regeln vollzogen werden und daß größter Wert auf die Gültigkeit der *sīmā* gelegt wird, innerhalb derer sich der Sangha versammelt. Die Legitimation des Sangha in der ungebrochenen Sukzession seit den vom Buddha selbst erteilten Ordinationen ist davon abhängig. Dies gilt nicht nur für die Theravāda-Tradition, sondern auch für die klösterlichen Gemeinschaften des tibetischen Buddhismus, für die die Mūlasarvāstivāda-Version des *Vinaya-piṭaka* maßgeblich ist.

Es ist oft behauptet worden, daß das buddhistische Ordensrecht nach dem Modell der in den altindischen Adelsrepubliken gültigen Rechtsprinzipien geschaffen worden sei. Einige Grundsätze, z.B. die Gleichberechtigung der Mitglieder des Sangha oder auch die Regeln für Abstimmungen, scheinen tatsächlich diesem Vorbild zu folgen. Auch der Begriff der Grenze (*sīmā*) ist dem weltlichen Recht entnommen, aber die Problematik dort ist völlig anderer Art (vgl. *Arthaśāstra* 3.9.10-23). Darüber hinausgehende Überlegungen in dieser Hinsicht scheinen mir reine Spekulation, da wir nur sehr wenige Informationen über die Ordnung in diesen alten Adelsrepubliken besitzen. Ich habe eher den Eindruck, daß — von einigen Grundprinzipien abgesehen — das buddhistische Ordensrecht eine Neuschöpfung gewesen ist.

Es ist ferner höchst bemerkenswert, daß die weltlichen Rechtssysteme auch in den Ländern mit überwiegend buddhistischer Bevölkerung nicht oder nur wenig vom buddhistischen Ordensrecht beeinflußt worden sind. So war das traditionelle birmanische Recht rezipiertes hinduistisches Recht; es ist in birmanischen Versionen von *Dharmaśāstras* niedergelegt. Ähnliches gilt für die übrigen buddhistischen Länder Südostasiens, während in Sri Lanka in erster Linie Gewohnheitsrecht galt, das im 17. Jahrhundert bzw. im Hochland von Kandy nach 1815 durch das „Roman Dutch Law" abgelöst wurde. Im Hinblick auf die Rechtssysteme ist mithin das eingangs erwähnte Prinzip der Trennung von Staat und Ordensgemeinschaft wirksam geblieben.

Erst moderne Buddhisten, und da ganz besonders der oft als „Vater der indischen Verfassung" apostrophierte Bhimrao Ramji Ambedkar, haben im buddhistischen Recht ein Vorbild für weltliches Recht gesehen, und dabei ganz besonders das

Gleichheitsprinzip hervorgehoben. Für Ambedkar ist das buddhistische Ordenrecht ein Modell, dafür bestimmt, auf eine aus den Zwängen der Kastengesellschaft befreite moderne indische Gesellschaft angewandt zu werden. Leider hat er diese Vorstellungen nicht in die Wirklichkeit umsetzen können.

English Summary

Usually, only the Dharmasūtras, the Dharmaśāstras and the Kauṭalīya-Arthaśāstra are considered, if one speaks of sources of ancient Indian legal literature. However, despite the great number of detailed elaborations of numerous legal clauses we are not dealing here with law books in our sense of the word, that is, with a self-containted, consistent system, ensuring an independent dispensation of justice. When we review the totality of the transmitted literary sources from Indian tradition we discover that an ancient Indian legal system has been handed down to us that reaches further into the past than the aforementioned law books, and that is also more „modern", or to be more exact, more advanced, according to our present-day conception of law, than all the remaining legal literature produced by ancient and mediaeval India. This is the law of the Buddhist Order of monks and nuns.

Buddhist monastic law is formulated in the *Vinayapiṭaka*, which is supplemented by numerous commentarial works. It is a special law for this Order only and was devised with the purpose of uniformly regulating the legal affairs of its members. In this, it has, in principle, maintained its validity down to the present day. It regulates the life within a community which has set for itself a purely religious goal, namely release from the cycle of rebirth and death. The procedures themselves, however, are almost completely of a juridical nature, and thus largely without direct reference to the way of liberation as taught by the Buddha.

The regulations of the Vinaya must be understood as part of the complete context, and not as collections of isolated statements. As an exemplification, the basic regulations concerning the *sīmā* (boundary of a monastic community) are being discussed in this paper. It may be said that the early Buddhist Sangha possessed a self-contained, well-ordered system of jurisprudence, which, replacing the deceased Master, subsequently enjoyed the highest authority in the regulation of all legal questions. Though we find varying recensions of the *Vinayapiṭaka* among the several schools, and traces of historical development within the texts, it may be stated that comparative studies have advanced sufficient arguments showing both that the fundament of this system can be dated back to the earliest stages of Buddhism and that this fundament is the creation of a single man, namely, the historical Buddha. The existing concepts were further expanded and defined during the early history of the Sangha. Rules contained in the Pāli Vinaya show to what extent perfectionism and theory were effected here.

Thus, in early Buddhist law, we meet with clear distinctions of a juridical nature which are usually mistaken by historians of law as having been invented in modern juridical systems only. This juridical system of the Buddhists was based on the principle

of equal rights of the members of the community, and on that of the autonomy of the local communities. This system of jurisprudence is no less systematic than the admirable system of classical Indian grammar which has been codified in the work of Pāṇini, and its detailed study remains one of the great challenges of research in the field of the history of Indian law.

Georg Berkemer

The Chronicle of a Little Kingdom

Some Reflections on the *Tekkali-tālūkā Jamīmdārla Vaṃśāvali*

Introduction

In the history of Andhra and Orissa there is very little known about the details of dynasty building and state administration during the period of the kingdoms of the Gaṅgas and the Sūryavaṃśa Gajapatis. These two dynasties of Hindu rulers, who reigned in northern coastal Andhra, the medieval Kaliṅga, and later also in Orissa, from 498 to 1434, and from 1434 to 1568, respectively, dominated politically the time we may call 'medieval' in that area. The historical sources pertaining to these two dynasties, predominantly copper-plates and temple inscriptions, give plenty of information on the general outline of their history and administration.[1]

We can make out regular and irregular successions of rulers, foundations of new capitals, patronage over new state deities, administrative reforms, and much more information about how a state system developed from a small local principality in the nuclear area of the Vamsadhara Valley into a large empire of all-Indian importance by the year AD 1200.

The sources for the medieval period thus provide the material for the kind of historical study that may best be termed 'descriptive'. Since the sources are predominantly the result of a deliberate attempt to make a ruler and his administration be viewed as a traditional dharmic king with his circle of councillors and priests, emphasis in these sources is laid more on the proper result of an administrative measure, and, even more so, on the proper description of this result. The description contains, as it were, a potential past for the use by future generations. The decision-making process within the administration remains obscure. Who were the persons involved in the process of gathering information necessary to make a certain decision possible? Rarely anything but titles

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[1] The inscriptions are published in *South Indian Inscriptions* (SII), Vol. IV, V, VI, X; *Inscriptions of Orissa* (IO), Vol. II, III, V; *Temple Inscriptions of Andhra Pradesh* (TIAP), Vol. I; R. Subrahmanyam, Inscriptions of the Sūryavaṃśi Gajapatis of Orissa. Delhi 1986; K. B. Tripathi, Evolution of Oriya Language and Script. Cuttack 1962. For further information on the administration of medieval Orissa and Kaliṅga see also H. Kulke, Jagannatha-Kult und Gajapati-Königtum. Ein Beitrag zur Geschichte religiöser Legitimation hinduistischer Herrscher. Wiesbaden 1979; N. Mukunda Rao, Kalinga under the Eastern Gangas ca. 900 - 1200 A. D. Delhi 1991; S. K. Panda, Herrschaft und Verwaltung im östlichen Indien unter den späten Gangas (ca. 1038-1434). Stuttgart 1986; K. C. Panigrahi, History of Orissa. Cuttack 1981; C. V. Ramachandra Rao, Administration and Society in Medieval Āndhra (A. D. 1038 - 1538) under the Later Eastern Gaṅga and the Sūryavaṃśa Gajapatis. Nellore 1976; R. Subrahmanyam, The Suryavamsi Gajapatis of Orissa. Visakhapatnam 1957.

and personal names are mentioned. Who had to be consulted by whom and was a council given or taken as a part of an office, a hereditary privilege or some personal merit? Who had the right to intervene in the routine processes? How much was 'internal politics' free from the intervention of neighbours and superior kings? In short, all questions about the administrative process necessary before an official document like a copper plate could be handed over to its recipient and eventually come down to us, remain more or less unanswered. This is due to the fact that, with the exception of Nepal, no state archive of a medieval Hindu state has survived the turbulent centuries following the time of the Hindu regional kingdoms in the climatic conditions of the Indian subcontinent.

To solve the problem of reconstructing a state administration at work, several other groups of sources from outside the political body itself may provide information. For instance, normative texts like the Arthaśāstra and the various treatises on *rājadharma* tell us how administration was supposed to work. But the authors of these texts rightly assumed that their readers or listeners were more familiar with the details of the work than we are. Therefore, they were more in need of an outline for a reputable and successful political strategy than for a painstaking description of an actual clerk's work, which the historian would like to find among his sources.

Another group of texts, i.e. accounts written by foreign visitors to India, give a more detailed description of the actual circumstances the traveller found himself in, and more about the daily routine of public life may be gleaned from there. A traveller may also describe in detail the administrative processes he found himself subjected to. But this information is limited in so far as a foreigner rarely has the experience necessary to understand the customary or the perhaps uncommon behaviour of the administrative apparatus he is observing or may be subjected to. What he observes is necessarily a part of a system of political categories different from his own. He will more often see the parts of the Indian political system as similar to or different from phenomena known to him and his readers from his own country, and thus try to 'translate' his observations into the language of comparative political symbols known to him from home.

In the categories of sources described so far, be they original traditional documents from a dynasty itself, normative texts, or foreign accounts, another problem arises: only rarely do we find the same set of data mentioned in more than one source or a sequence of sources of which a later one explicitly or implicitly refers to a previous document. Developments in chancellery styles and regional varieties which develop while ideas spread from the centre into its hinterland or its neighbouring regions are hard to reconstruct.[2]

Even though I doubt that the question of the routine function of a state administration in medieval Andhra and Orissa can ever be settled, one more group of sources may be taken into consideration here. I mean those texts, *vaṃśāvali*s, *kaiphīyat*s, *pūrvōttaram*s etc., which were written for the purposes of 'modern' administrations, especially as a kind of cadastral register, long after the year 1568. Most of those were written at the request of the Surveyor General of the Madras Presidency, Col. Colin Mackenzie,

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[2] To mention just one example: it is clear that the usage of the Śaka-era in the inscriptions of Orissa was introduced from the south at approx. AD 1000. But none of the inscriptions reveals any details of the way this was done or why.

around 1800.[3] I shall describe one example in this contribution. This type of literature shows underneath a veneer of Muslim and European terminology and in addition dealing with the foreign overlords in an often rather modern, 'diplomatic' way, the remnants of the older systems of patronage, donations of gifts, and fluent 'segmentary' power structures of ambitious little kings, as soon as internal issues of the landholding élite are concerned. In other words: these texts may have been written in the time of Colonel Mackenzie, but they have clearly been influenced by the older regional tradition which the little king or the author of the text sees himself a part of.

Before describing one of the texts in detail, let me very shortly state the characteristic features of classical and medieval Hindu sociopolitical organisations. The list is not very systematic and surely not comprehensive. In order to sum up the theoretical discussions in the context of such paradigms as the *oikos* and the patrimonial state (*Weber*),[4] the segmentary state (*Southall, Stein*) and the little kingdom (*Cohn, Dirks, Schnepel*),[5] the following points may be mentioned as characterizing a 'medieval' state system:

-        There is a set of categories considered by all participants in the political system as normative: categories derived from the Dharmaśāstras. These categories form a set of traditional basic values.

[3] The author owes much insight into these problems to the works of scholars like *N. Dirks, V. Narayana Rao* and *D. D. Shulman*, who did pioneering research on the local rulers of southern India and their ideology of state esp. in Tamil Nadu, and who made use of the material preserved at the Government Oriental Manuscripts Library, of which the Mackenzie Collection is the most important part for historical research (cf. *N. Dirks*, The Structure and Meaning of Political Relations in a South Indian Little Kingdom. CIS (N.S.) 1979, pp. 169-206; Terminology and Taxonomy; Discourse and Domination: From Old Regime to Colonial Regime in South India. in: *R. Frykenberg* and *P. Kolenda* (eds.), Studies in South India: Anthology of Recent Research. Madras and Delhi 1985, pp. 127-149; The Hollow Crown. Ethnohistory of an Indian Kingdom. Cambridge 1987; Colonial Histories and Native Informants: Biography as Archive, in: *C. Breckenridge* and *P. van de Veer* (eds.), Orientalism and the Postcolonial Predicament. Philadelphia 1993, pp. 279-313; *V. Narayana Rao*, Epics and Ideologies: Six Telugu Folk Epics. in: *S. H. Blackburn* and *A. K. Ramanujan* (eds.), Another Harmony. New Essays on the Folklore of India. Berkeley 1986; *V. Narayana Rao, D. D. Shulman* and *S. Subrahmanyam*, Symbols of Substance. Court and State in Nāyaka Period Tamilnadu. Delhi 1992 (esp. Chapter VII); *D. D. Shulman*, On South Indian Bandits and Kings. IESHR 17, 1980, pp. 283-306; *D. D. Shulman* and *S. Subrahmanyam*, The Men who Would be King? The Politics of Expansion in Early Seventeenth-Century Tamil Nadu. MAS 24, 1990, pp.225-248.

[4] For the term *oikos* cf. §7 of chapter III in *Wirtschaft und Gesellschaft* (Tübingen 1980, pp. 230-233) and passim, for the patrimonial state cf. part 4 of chapter IX (pp. 625-653).

[5] *A.B. Southall*, Alur Society: A Study in Process and Types of Domination. Cambridge 1956; *B. Stein*, 'The Segmentary State in South Indian History.' in: Realm and Region in Traditional India. *R. Fox* (ed.), New Delhi 1977, pp. 3-51; The State and the Agrarian Order in Medieval South India: A Historiographical Critique. in: Essays on South India. *B. Stein*, (ed.), Honolulu 1977, pp. 64-91; Peasant State and Society in Medieval South India. Delhi 1980: Vijayanagara and the Transition to Systems. in: Vijayanagara – City and Empire. *A. L. Dallapiccola* and *S. Zingel-Avé Lallemant* (eds.), Wiesbaden 1985 pp. 73-87; State Formation and Economy Reconsidered, Part One *MAS* 19, 1985, pp. 387-413; The New Cambridge History of India 1.2: Vijayanagara. Cambridge 1989; The Segmentary State: Interim Reflections. Puruṣārtha 13, 1991, pp. 217-238; *B. Cohn*, 'African Models and Indian Histories. in: An Anthropologist among the Historians and Other Essays. Collected essays of *B. Cohn*, Delhi 1987, pp. 200-223; *B. Schnepel*, Durga and the King: Ethno-historical Aspects of the Politico-Ritual Life of a South Orissan Jungle Kingdom.

- While the locality of the state deity is usually spatially well defined and often very old, the state capital may be shifted frequently. This mobility of the administration is either an evidence for the smallness of the apparatus that could be moved in its entirety at a relatively small cost, or an evidence for the fact that a large amount of routine functions were not centralized and therefore in the hands of local administrations, or both.

- The frame of mind underlying political decisions remains essentially local, even though the rulership of a dynasty comes to encompass more territory in the course of time. I.e., the setup of the administration remains the same from the smallest to the largest political unit. The typical political behaviour developed at the local level is maintained throughout the higher levels.

- The local setup, centered around the household of the ruler, its system of political, kin-based and religious patronage, remains unchanged, however enlarged, at all levels of the system. The original local cults get 'promoted', but not fundamentally changed, while more cults are included.— There is a lowest level of political status, but no 'lowest ruler' in a pyramid of legitimation: all rulers may consider others inferior for various reasons of status and power.

- There is no quantitative distinction between the functions of equivalent offices at the various levels of the system: segmentary in a Durkheimian sense[6].

- Thus, the higher level encompasses smaller units without deliberately altering their internal structure, resulting in a pyramidal structure of units of different size but essentially equal internal setup,[7] which gives the pyramid of legitimation in such a system a sort of 'fractal' character (especially the feature of self-similarity of scale invariance).

The Text

In the following I shall present a short, unpublished, Telugu text called the *Tekkali-tālūkā Jamīṃdārla Vaṃśāvali*. Even though the presentation of a single text cannot solve any of the questions I have raised above, it may be a contribution to a comparative approach towards research on law and the state at work in Hindu India. It can show how a certain group of written sources, the local records in the vernaculars, can help to fill the gap between the old literature of the Śāstras and the modern archival material and recorded observations of anthropologists and state officials. It may thus reveal a bit of the 'spirit' of the age-old tradition which began in classical India and which is still, however changed, alive today. Of this tradition the *Tekkali Jamīṃdārla Vaṃśāvali* is but a tiny part.

Footnote from p. 67, continued
in: JRAI (MAN, N.S.) 1995, pp. 1-22. For the works by *N. Dirks*, cf. footnote 3.
[6] *E. Durkheim*, in a review of *B.H. Baden-Powell*, The Indian Village Community London 1896' Année sociologique 1, 1897, pp. 359-362. Present anthropological discussion goes beyond Stein's views. Cf. chapter 2 of *B. Schnepel's* Die Dschungelkönige (book manuscript, forthcoming).
[7] Compare *B. Stein*, 'The Segmentary State in South Indian History.' in: Realm and Region in Traditional India, *R. Fox* (ed.), New Delhi 1977, pp. 9-51.

The *Tekkali-tālūkā Jamīmdārla Vaṃśāvali* (from now on TJV) is one of the numerous
short accounts of the political situation of the various small landlords of the Northern
Circars collected by the emissaries of Colonel Colin Mackenzie in the first decade of the
nineteenth century, preserved now at the Madras Government Oriental Manuscripts
Library, Madras. The TJV is part of the Mackenzie Local Tracts Manuscripts and reg-
istered in the catalogues of the Mackenzie Manuscripts and Telugu Local Tracts as
Tekkali tālūkālōni jamīmdārla vaṃśāvali.[8] A copy of the TJV which had been made by
the former Orissa Research Project was translated into English by Prof. *S.N. Rajaguru*.
During my research conducted in Visakhapatnam and Madras in 1986 to 1988, Prof. G.
Krishnamurti, Head of the Dept. of Telugu of Madras University, helped me by having
another copy made. It was this copy Prof. S.A. Srinivasan of Hamburg University and
I worked with and which was the basis of the present paper.

The TJV relates the traditional history of a family of kings who had resided in the
area of Tekkali or Tekkalipatnam[9] according to Government records for 375 years from
1422 to 1797. In 1797, just about a decade before the *vaṃśāvali* was compiled, the last
ruler of the main line had died, and the company, having turned down the claims of his
illegitimate son, converted the zamindari into *haveli* or government land[10]. The TJV,
written only a decade after this event probably by two different authors, can be
interpreted in the light of the events described as an attempt to depict the family of the
former little kings as just, successful, and, most important of all, as legitimate rulers. A
legitimacy, that is, not in the context of the law valid under the British East India Com-

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[8] For details see the following catalogues:

Author and Title of Catalogue	Title of the Text	MS Vol.	folio/page
H.H. Wilson, The Mackenzie Collection, a Descriptive Catalogue of the Oriental Manuscripts. Calcutta, 2nd ed. 1882, p. 401	Genealogical Account of the Jagaddeva Rajas of the Kadamba race in the Tekkali district	26, No. 6	-
Madras Government Oriental Manuscripts Library: Index of the Mackenzie Local Tracts in Telugu. handwritten, unpublished	ṭekkali tālūkā jamīmdārla vaṃśāvali	20	fol. 36-40
T. Chandrasekharan, A Descriptive Catalogue of the Telugu Manuscripts (Mackenzie Local Tracts Volumes), Vol. I. Madras 1952, p. 27	(jakkali jamimdārulu) An account of the zamindars of Jakkali	20	fol. 32-
Madras Government Oriental Manuscripts Library, Index of *C.P. Brown's* Local Records. handwritten, unpublished	ṭrkkali tā⏐⏐ jamīmdārla vaṃśāvali	59	p. 144-168

[9] In 1800 Tekkalipatnam was a small town in the coastal area of the Ganjam District, the north-
ernmost district of the former Madras Presidency of British India. Tekkali is now the taluk
headquarters of Tekkali Taluk, Srikakulam District, Andhra Pradesh.
[10] See Census 1961, Andhra Pradesh, District Census Handbook, Srikakulam District, p. xvii;
S.N. Rajaguru, History of the Gangas, Vol. II. Bhubaneswar 1968/72, p. 173; *M.S.R. Anjaneyulu*,
Vizagapatam District 1769-1834. Visakhapatnam 1982, p. 158.

pany, but in the context of the former traditional system of political legitimation, in which 'the ancestors of the zamindars ruled by making gifts'.[11]

Contents of the TJV. The TJV describes 12 generations of a family of local rulers in Tekkali Taluk and two claimants after 1797 who were not recognized as kings or zamindars by the British East India Company. As the text is arranged in a temporal order, but does not contain any explicit subdivisions or chapters, I take in the following description the generations as separate parts called G_1 to G_{14}. A further way of subdividing the text is by the titles of the kings. These titles are Jēna from G_1 to G_3, Maṅgarāju from G_4 to G_7, and Jagaddēvu from G_8 to G_{12}. A short appendix describes events under the supremacy of the British East India Company (G_{13} and G_{14}).

G_1 - G_3 : *The Jēnas.* The TJV begins with a legendary account which occurs frequently as a standard theme in the legitimation myths of that area. It is the story about the youngest brother of an immigrating group of brothers from a noble family (*rājakumā-rulu*).[12] Our text tells us about the brothers Vīrabhadra Jēna[13] and Caṃdraśēkhara Jēna 'from Simhaladesa in the northern parts'[14] who seek refuge with Gajapati Śivaliṅga Nārāyaṇadēva Mahārājā of Parlakimedi. While having *darśan* of the king, the brothers provide him with the necessary (in the text omitted) information which enables the king to acknowledge their pure Kṣatriya origin (*tatsāmpradāya kṣatriyulu*). Thus legitimized, the brothers are accepted as retainers. The king of Parlakimedi then sends the elder one into Bommali Taluk[15] and the younger into Tekkali Taluk in order to suppress distur-bances caused by some tribals called Yenadis and Yerra Boyas who previously had not accepted the supremacy of Parlakimedi. Both brothers are successful in their military campaigns and the younger one, Caṃdraśēkhara Jēna, settles down for some time in the village of Burugām which had been taken away from the Yerra Boyas.[16] Then Caṃdra-

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[11] *N. Dirks*, Terminology and Taxonomy; Discourse and Domination: From Old Regime to Colonial Regime in South India. in: Studies of South India. *R. E. Frykenberg* and *P. Kolenda* (eds.), Madras / New Delhi 1985, p. 139.

[12] Like the word *tālūkā*, *rājakumāra* implies in the present context no clan or lineage affiliation with the dominant landholding groups, as is the case in north India (compare *R. Fox*, Kin, Clan, Raja, and Rule. New Delhi 1971, p.20).

[13] On the meaning of the title Jēna or Janā see below fn. 100.

[14] *vuttara khaṃdam śimhvaladēśam numci*; *Rajaguru* explains *uttara khanda* in his sometimes very free English rendering as 'Uttarapatha or the Northern India' (p. 1 of TJV trans., see Orissa Research Project Manuscript No. 446). This 'Simhala of the North' remains a puzzle to all interpreters.

[15] Bommali is the village Santabommali of the Gazetteers, approx. 10 km southwest of Tekkali town between the National Highway No. 5 in the west and the Calcutta-Madras railway line in the east. In a footnote to inscription no. 152 of *Inscriptions of Orissa*, Vol. III *S.N. Rajaguru*, explains: 'The original inhabitants of Bommali and Santa-Bommali are Kayasthas, known as Bommali Karana. They are Oriyas and they use an admixture language of Oriya and Telugu'. (*IO* III, Part 1, p. 168). See also *E. Thurston* and *K. Rangachari*, Castes and Tribes of Southern India, Vol. 1. New Delhi 1987 (reprint), p. 257.

[16] *būrugāṃ thānā vaśaṃ cēsukuni konni saṃvatsaramulu akkaḍa vasayiṃci*; I was not able to locate Burugam on the Census map of Tekkali taluk, but I assume that it is the village Barani-gam in the west of Pāta Tekkali, just across the Calcutta-Madras railway line.

śekhara Jēna has a temple (*ālaya*) built for Śrī Vallabha Nārāyaṇa Svāmivāru at Bu-ragām(?) and a fort erected at Pāta Tekkali.[17]

His successor Nṛsiṃhva (sic) Jēna builds (*kaṭṭimci*) a new capital called Nṛsiṃhvapu-ramu after having cleared a forest area. From now on the TJV mentions in each generation the clearing of forest,[18] the establishment of temples (*ālayaṃ / kōvila / guḍi kaṭṭimci pratiṣṭa cēśi*) and the founding of villages (*grāmālu koṭṭimci*) as the major task of the kings. About Nṛsiṃhva Jēna the text relates that, besides several other temples and some villages, he had two stone temples (*rāti gullu*) built for his *iṣṭadevatās* Koṭāra-dēvi and Kāḷikādēvi near a place called Majkūru.[19] About the next king, Lakṣmī-nārāyaṇa Jēna, nothing extraordinary is said.

G₄ - G₇: The Bhūpati Maṃgarājus. In the fourth generation a conflict arises between the sons of king Lakṣmīnārāyaṇa Jēna. This struggle for succession finally brings to the throne the only son of the younger queen (*cinna bhārya*), Mīnakētanu Jēna, against the opposition of his four step brothers. Here we find in the text for the first time not just the name of the new king and son of the former king, but also the names of other family members. A compromise between the brothers is reached with the aid of their overlord, Mahārājā Mukunda Nārāyaṇa Deva of Parlakimedi,[20] who not only acknow-ledges the younger queen's son Mīnakētanu Jēna as king, but who moreover grants the title of *Bhūpati Maṅgarāju* to him.[21] The brothers agree to the solution, and their family continues to live in Tekkali with the rank of *Mahāpātra* (minister).[22] About the next kings in G₅ and G₆ who both seem to have ruled for a very short time, the TJV mentions nothing besides the clearing of forests and the establishment of temples, villages and tanks and devotion to religious affairs.[23]

The seventh king, Dēvarājā Maṃgarāju, marries the daughter of Peddadēva, the king of Nandapur,[24] who offers his daughter to Dēvarājā Maṃgarāju. For the first time a marriage and a political contact of a Tekkali king outside of Parlakimedi's legitimation pyramid is mentioned in TJV.

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[17] Pāta Tekkali is in a hilly tract between the sea coast and the Calcutta-Madras railway line about 10 km northeast of Tekkali town.

[18] The terms for this cutting of the woods and levelling the land are: *bhēdimpa cēyu* (*araṇyam*), *savya paracu* (*pradēśam/vanna pradēśam/araṇya pradēśam/araṇyam*), *koṭṭimcu* (*araṇyam/aḍavi*).

[19] *majkūru kasubālō remḍu rāti gullu koṭṭimci tama yiṣṭadēvatalayina kotāradēvini kāḷikādēvini pratiṣṭacēyimci bhōgarāgālu atiśayaṃgā jarigistunnu*; the location of Majkūru is not known.

[20] This is the second name of a Parlakimedi king mentioned in the TJV after Śivaliṅga Nārāyaṇa Deva, who reigned in the time of the first Tekkali king, Candraśēkhara Jēna.

[21] *bhūpati maṃgarāju anē damḍu yicci*; in this context '*damḍu*' cannot mean 'multitude, army', but must have either the meaning 'title' or 'symbol of power'. Both from Sanskrit *damḍa* (staff) as symbol of power or from tel. *damḍamu* (salutation, obeisance) such a meaning can be derived.

[22] *ganuka vāri vaṃśa mahāpātralu anē nāmaṃ cātanu vunnāru*: 'Thereafter their family existed by the name Mahāpātra'.

[23] This is said about Nārāyaṇa Maṃgarāju (G₅) in *Rajaguru's* translation. There is a gap in my copy of the TJV.

[24] Nandapur is the former capital of the Jaipur zamindari. Jaipur is today the largest town of Koraput District, Orissa, ca. 100 km southwest of the area of Tekkali. The Rājās of Nandapur/Jaipur ruled the largest of the little kingdoms of Kaliṅga from the times of the Sūrya-vaṃśa Gajapatis to 1948.

G₈ - G₁₂ : *The Jagaddēvus.* After the marriage alliance of the eighth king Dēvarāju Maṃgarāju with the king of Nandapur, Parlakimedi reacts. Gajapati Narasiṃha Narahari Nārāyaṇa Dēva Mahārājā offers in the course of the coronation ceremony (*paṭṭābhiṣēkamu*) his daughter Jemma and a large dowry to Dēvarāju's son Caṃdra-śēkhara Maṃgarāju. Having accepted the offer, the Tekkali king also receives the new title (*kitābu*) *Jagaddēvu.*[25] After having been installed with due honour, Caṃdraśēkhara Jagaddēvu begins with the building of a new capital called Tekkalipatnam and a fort nearby in the mountains further to the west and closer to the Parlakimedi border.[26] Also mentioned is the foundation (*kaṭṭici*) of a village called Raghunāthapuraṃ after Caṃdraśēkhara Jagaddēvu's son. This village is then later enlarged (*vistariṃci*) to a town. The next new endeavour we hear about is the establishment of an *agrahāra*. The village Dāsapuraṃ, founded by Caṃdraśēkhara Jagaddēvu's father, is now donated to Brahmans. Besides this first *agrahāra*, a list of two other *agrahāra*s is included in the text. This list contains the date 1169 of the Hijra or Amli era,[27] the first date in the TJV. The text also mentions the foundation of a stone temple for Śrī Caṃdraśēkhara Svāmi on a mountain near the new fort.[28]

With Caṃdraśēkhara Jagaddēvu's son Raghunātha Jagaddēvu I's marriage with Jemma, the daughter of Gajapati Padmanābhadēva Mahārājā of Parlakimedi, the alliance between the two houses is reinforced. Again we are told about the establishment of villages, tanks, *agrahāra*s and a stone temple. Besides these routine tasks of the king the text relates the foundation of a new capital called Ciṃtāmaṇipatnam.[29] New traits in this generation are: for the first time a border war is mentioned with the fight over a tank against Tarla, the neighbouring little kingdom in the north; for the first time we find reference to the presence of the Nawab of Golkonda in Srikakulam[30] and the good relationship of Tekkali to the Muslim Governor; and for the first time a king goes on a pilgrimage to Puri, where he has *darśan* of Jagannātha, and is received by Divyasiṃha-dēva, the Mahārājā of Khurda.[31] Even though the king goes as a *saṃnyāsin*, this pilgrimage meant a great deal of change in the alliances of Tekkali. Raghunātha Jagad-dēvu I for instance brings back from Puri an image of the deity Gōpālasvāmi and erects

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[25] *jagaddēvulu ani kitābulu ayinā cēsinaṃduna tadādigā jagaddēvulayināru*; *Jagaddēvu* is the Telugu spelling of the title. The text does not mention the nowadays more frequent Oriya spelling 'Jagaddeb'.

[26] *kimide sarihaddu vuṃda badda araṇyaṃ koṭṭiṃci ā stalaṃ nimmenatula banāru cēyiṃci* [the part starting with *ā st(h)alaṃ* ... seems not to be clear] *amdulō vunna stalamaṃdu ṭrikkalipaṭnaṃ ani nāmaṃ yērparaci paṭnaṃ kaṭṭiṃci ā samīpamaṃdu parvata prāṃtamaṃdu kōṭi beṭṭiṃci*: 'near the border of [Parla-]kimedi he had a large forest cut and at that place he had caused [the ab-originals to be driven away, *Rajaguru's* trans. p. 11]; at a place there he chose the name Tekkalipatnam and built a town; in the vicinity he had a fort built surrounded by mountains'.

[27] This is the Muslim era of AD 622, which in Orissa is traditionally counted from AD 590, so that Amli 1169 would be AD 1759 (see *Rajaguru's* trans. of TJV, p. 25, fn.).

[28] *ā parvataṃ mīduna rāti guḍi kaṭṭiṃci Śrī camdraśēkhara svāmivānni pratiṣṭacēyiṃci bhōgarāgālu jarigiṃci*

[29] *ciṃtāmaṇi anē paṭnaṃ kaṭṭiṃci*

[30] *tatkālaṃ hakumtampu sarkāru śrīgākōlaṃ navvā jarigicēsi mali mustabuvāritō vivāta viśvāsamulu saṃpādana cēsi*

[31] *divya śiṃhvadēvu mahārājulumgāru darśanam cēsi*

at Cimtāmanipaṭnaṃ a temple for this deity and for Jagannātha. Both deities become the new *iṣṭadēvatas* of the family.

About the reign of his son, Rāmakrṣṇa Jagaddēvu, nothing new is said. He, like all kings of the family, clears the woods to establish villages, tanks, temples, and *agrahāras*. Since he has no son, he adopts his brother's son Raghunātha Dēvu.

During the reign of Raghunātha Jagaddēvu II the political order in Kaliṅga becomes fundamentally changed by the transfer of the *dīwānī* rights from the Mughal Subah of Hyderabad to the British East India Company in 1765. The Company (*kumpinīvāru*) establish their administration at Visakhapatnam and settle the *peshkash* (land tax) for the big zamindaries of Vizianagaram and Parlakimedi.[32] While Mahārāja Pūsapāṭi Vijaya-rāma Rāju II of Vizianagaram agrees to the settlement, Gajapati Jagannātha Nārāyaṇa Deva of Parlakimedi (ruled 1751-1770) and his sons oppose it vehemently and cause a lot of disturbances in the Srikakulam Haveli and the surrounding little kingdoms by their attempts to overthrow the British administration.[33]

In Tekkali, too, some dramatic incidents occur during the reign of Raghunātha Jagad-dēvu II. He, the contemporary of the Gajapati Jagannātha Nārāyaṇa Deva of Parla-kimedi, becomes directly involved in the latter's military actions against the Company.[34] However, the TJV does not explicitly mention the conflict between Parlakimedi and the Company and focuses instead on the war between Jagannātha Nārāyaṇa Deva and Raghunātha Jagaddēvu II which seems to have been one of the consequences of Tekkali's peaceful settlement with the Company against the interests of Tekkali's overlord.[35] This demonstration of independent policy-making Parlakimedi regards as recalcitrance and acts accordingly. Jagannātha Nārāyaṇa Deva attacks Cimtāmaṇipaṭnaṃ, takes Raghunātha Jagaddēvu II and his court as prisoners to Parlakimedi, and annexes Tekkali.[36] In Tekkali Taluk, Raghunātha's half-brother Balarāma[37] organizes with the help of the Mahārājā of Vizianagaram, Parlakimedi's arch

[32] *tadupari samvatsaramululō mahārāju śrī kumpinīvāru vuttaram khaṃdam tālūkālaku prab-hutva cēsē koraku paṭālālu tīsukuni viśākhapatnam pravēsimci vijayanagaram parlā kimiḍe agraganyōdham samsthānamulaku pesukasi māmiliyattu jarigimci.*

[33] This latter information is only alluded to in TJV. I add it here to give the reader some background data about the turbulent political situation in the Northern Circars after 1765. Much of this disturbance was caused by Jagannātha Nārāyaṇa Deva and his son. For details see *Anja-neyulu, op. cit.*, p. 127 ff. and *C.D. Maclean*, Manual of the Administration of the Madras Presi-dency, Vol. I. Madras 1885 (reprint New Delhi 1987) and *C.D. Maclean*, (ed.), A Glossary of the Madras Presidency Madras 1893 (reprint New Delhi 1982).

[34] *Anjaneyulu, op. cit.*, p. 128

[35] It is not entirely clear whether Parlakimedi's military actions against Tekkali were provoked by Tekkali's refusal to join the traditional overlord against the British, but this seems to me to be the most plausible explanation for the fights mentioned in TJV.

[36] *prabalam avuṭavalla cinna raghunātha jagaddēvugārini atani mamtri sāmamtulunu paṭṭukuni kimiḍe samsthānānaku tīsukuni velli pratibamdhakam cēśi trikkali samsthānam ākramimci vumdiri* 'due to his power he took as prisoners Cinna Raghunātha Jagaddēvugāru, his minister and sāmantas, brought them to the court of Kimidi and locked them up, he occupied the court of Tekkali and stayed'; see the paradigmatic description of such conflicts in *B. Cohn*, 'Political Systems in 18th Century India: the Banares Region.' in: *B. Cohn*, An Anthropologist among the Historians and Other Essays. Delhi 1987, pp. 488-489.

[37] *cinna raghunātha jagaddēvugārni kalāmtara samjātudayina balarāmam dēvugāru*; the final 'ṃ' of Balarāma is superfluous.

enemy, the opposition against Jagannātha Nārāyaṇa Deva. After a short while he holds the whole taluk except the capital Ciṃtāmaṇipaṭṇaṃ and begins to collect taxes. After the successful campaign against Parlakimedi he establishes his son Narasiṃha as ruler.[38] This move forces Jagannātha Nārāyaṇa Deva and Raghunātha Jagaddēvu II to make peace. The king of Tekkali marries Jagannātha Nārāyaṇa Deva's daughter and returns to Ciṃtāmaṇipaṭṇaṃ to resume his reign with the consent of his brother Balarāma.

Thereafter, Raghunātha Jagaddēvu II leaves Ciṃtāmaṇipaṭṇaṃ and builds a five-storied palace (*lōgiḷḷu*) west of Raghunāthapuraṃ. He also erects a temple there for the family deities Gōpālasvāmi and Jagannātha.[39] Raghunātha Jagaddēvu II dies in 1767.   As an appendix to the description of Raghunātha's reign the text contains a list of 42 *agrahāra*s with dates between 1754 and 1798. At the end of this list, the donor is suddenly called Rāmakrṣṇa Jagaddēvu. Rāmakrṣṇa Jagaddēvu II is a son of a king who died in 1787 and who is omitted in my copy of the TJV as well as in Rajaguru's translation. I assume that this long list of donations indeed contains information from the reigns of all three rulers, as the dates suggest. The missing king who probably ruled between 1767 and 1787 is called 'Jaganadha Jagga Deo'[40] in British sources. He left a minor son of about 11 years.

About the circumstances of Rāmakrṣṇa Jagaddēvu II's reign the TJV keeps silent. He is the first ruler who ascended the throne during the overlordship of the British East India Company who had replaced Parlakimedi in this role after the war with Jagannātha Nārāyaṇadēva. We only hear that Rāmakrṣṇa Jagaddēvu II came to the throne as a child (*bālyamaṇḍe adhikāraṃ vahiṃce*) and that he was acknowledged by the British East India Company.[41] With his death in 1797 the main line of the Jagaddēvu family dies out.

The Unacknowledged Rulers (G₁₃ and G₁₄). After the death of the twelfth ruler in 1797, another son of Raghunātha Jagaddēvu II (G₁₁), Harikrṣṇa Jagaddēvu, comes forward to claim the throne of Tekkali. But, since he was not the son of Raghunātha's main

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[38] *tanu tama komārudayina narsiṃga dēvugārki rājyādhikāraṃ yicci*

[39] *cimtāmani patnam vidicipeṭṭi raghunātha puramunaku paścama bhāgamaṃdu vunna tamayina ayidu amtasthalu mēḍa tadanukūlamayina lōgiḷḷu kaṭṭiṃcukuni pravēśiṃci rājagṛhamulaku samīpamaṃdu śrī jagannāyakulu maṃdiraṃ gōpāla svāmi maṃdiraṃ kaṭṭiṃci svāmivāllanu vemcēpucēśi*

[40] See below p. 82

[41] In a rather mysterious passage a clerk of the BEIC is described as the person who was involved in the consecration ceremony. Since the sentence contains at least one change of subject, the acting person in the coronation ceremony is hard to determine. Also, since the only word in the dative case (-*ki*) in the sentence is the name of the BEIC clerk, grammatically it is he for whom the ceremony is being performed. But it seems that the subject of the previous sentence, Rāmakrṣṇa II, is implied here. (*tamdrigārayina cinna raghunātha jagaddēvugāru sarkāru paṭṭa yōgyānusāramvalla pravarttimcutavalla ā ghādilō adhikāraṃ cēstūvunna cīpu klāraḍu rasō dhoragārunuki komdaru dhāralu trkkali tālūkā raghunātha puram pravēśiṃci anupūrvakamgā vunna trikkali tālūkā jamīdāri adhikārāna paṭṭābhiṣēkam cēśināru*: 'The father Cinna Raghunātha Jagaddēvu, while ruling on the throne, because of competent going after the affairs of state and because of [good] behaviour, made the paṭṭābhiṣēkaṃ ceremony of the administration of the Zamindari of Tekkali Taluk, which was according to the rules, after some white people had entered Tekkali Taluk Ragunāthapuram to Chief Clerk Rasō [Russell?] Dora.' This may mean that the BEIC consented to the paṭṭābhiṣēkaṃ and that the clerk 'Rasō' was present there at the time.

wife,[42] the BEIC considers him as illegitimate and refuses to acknowledge his claim. He dies in the same year.

As the last ruler, the text mentions another 'illegitimate' member of the family. Camdraśekhara Jagaddēvu, the son of another *kalātrāmtara samjātuḍu*, Raghunātha Jagaddēvu II's already mentioned half-brother Balarāma (G₁₁), applies for acknowledgement, but in vain. Yet he is granted the tax collection rights (*amāni*) for six years. The text ends with a list of eight *agrahāras* donated by him. But, since he no longer has any sovereign rights over Tekkali taluk, he is obliged to buy for his donations eight villages from Gajapati Padmanābha Mahārājā of Parlakimedi for RS 49,500. The list contains dates between 1797 and 1807, the latter being the last date mentioned in the TJV.

The Language of the TJV. The extant copy of the TJV is unfortunately a very corrupted one. As already mentioned, a part of the manuscript containing the description of the whole life of at least one king is missing. Besides many mistakes made by the typist in Madras which could be corrected by Prof. *S.A. Srinivasan* and myself, it seems that either my copyist or the one who copied the original Mackenzie manuscript (which is not available to the public) for the Telugu Local Tracts Volumes compiled by *C. P. Brown* in the 1840ies also made a fair number of mistakes. The most difficult problem for a correct understanding of the text are passages containing words and grammatical forms which are not to be found in any dictionary or grammar. Since it is impossible to decide whether these are dialectical forms, orthographical mistakes or false readings, all that will be said in the following about the language of the TJV has to be taken as preliminary, because only a comparison of my copy with the original Mackenzie text may be able to solve that problem.

The text of the TJV is written in Telugu prose predominantly using a colloquial syntax, but with a large number of *tatsamamulu*, Sanskrit words which are characteristic for an educated speaker. These words are introduced into Telugu unaltered or only slightly changed,[43] and are freely interchangeable with original Telugu synonyms (*dēśyamulu*) according to the author's intentions and style of writing.[44]

Even though the number of Sanskrit words in TJV is very high, other elements of style show either carelessness or insecurity in matters of style. Thus, one finds classical forms of the same word like *adhikāramu* and *adhikāramunaku* besides the more frequent colloquial or half-colloquial equivalents *adhikāram* and *adhikāramuku*, and different classical forms like *cēśināru* and *cēśanu* (he did) within the same sentence. In the case of *cēśināru* one may also think of the presence of a dialectical influence in the altering of the 's' in the past participle of *cēyu* (to do), *cēsi*, and its derivative forms, into a 'ś' like *cēśi*, as the word is pronounced in the Eastern dialect of Telugu.[45]

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[42] He is called '*kalāmtara samjātudu*' which is a misspelling for *kalatrāmtara samjātudu* (one born by another wife). In the text his deliberations with the BEIC are put in a short dialogue in direct speech.

[43] On the question of Telugu etymology see the short introduction in *C. P. Brown*, A Grammar of the Telugu Language. New Delhi 1981 (reprint), p. 355.

[44] Between the *tatsamamulu* and the *dēśyamulu* a third category, the *tadbhavaśabdamulu*, exists. These are words from Sanskrit that are much altered in Telugu. Words found only in rustic speech are called *grāmyamulu* (*Brown, op. cit.*, p. 356 ff).

[45] The Eastern dialect is spoken in the coastal districts of Visakhapatnam, Vizianagaram, Srika-

Characteristic for this way of writing is for example the frequent usage of Sanskritic kinship terms like *sūnuḍu, komārudu* and *putruḍu* (son) for Telugu *koḍuku, bhārya* and *kaḷatra* (wife) for Telugu *pemḍlāmu, komārte*[46] (daughter) for Telugu *kūturu, vivāhamu* (marriage) for Telugu *pemḍli*. In the same way, common Telugu words like *ūru* (town, village) and *palleṭūru* (village, hamlet) are avoided and the words *paṭnamu/paṭṭaṇamu* and *grāmamu* are used instead.

In other cases, synonyms coexist. They are sometimes used indiscriminately as in the case of the words for 'forest', where one finds *vanamu, araṇyamu* and *aḍavi*, and in the case of words for 'temple' (*ālayamu, guḍi, kōvila; dēvasthānamu* does not occur). The words for 'tank' *ceruvu* (Telugu) and *taṭākamu* (Sanskrit) are interchangeable in the context of the building of tanks: *taṭākaṃ cēyiṃcu* and *ceruvu pōyiṃcu*, both meaning 'to cause a tank to be built'. A third word, denoting a body of water, *sāgaramu* (ocean), oc-curs only in one context: it is frequently found in the names of the tanks. In contrast to this, the words for 'war' or 'battle' change from the beginning to the end of the text. In the first generation, the Sanskrit term *yuddhamu* occurs which is later replaced by Hindi *laḍāyi*.[47] In some cases, potential synonyms are never used: *kōṭa* (fort) is never replaced by *durgā*, *laṣkaru* (army) never by *daṃḍa*, instead of *agrahāramu* we find once - in the context of the gift of a village to Jagannātha of Puri - *mokhāsā*, and once, in G$_{14}$, that is after 1800, the English word *grāṃṭu* (grant).

Another example of how the classical style of writing is used may be the variations of the name 'Tekkali' itself. The modern spelling 'Tekkali' does not occur in the TJV where only the spellings 'ṭrikkali', 'trikkali', and 'ṭrkkali', all with an 'r'-sound in the first syllable, are to be found. The omission of a secondary 'r' in the first syllable of a word occurs frequently in colloquial Telugu[48] which leads to the assumption that the spellings 'ṭrikkali' etc. may be an attempt to 'sanskritize' the word. A further motive therefore may be the fact that *tekkali* has in Telugu the meaning 'thief', and *tekkali-paṭnamu* is therefore the 'town of thieves'.

Besides Telugu and Sanskrit, the largest number of words are taken from Urdu and Persian, while Oriya influence in the vocabulary is small.[49] Already in G$_1$ we find five technical terms from Hindustani administrative terminology: It is said that Pāta Tekkali, the old fort of the taluk, was made *kasubā* or headquarters (*pāta trikkali kasubā cēsu-kuni*), for the king's army (here *laṣkaru*) in the war against the Yerra Boyas. Other Hin-

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Footnote from p. 75, continued

kulam (Andhra Pradesh) and Ganjam (Orissa) and is characterized especially by the replacement of 'ś' for 's' (Oriya influence?) and the existence of a long 'ā' which replaces 'a' or 'ā' in certain verb forms. The frequent usage of 'ś' in this region is contrasted with the tendency to replace the 'ś' and 'ṣ' with 's' in the colloquial speech in other regions. See *B. Krishnamurti*, A Grammar of Modern Telugu. Delhi 1985, p. xviii.

[46] A *tatbhāvamu* word from Sanskrit *kumāra* with Telugu feminine suffix.

[47] This example is not sufficient to prove a hypothesis I postulated in the beginning of my work with the TJV. I supposed then, that Sanskritic terminology becomes replaced by Persian and Urdu, and that the frequency of Urdu and other 'Moslem' technical terms increases in the cour-se of time. This, however, does not seem to be the case.

[48] E.g. coll. *vēyu* for class. *vrēyu* (to strike), coll. *pekāraṃ* for class. *prakāramu* (manner), coll. *pēlu* for class. *prēlu* (to chatter), coll. *mōraḍu, mōḍu* for class. *mrōḍu* (stump of a tree) etc.

[49] The only example is the word for 'big', *pedda*, which Telugu speakers from Ganjam and Sri-

di/Urdu words at the beginning of the text are *makām* (halting place), *phitūri* (rebel), *thānā/thānā* (military post), and the word *tālūkā* (taluk) itself. All these words were in use at the time of the compilation of the TJV, which leads to the assumption that the author or authors did not quote from older sources, but wrote a new account in the language of their times.

Deliberate variations in style can be observed in the beginning and the end of the generation chapters of the TJV according to a ruler's merit. In the first sentence the king's name is introduced, and at the end his death is referred to in a similar way. The chapters begin with a kind of declaration in which the new king's name together with his relation to the predecessor is stated. The rulership is normally passed from father to son. This introduction, even though very uniform in its content, varies in its wording. In the following table, all variations are listed for comparison.

Generation	Introduction of the new king at the beginning of the chapters	remarks
1	none	immigration legend
2	tadanamtaram tatsūnulayni *nṛśimha janā* adhikāramuku vacci	normal succession
3	tadanamtaram yitani komāruḍu *lakṣmīnārāyuḍu janā* adhikārānaku vacci	normal succession
4	tadanamtaram kaniṣṭabhāryayokka putṛlayina *mīnakētanu janā* ... konni dinamulu adhikāram cēsanu	younger wife's son
5	yitani komāruḍu *nārāyaṇa maṃgarāju* adhikāramunaku vacci	normal succession
6	yētat putṛlayina *anaṃga maṃgarāju* adhikāram vahiṃci	normal succession
7	tadanamtaram yētatputṛlayina *dēvarāju maṃgarājugāru* adhikāramuku vacci	normal succession
8	yētatsūnulayina *camdraśēkhara maṃgarāju* adhikāramuku vacci	normal succession
9	yētat putṛlaina *raghunātha jagaddēvugāru* adhikāram vahiṃci	normal succession
10	yētat putṛlayina *rāmakṛṣṇa jagaddēvugāru* cimtāmaṇi paṭnamlō paṭṭā-bhiṣiktulayi adhikāram cēstū	normal succession
11	[tad-]anamtaram yētat sūnulaiyina sadara vilēcina *raghunātha jagaddēvugāru* cimtāmaṇi paṭnamlō nivāsam cēsi adhikāram cēstuvumḍē	normal succession
12	tadanamtaram yētat sūnulaina *rājā cinna rāmakṛṣṇa jagaddēvugāru* bālyamaṇḍe adhikāram vahiṃce	normal succession
13	tadupari *cinna raghunātha jagaddēvugāri* kalāmtara samjātuḍayinna *harikṛṣṇa jagaddēvugāru* savaru rājulu tadanamtaram tāmu yī samsthānānaku rājyavartakula vāramani	unacknowledged, second wife's son
14	tadupari *pedda rāghunātha jagaddēvugāri* kalātrāmta samjātuḍayina *balarāmadēvu* komāruḍayina *camdraśēkharu dēvugāru* vāriki tadanamtaram tama hakkudārumu ani	unacknowledged, last acknowledged ruler's (G₁₂) father's or grandfather's brother

From this list one can reconstruct a standard introductory formula which contains most or all of the following parts: a temporal adverb in Sanskrit, usually *tadanamtaram* (thereafter), the relation between the old and the new ruler in a statement like *yitani komāruḍu* or *yētat sūnulayina* (his son), the name of the new ruler, and the verbal phrase in

Footnote from p. 76, continued
kakulam Districts frequently replace by *bodda*. Other dialectical forms do not occur.

which his legitimate authority is expressly announced in the form *adhikāramu vahimcu* (to assume rulership), *adhikāramu cēyu* (to rule), or *adhikāramu vaccu* (to come to rulership). The word *adhikāramu* is always used and seems to denote the right to rule as a legitimate ruler after having performed the coronation ceremony (*pattābhiṣēkamu*). Therefore, it is missing only in G_{13} and G_{14}, where the TJV talks about claimants for rulership who were not acknowledged by the overlord, the BEIC. In both cases, a short dialogue in direct speech ending in *ani* (having said) is given. It contains the claim of the pretender and the answer on the BEIC. The dialogue in G_{13}: Harikṛṣṇa Jagaddēvu claims: 'After all those kings I am the person in charge of the rule for this kingdom'.[50] The Company answers: 'For this kingdom the rulership (?) will by no means be yours'.[51] In G_{14} Camdraśēkaru Dēvu approaches the company with the words: 'There-after I am the Hakkudāru'.[52] The answer is 'You have no right to apply.'[53] Such a standardized formula as an introduction to a king's reign occurs in at least one more text. In the *Kaṭakarājavamśāvali*, a Sanskrit chronicle of the rulers of Orissa, but compiled by the priests of Puri,[54] the rule of a new king is usually indicated with a formula like *anantaram tatputro rāmacandradevanāmā rājyam cakāra*[55] or *anantaram asya putrah purusottamadevo rājā babhūva.*[56]

While in the *Kaṭakarājavamśāvali* the death of a ruler is in many cases not explicitly mentioned and only his years of reign are referred to, in TJV three different types of formula indicating the death of a king exist. One occurs in connection with those rulers about whom the text has a lot to tell. Since the TJV never mentions a date except in *agrahāra* lists, it frequently operates with the expression *konni samvatsaramulu* (some, a few years) and/or mentions rulership (*adhikāram, rājyādhikāram*) together with the somewhat pompous phrase *paralōkagatulu ayināru* (he [honorific] became one who has entered the next world). A lesser ruler's or a shorter reign is indicated by a more modest formula like *konni dinamulu adhikāram cēsi gatimcināru* (having ruled for some days he [honorific] passed away). In the case of the illegitimate successor of the last king (G_{13}) it is simply said: *kālam cēsināru* (he [honorific] died). In the following, a list of all the death formulas is given (*see Table, next page*).

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[50] *savaru rājulu tadanamtaram tāmu yī samsthānānaku rājyavartakula vāramani.*

[51] *yī samsthānānaku prabhutva harahata niku yamta mātram lēdani*; the word '*harahata*' remains unclear (mistake of the copyist?), but since it occurs in a context which is syntactically equivalent to the phrase *rājyavartakula vāramu* of Harikṛṣṇa's application, *prabhutva harahata* may have the same meaning.

[52] *tadanamtaram tama hakkudārumu ani*; Hakkudāru is an undocumented word. I assume it is a Telugu form of Hindi *hak-dār* which means both 'the holder of a right' and 'one who makes a claim or demands a right' (*H.H. Wilson*, A Glossary of Judicial and Revenue Terms. London 1855, p. 194).

[53] *mīrunnu dakhaludāllu kāru ani*

[54] *Kaṭakarājavamśāvali* Vol.1, ed. by G.C. *Tripathi* and H. *Kulke*, Allahabad 1987.

[55] *ibid.*, beginning of chapter 99.

[56] *ibid.*, beginning of chapter 62.

Generation	death formula
1	konni dinamulu adhikāraṃ cēśi paralōka gatulu ayināru
2	yī coppuna konni samvatsaramulu adhikāraṃ cēśanu...(death not mentioned)
3	adhikāraṃ cēśi paralōka gataṃ ayināru
4	konni dinamulu adhikāraṃ cēśanu...(death not mentioned)
5	konni dinamulu adhikāraṃ cēśi gatimcināru
6	konni dinamulu adhikāraṃ cēśi gatimcināru
7	missing (text incomplete)
8	rājyādhikāraṃ cēśi paralōkagatulu ayināru
9	konni samvatsaramulu adhikāraṃ cēśi gatimcināru
10	paralōkagatulu ayināru
11	konni samvatsaramulu adhikāraṃ cēśāru (death not mentioned, text incomplete)
12	paralōkagatulu ayināru
13	kālaṃ cēśināru
14	(still alive)

Historical and Political Considerations

In the following, I shall concentrate mainly on two questions: the historicity of the text and the various aspects of the ascent of the Tekkali zamindar family to its regional importance as little kings under Parlakimedi according to the TJV.

The Historicity of the TJV. The TJV depicts the ascent of a family of local rulers to regional importance in Kaliṅga within approx. 250 years, from 1550 to 1800. Even though the text itself does not contain dates that may help to ascertain the time of the kings mentioned, the works of *Lakshminarayan Harichandan Jagadeb*,[57] a historian from the Tekkali Zamindar family, of *S. N. Rajaguru*,[58] historian and rājaguru of Parlakimedi, and of *M. S. R. Anjaneyulu*,[59] a historian from Visakhapatnam, can be utilized to answer the first question a historian may ask: the question about the historicity of the material. None of these historians use the TJV for their own research. Even though *S. N. Rajaguru* translated the text in the 1970's for the Orissa Research Project,[60] he seems to have had no knowledge of it at the time of the publication of his *History of the Gangas* in 1972.

As usually is the case with medieval sources from Kaliṅga, the author of the TJV does not mention any event which is not directly related to the family of his chronicle. Similar to the *praśasti* genealogies of the Gaṅga inscriptions,[61] a legendary beginning

[57] Cf. *Narayan Harichandan Jagadeb*, Copper-Plate Grant of Akasalakhsvaram [sic]. *JAHRS* 5, 1930, pp. 259-260; The Copper-plate of Raghunatha Jagadeb I of Kadamba Dynasty - Tekkali. *JAHRS* 8, 1933, pp. 238-239; The Copper-plate of Raghunatha Jagadeb II of Kadamba Dynasty - Tekkali. *JAHRS* 9, 1934, pp. 13-14; Ramachandi, the Prominent Goddess of Tekkali Estate. *JAHRS* 11, 1936, pp. 16-18.
[58] S. N. Rajaguru, The History of the Gaṅgas. 2 Vols. Bhubaneswar 1968/72
[59] M. S. R. Anjaneyulu, op. cit.
[60] *Tekkali Zamindar*, Translated from Telugu to English by S. N. Rajaguru, Orissa Research Project Library, MS No. 446.
[61] Cf. the standard *praśasti* of the imperial Gaṅgas in *Inscriptions of Orissa*, Vol. III, Part 2, Appendix I-A, I-B, C, from the eleventh cent., and its extensions by later rulers in the copper-

and a description of the deeds of the kings suffice for the purposes of the author. No older material is included. Therefore the reader does not find any allusion to the fact that for instance the town of Tekkali itself may be much older than the contents of the TJV suggest. The oldest records known from there were written in the eleventh century by a little king of the Ganga king Madhukāmārṇava[62] and by a king Devendravarman.[63] In these documents not only Tekkali is mentioned, but also the name of a guardian goddess of the later Tekkali Zamindars is referred to: Rāmacaṇḍī, a form of Durgā. The location of both the temple of the goddess[64] and the old capital of Pāta Tekkali (Old Tekkali) was close to the road connecting the plains of Orissa in the north and the plains of Kaliṅga in the south, in an area that was of a high strategic value to the Gangas and the Sūryavaṃśa Gajapatis, who, as *Jagadeb* writes, had a military post there.[65]

From this information we know that the coastal strip of Tekkali taluk was integrated into the empire of the Gangas long before the time of the TJV. So far, the TJV, which takes Pāta Tekkali as already existing, is correct.[66] However, there is a large discrepancy between the TJV and *Jagadeb*'s writings about the time and the circumstances of the foundation of the Tekkali zamindar family. While the TJV starts with the immigration of Caṃdraśēkhara Jēna and mentions 12 kings and omits one up to 1797, *Jagadeb* assumes the existence of seven more rulers prior to Caṃdraśēkhara Jēna (G₁). Without quoting any sources, he states that the family began their rule in Tekkali taluk in AD 1422 when 'Narasimha Khēdi of Kadamba dynasty came to Tekkali from the South' and conquered the jungle parts of the taluk west of Pāta Tekkali 'by worshipping Ramachandi'.[67] Instead of the Yerra Boyas and Yenadis of the TJV, *Jagadeb* mentions a Śavara tribesman as a worshipper of Rāmacaṇḍī.

There are obvious parallels in both immigration legends: the immigration from a place outside of Kaliṅga, the existence of a large woodland, the importance of the tribal population, and the necessity to patronize local cults. The most important difference is in the name of the first Tekkali king: Narasimha Khēdi on one hand, Caṃdraśēkhara Jēna on the other. But here again, one of *Jagadeb*'s articles can help to solve the riddle.

In an article about a copperplate issued by the ninth king mentioned in the TJV, Raghunātha Jagaddēvu II (1691-1719), *Jagadeb* relates an incident in which the names

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Footnote from p. 79, continued
plate inscriptions listed in Vol. V.
[62] Chicacole Plates of Madhukamarnava. *IO* II, No. 38, dated Ganga Era 526 (AD 1024). There a town called 'Cikhalipāṭyāpura' is mentioned which Rajaguru identifies as 'Tekkalipatna which was the old capital town of Tekkali' (*ibid.* p. 179, fn 1). This old capital may have been Pāta Tekkali. See also above fn. 8, *H.H. Wilson's* catalogue, where Tekkali is called 'Jakkali'.
[63] *L. H. Jagadeb* has published three inscriptions in his article Ramachandi, the Prominent Goddess of Tekkali Estate. (*JAHRS* 11, 1936, pp. 16-18). *S. N. Rajaguru* edited a fourth inscription in *IO* III, Part 1, No. 35. This Devendravarman is probably an independent local ruler who is mentioned in an inscription of Kulottuṅga from Drākṣarāma (*SII* 4, No. 1239, line 10).
[64] It is even possible that her place of origin was a cave called Sanyāsi tīrtha (Jagadeb, *op. cit.*).
[65] *L. C. Jagadeb*, Copper-Plate of Ragunatha Jagadev I of Kadamba Dynasty, Tekkali. *JAHRS* 8, 1933, p. 238.
[66] The text says that Caṃdraśēkhara Jēna first made Pāta Tekkali his headquarters (*pāta trikkali kasubā cēsukuni*), and only later mentions the fortification of the place by the king (*pāta trikkali kasubālō kōṭabeṭṭimci*).
[67] *L. C. Jagadeb*, *op. cit.*, p. 238.

of the protagonists are the same as in the beginning of the TJV, even though the events in *Jagadeb*'s article are set into a completely different context.

'*After the death of Padmanabha Jenna, the 7th ruler of Tekkali Kadamba dynasty in 1527 A.D. a battle was fought between his Jubaraj Birabhadra and the second son Chandrasekhar. Jubaraj Birabhadra died in the battle. From that day, Chandrasekhar became the ruler of Tekkali. At that time Birabhadra had an aged son named Banamali. In the conquered country of his father he constructed a fort named 'Banamali fort' (now called Bommali) and assuming the title of 'Badajenna' he began to rule there as a subordinate rajah under the Utkal kings. Fearing that the elder brother's son Banamali Badajenna might attack his kingdom, Chandrasekhar Jenna left the fort of Tekkalipatana and constructed a fort named 'Chintamani fort' near the dense forest boundary of Parlakimedi Estate. He installed Hanuman idol at the chief gate of the fort*'.[68]

If one takes *Jagadeb*'s date of 1527, which is again not based on any source, as the begin of Camdraśēkhara Jēna's rule after the fission of the royal lineage, we have a date for the first generation in the TJV. The quote furthermore provides us with a motive for the possible omission of seven rulers of the Jēna family. If one compares *Jagadeb*'s description and the bloody end of the fratricidal war between his 'Jubaraj Birabhadra' and the second son 'Chandrasekhar' with the struggle for succession between Mīnakētanu Jēna and his elder brothers (G_4) who are told to have solved their dispute and prevented fission in a somewhat improbable way by peaceful means, there arises the possibility that it was intended by the author of the TJV, or the tradition he selected his information from, to gloss over all those episodes in the family history that may have been disgracing to the honour of a true king. This aspect as well as the complete absence of other material about personal characteristics of the kings characterize the text as a family chronicle written by a person who wanted to present the rulers as true dharmic kings without negative traits in their characters. In contrast to this way of writing, the Kaṭakarājavamśāvali, written by the priests of Puri who had no interest in glorifying the kings of Orissa, mention numerous detailed episodes which are not in accordance with the image of the kings as a heroes.

The date 1527 would also provide an explanation for the strange name 'Gajapati Sivaliṅga Nārāyaṇa Deva' for the first Mahārāja of Parlakimedi mentioned in TJV (G_1). For the Parlakimedi kings as Vaiṣnavites a name like 'Sivaliṅga' looks strange.[69] In *Jagadeb*'s article about the goddess Rāmacandī the inscription of a king of Parlakimedi called 'Gajapati Gaudēśvara Svarṇadēva Mahārājā' (1520-1550) is quoted. Carelessness in writing may have brought forth this alteration in TJV.[70]

From 1527 to 1691 we do not get any information from *Jagadeb* on the Tekkali kings.

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[68] L. H. Jagadeb, The Copperplate of Raghunatha Jagaddeb II of Kadamba dynasty - Tekkali. *JAHRS* 9, 1934, p. 13-14.

[69] In Rajaguru's genealogy of the Parlakimedi kings no Śaivite name occurs (S. N. Rajaguru, *op. cit.*, Vol. 2, p. 106).

[70] If this is so, the misspelling must have occurred rather early, maybe during the preparation of the original manuscript of the Mackenzie Collection or when C. P. Brown had the Telugu Local Tracts copied from the Mackenzie originals. I assume this, because both *Rajaguru's* and my own copyists, a professional copyist employed at the Madras Government Oriental Manuscripts Library and retired before I came to Madras, and mine a Ph.D. candidate from the Telugu Dept., wrote 'Sivaliṅga' instead of 'Svarṇa'.

Then, in 1691, a dated copper-plate inscription edited by him sheds some light on the family: Raghunātha Jagaddēvu I, here with the title mahārājulu (honorific plural), the sixteenth ruler of the Kadambas of Tekkali according to *Jagadeb* and the ninth ruler of the TJV, granted a *mānyamu* (rent-free land) to a person called Pūjāri Fakīr.[71] Unfortunately, there is no further information about the pedigree of the donor or the circumstances under which the grant was made in the text, but the inscription as an independent source helps to establish the king as a historical person.

Raghunātha Jagaddēvu I was also the first king of Tekkali said to have visited Puri. During his pilgrimage, he met Gajapati Mahārājā Divyasimha, better known as Divya-simha I of Khurda. This king of Orissa is known from the *Kaṭakarājavaṃśāvalī*[72] as well as from a collection of royal letters called *Chāmu Ciṭāu*s.[73] Divyasimha is known to have issued *Chāmu Ciṭāu*s with dates between 1692 and 1715. Three of them mention a Tekkali king.[74] Another donation mentioned in one of *Jagadeb*'s[75] articles is a grant of some land in a deed dated AD 1762 to an official of the Hanuman temple in Cim-tāmaṇi fort by Raghunātha Jagaddēvu II whose reign he dates from 1740 to 1767. Neither the inscription nor the editor's comment gives any more details. But the dates seem to be correct as can be ascertained by another inscription not included in *Jagadeb*'s articles. Raghunātha Jagaddēvu is listed among others as a patron of the *maṭha* of Jagannāthasvāmi at Balaga,[76] where he donated a village in 1755.

The fixing of the dates of Raghunātha Jagaddēvu II in this way reveals a gap between his death in 1767 and the next king mentioned in TJV, named Rāmakrṣṇa Jagaddēvu II, the minor son of an unknown predecessor and orphaned in 1787 at the age of 11 according to British sources.[77] His father, called 'Jaganadha Jagga Deo' (Jagannātha Jagad-

[71] The grant is quoted fully in L. C. *Jagadeb*, Copper-Plate of Raghunatha Jagadev I of Kadamba Dynasty, Tekkali. *JAHRS* 8, 1933, p. 239:
Face: (1) plava nāma saṃvatsara jyēṣṭa śu| | 5 rōjuna (2) śrī raghunādha jagaddēvu mahārāju- (3) lumgāru pūjāri phakhiruku vrā- (4) yiṃcci yiccina mānyaṃ paṭṭa mā ṭekkali (5) paṭnaṃ khasapā bā| | nīku ga| | 4 nāllu gari-
Reverse: (1) śela bhūmi mānyamu yivvanāye ganaka (2) viriviḡa phalaparucukoni nī putrapau-
(3) tra pāraṃparyaṃtaṃ anubhavistū vuṃdiri. (4) yī mānyānaku gariśe rūpāyalu (5) śiṣṭu pollayi ghennānammāpu.
Trans.: A grant deed which had been given in the year named Plava, the 5th day of the bright half of the month Jyeshta, after having been made written by Sri Maharaja Raghunatha Jagad-deb, to Pujari Fakir. In our Tekkali Patnam Khaspa, a land yielding four garse of staple produce [has been given] to you as Inam. Having made [it] fully profitable, all your descendants will enjoy [it]. The rents (Garise Rupies, Kist and Pollayi) for the produce of this Manyamu will not be charged.
[72] *Kaṭakarājavaṃśāvali* Vol. 1, pp. 45, 94, 119.
[73] These letters in which the kings of Khurda grant certain rights in the cult of Jagannātha to visitors from royal families are presently being edited by H. *Kulke*.
[74] The king's name is not mentioned in these documents. He is just called Jagadev of Tekkali (*tekkali jagadēvu rājugāru* [C.C. 135, 1701], *ṭekkali jagadēvu ānē rāju* [C.C. 136a, 1701/02], *tīkāi jagadebe* [C.C. 137, 1703 ?]. A fourth *Chāmu Ciṭāu* for a Tekkali king is dated 1767/68.
[75] L. H. *Jagadeb*, op. cit.
[76] Balaga is in Srikakulam taluk of Srikakulam district, Andhra Pradesh (V. Rangacharya *A Topographical list of the Madras Presidency (Collected till 1915)*. Vol.1, New Delhi 1985 (reprint), p. 682, No. 138E).
[77] M. S. R. *Anjaneyulu*, op. cit., p. 148.

dēvu), was ruling Tekkali when the British took over the government of the Northern Circars in earnest in 1768. The exact date of his coronation cannot be determined, but it seems likely he ruled from 1767.

It is clear from these considerations that the TJV in the present form cannot be taken as a historical source for the reconstruction of the administrative activities of local élites without recourse to other materials, if one wants to go back into the times before 1800. The text reflects the special situation after the annexation of Tekkali by the British and may be in its entirety born out of the need to explain the claims to rulership to an hitherto unknown source of authority. Furthermore, its seems that some parts from the second half of the text are missing and that different copies contain different numbers and dates. A comparison of both my own and Rajaguru's copies of the text with the Mackenzie original (if still available) may solve at least some of these problems.

The Immigration Legend. The sources to the history of Kaliṅga reveal a development in the legitimatory function of a ruler's ancestry. While in the oldest records of the region, the copper plate inscriptions of the Māthara and Vaisiṣṭha kings who began to rule shortly after Samudragupta's *digvijaya* (c. AD 350), no genealogical information or any other recourse to a legitimation of their rule from an outside source is taken, their successors, the Eastern Gaṅgas of Kaliṅganagara, introduce in the sixth century in their inscriptions the reference to a local deity, the god Gokarṇeśvara of the Mahendragiri. Parallel to this, their northern neighbours, the Śailodbhavas of Koṅgoda, trace their origin to a tribal hero called Pulindasena to whom Śiva grants a son. This son emerges out of a rock on Mahendragiri and is therefore called Śailodbhava.[78] For the same reason the first dynasty of Nandapur is called Śilavamśa.[79]

The next step in the development of the legitimation is the reference to and imitation of famous rulers from outside. The Eastern Gaṅgas introduced this custom by referring to the Western Gaṅgas of Gaṅgavāḍi in Mysore from the beginning of the ninth century onwards. At least two families of their little kings began to follow this example in the tenth century and called themselves Kadambas and Vaidumbas in imitation of the legitimation pyramid of the Western Gaṅgas.

From the late tenth century onwards, the copper plate inscriptions of the Eastern Gaṅgas begin with an increasingly detailed *praśasti* which develops over the generations from an elaborate genealogy into an early form of *vamśāvali*. This type of genealogical writing was taken over from the Eastern Cālukyas, their southern neighbours, at approx. AD 1000, and utilized in the late eleventh century as a kind of counter propaganda against the Cōḷas. Especially the personal enmity of the Gaṅga ruler Coḍagaṅga Anantavarman (1078-1147) and his cousin, the Cālukya-Cōḷa king Kulottuṅga (1070-1120), was one of the motives for the reinterpretation and instrumentalization of the past by the Eastern Gaṅgas. Coḍagaṅga Anantavarman began to remove some of his predecessors from the genealogy, probably because their names had no legitimatory value any more, and replaced them with mythological forefathers and an immigration legend. Coḍagaṅga's successors kept the genealogy and the immigration legend in their

[78] *S. C. Behera*, Rise and Fall of the Śailodbhavas. History and Culture of Ancient Orissa from C. 550 A.D to 736 A.D. Calcutta 1982, Appendix.
[79] *K. B. Singh Deo*, Nandapur (A Forsaken Kingdom). Jeypore 1939, pp. 2-5.

charters. Here again may be a parallel with the TJV: In the same way as the Gaṅgas revised their genealogy to suit the requirements of the day, in TJV the contradictory evidence about the beginning in the family's rule in Kaliṅga can be explained as an attempt to sacrifice the length of the pedigree of local rulers for a more prestigious immigration legend. It is therefore possible that the Imperial Gaṅgas served as a model for the little kings of Kaliṅga.

This is the more likely as the successor dynasty, the Sūryavaṃśa Gajapatis, did not care about a legitimation via a legendary genealogy. Kapilendra, a *nāyaka* (army officer) of the last Gaṅga king, came to power in 1434 in a *coup d'état*. In the following period of instability the possession of the capital Cuttack, the support by the nobility of the empire, and the backing from the priests of Jagannātha of Puri proved to be more important than a prestige gained by descent. Kapilendra and his successors neither tried to conceal their humble origin nor did they attempt to gloss it over by an invented link to one of the old noble families. This rather 'rational' and 'modern' way of dealing with one's own past which can also be observed in the Vijayanagara empire and in the Dekkan Sultanates, was not followed in Kaliṅga by the little kings of the time who remained 'medieval' in this regard and continued to legitimize themselves in the manner of the Imperial Gaṅgas. Immigration legends become even more elaborate during the time of the late Sūryavaṃśa Gajapatis[80], and later in the eighteenth century are revised to fit the ideal of a Rājput origin which was introduced into the region by the example of the Hindu commanders in the Mughal army.

From that time up to the twentieth century most families developed an immigration legend as the adequate 'ideological model of descent'[81] in which a prince from one of the noble houses of Rajasthan plays a prominent role. Usually, while being on a pilgrimage to Puri, some accident or miraculous event induces him to stay in the tribal hinterlands of the east coast where he founds a family.[82] This kind of legitimation is in some cases (e.g. the Pūsapāṭi kings of Vizianagaram) the ground on which in the nineteenth century real marriage relations with Rājputs are based. The last stage in the development of the legitimation legends so far is the utilization of history to link one's family with the remotest historical sources discovered so far in the territory of the family. Thus, it looks like a resurrection of an old relationship between overlord and little king, when *S. N. Rajaguru* links — from above, as it were — Parlakimedi (without explicitly mentioning a connection between the modern zamindars and the rulers prior to 1600) with the Early as well as the Imperial Gangas. At the opposite end *L.H. Jagadeb* connects his ancestors, little kings of the present Parlakimedi family, with the medieval

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[80]   Vide the immigration legend of the Jayavaṃśa kings of Jaipur (K. B. Singh Deo *op. cit.*, p. 9). Kapilendra and his son Puruṣottama had been almost completely successful in their attempt to monopolize political power in their hands. None of the old noble families of the Gaṅga times is still issuing copper plates or temple inscriptions by approx. 1460. Instead, the officers (*nāyakas*) of the Sūryavaṃśi kings become local rulers in the sixteenth century. See also *H. Kulke*, Jagannāth-Kult und Gajapati-Königtum. Wiesbaden 1979 and *G. Berkemer*, Little Kingdoms in Kaliṅga. Stuttgart 1993, chap. VII.

[81]   *R. Fox, op. cit.*, p. 23.

[82]   Cf. *R. D. Banerji*, Rājput Origins in Orissa. *The Modern Review* for March 1928 (Vol. 43), p. 285; *S. Sinha*, State Formation and Rājput Myth in Tribal Central India. *Man in India* 42, 1962, pp. 35-80.

Eastern Kadambas, former little kings of the Early Gaṅgas of Kaliṅganagara.

The immigration legend in G₁ of the TJV shows a significant deviation from other legends or local accounts of the Kaliṅga Rājās. In the case of the foundation of Vizianagaram,[83] Nandapur/Jaipur,[84] Bobbili[85] and Peddapuram,[86] the immigrating future kings are always in the possession of a title or a military office which clearly designates them as nobles. No task like the pacification of 'tribals' described in the present text is required by them in order to make these immigrants members of one of the regional élites of Kaliṅga. They take their place by force and transfer their hereditary rights from their place of origin to their new home.

In the case of the Jēna brothers, the right to rule does not follow automatically from a prestigious place of origin somewhere in the west or north in the homelands of the Rājputs. Nor is there any reference made to superhuman or heroic deeds of their forefathers. In TJV the reader does not receive any information about the past of the Jēna family from the author, but is dependent on the judgement of the Mahārājā of Parlakimedi who is quoted in direct speech with the words: 'tatsāmpradāya kṣatriyulu — they are Kṣatriyas of good family'. On this statement and the word rājakumārulu (princes) in the first sentence of the text, the claim of the family to a Kṣatriya origin is based. As a consequence, the legitimation of the Jēna kings is entirely dependent on their relationship with Parlakimedi.

The Political Career of the Tekkali Family. The political geography in the initial chapters of the TJV disclose a world dominated by one supralocal[87] power, the king of Parlakimedi, and his enemies, the Yenadis of Bommali and the Yerra Boyas of Tekkali with their capital at Burugām. These tribals hold the hilly tracts east of Parlakimedi bet-

[83] There are two different versions available: one is oral history in Vizianagaram, one is part of the Mackenzie-Manuscript *Bārābāti Vīrakṛṣṇadev*. See G. Berkemer, *op. cit.* For the generally accepted history of the family. Cf. *A. V. Dattatreya Sarma* (Vijaya Datt), Vijayanagaram Jillā - Caritra-saṃskṛti. Vizianagaram 1983.

[84] *K. B. Singh Deo, op. cit.*

[85] The Bobbili Rājās claimed origin not from a Kṣatriya clan, but from the Velama rulers of Andhra (see for example *M. Sitarama Sastri*, Śrī Bobbilivāri Vaṃśāvali. Manuscript of a Telugu Kāvya (1914), available at the Telugu Dept., Andhra University Waltair, Visakhapatnam; Mallēśakavi *Bobbilikatha*. Manuscript, Government Oriental Manuscripts Library, Madras; Nārāyaṇayya *Bobbiliraṃgarāvucaritramu*. Manuscript, GOML, Madras; *Bobbilirājukatha*. Manuscript, GOML, Madras; Peddāda Mallēśaṃ *Bobbili Yuddha Katha*. Ed. by M. Somasekhara Sarma, *Madras Government Oriental Series* Vol. 137, Madras Government Oriental Manuscripts Library 1956; *G. Ranganayakulu Patrudu*, A Brief Account of the Bobbili Zamindari. Madras 1889; *Swetachalapathi Venkata Ranga Rao Bahadur*, A Revised and Enlarged Account of the Bobbili Zamindari. Madras 1907; *A. V. Dattatreya Sarma* (Vijaya Datt), *op. cit.*).

[86] *M. S. R. Anjaneyulu, op. cit.*; *G. Berkemer, op. cit.*

[87] I do not want to say 'regional' in the case of Parlakimedi. It is too far removed from the fertile plains and the main lines of communication to play more than the role of an occasional menace for the true regional power, usually the military commander of the province of Kaliṅga in the times of Gaṅga and Sūryavaṃśa overlordship, later the military governor of Golkonda and Delhi. In times of weakness of the central authority of the imperial overlord, other kings with larger territories claimed and fought for their independence (eg. Mukunda Bāhubalendra, sixteenth century; Ānanda Rāju of Pūsapāḍu (1757-1760)), while Parlakimedi had no means to do the same.

ween the Cuttack-Rajamandri road close to the coast and the valley of the Mahendra-tanaya river. Even though the Mahārājā of Parlakimedi claims to be the overlord over those tracts, he has no means to control them. Only the aggressive advance of the Jēna brothers into the eastern fringes of this tract, culminating in the expulsion of the Yerra Boyas from their original home, gives him a certain influence over the area.

Within the present Tekkali taluk there are, after the immigration of the Jēna brothers, three political centres, viz., Tarla in the north of the taluk, Pāta Tekkali in the middle, and Bommali in the south. This looks like the eastern part of a medieval *sāmanta-cakra*, a circle of little kings, in whose centre the Mahārājā of Parlakimedi rules as overlord. The newcomers begin to compete for a better position within the legitimation pyramid. I assume that the methods described in the TJV had not only been employed by the Jēnas of Tekkali, but by all other little kings of Kaliṅga: cutting of the jungle, foundation of temples, villages, and towns, providing of land for cultivation and tanks for irrigation, patronage over local cults. Thus the 'frontier' of Hindu civilization is moved from the narrow coastal strip slowly to the west into the hilly tracts near the Parlakimedi border.[88]

The fates of the three early local centres (cf. Map 2) in Tekkali taluk are different. While Tekkali prospers, Bommali very soon disappears from the stage[89] and is incorporated into Tekkali taluk. The TJV pays no attention to Tarla until a dispute over a tank, and therefore probably over the access to water in the border area, brings this principality into focus in G_9. The gruesome details of the duel scene in which the king of Tekkali, due to his conventional valour (*parākrama*), kills the king of Tarla, reminds one of a human sacrifice: the head of the Tarla king, whose name is not mentioned, is thrown into a pit dug in an anicut at the very place where his men had tried to destroy the tank built by the Tekkali rājā. As a consequence, Tarla loses part of its southern territories and its status as a little kingdom equal in rank to Tekkali.

The role of Nandapur in G_4 as a second centre equal in rank to Parlakimedi is known from other sources.[90] Both claim to be the true Gajapati and therefore the rightful overlord over all little kings of Kaliṅga and Orissa. Nandapur's role in the TJV can be interpreted as the first political success of the newcomers in Tekkali. The marriage re-

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[88] 'The comprehensive 'civilizing' performance of institutions like the village temple and basically similarly structured centres at the regional level served to unify the political administration, insulate the socio-cultural values and canalise the surplus product.' G. *Pfeffer*, Puri's Vedic Brahmins in: The Cult of Jagannāth and the Regional Tradition of Orissa. A. Eschmann, H. Kulke, G. Tripathi (eds). New Delhi 1978, p. 425.

[89] *bommali tālūkā tanu bhujaparākramamvalla sādhimcukuni yenētlu ane vārini vātaparaci konni samvatsaramulu adhikāram cēśina midaṭa tat samtativāru komṭa maṭṭuku anubhavimci nirāmkuśam ayipōyināru. ganuka ā vamśam parampara vibhajana teliyalēdu.* 'Having subdued Bommali taluk by the power of his arms and having those people called Yenēṭlu [Yenadis] burned while ruling for some years, the progeny, having enjoyed [rulership] for some time, they ceased to have offspring. Therefore, the details of that family's genealogy are not known.'

[90] See for example its important role as a patron of the Simhācalam temple (K. *Sundaram*, Simhachalam Temple. Simhachalam and Visakhapatnam 1983 (2nd ed.), Appendix); Singh Deo, op. cit., esp. chapters II and III on its role as overlord in southern Kaliṅga; L. H. *Jagadeb*, The Sword Inscription of Gajapati Narayana Deb. *JAHRS* 12, 1938, pp. 233-234 and G. Berkemer, op. cit., passim, on the symbols of power the Nandapur and Parlakimedi kings employed in the seventeenth and eighteenth centuries.

lationship is, then, a symbol of the family's advance into the higher echelons of the regional nobility, but since the TJV describes all marriages in a way that makes the Tekkali kings the wife-takers and therefore the superiors in the relationship, its details seem to be a bit unlikely. This, as well as the fact that the name of the Parlakimedi princesses is almost uniformly 'Jemma', may be a matter of literary convention.

After the contacts with Nandapur have served their purpose and have forced the overlord in Parlakimedi to react, Nandapur is not mentioned any more. The Tekkali kings then become marriage partners of the Mahārājā of Parlakimedi and are given the title 'Jagaddēvu' which finally confirms their status as Kṣatriyas. The recognition of the Tekkali kings as true Kṣatriyas served first of all the purposes of Parlakimedi itself, since it would have been disgracing for them to give daughters into marriage to a non-Kṣatriya family.[91] This marriage provides the time from which the Tekkali rulers were generally accepted as Kṣatriyas: while the TJV regards the Tekkali kings from the beginning as Kṣatriyas,[92] it took them nine generations and one intermediary title to be securely recognized by their overlord as true Kṣatriyas.

Religious Patronage. In the context of the political success a word is necessary about the tutelary deities (*iṣṭadevatā*) of the family. Here again, there is a development observable away from the local environment into a regional context in the form of the substitution of two tantric goddesses called Koṭāradēvi[93] and Kaḷikadēvi to the more benign and much more prestigious male gods Govindasvāmi and Jagannātha. I don't believe that the names of the first pair of *iṣṭadevatā*s, Koṭāradēvi and Kaḷikadēvi, are the original names of these deities. They fit too well into a group of tutelaries which seem to be not older than the eighteenth century. Like the pair Māṇikēśvari/Kanakadurgā of Parlakimedi and Paidatalli/Kanakadurgā of Vizianagaram, Koṭāradēvi/Kaḷikadēvi incorporate certain symbolic opposites like local origin versus all-Indian importance, fierce aspect versus benevolent aspect, etc. I cannot trace these pairs back to the times before the establishment of the Vizianagaram family in 1652 and their claim to have Kanakadurgā of Vijayavada as a tutelary. The local goddess of the fort of Vizianagaram whose original name was replaced by Paidatalli (skt. Kanakadurgā) became around 1717 the second half of the pair, about the local goddesses of Kumili and Bhogapuram, the previous headquarters of the Pūsapātis, no information could be found. The dual *iṣṭadevatā* of the Pūsapāṭi family, one goddess brought from their original home, one goddess patronized

[91] *S. N. Rajaguru* told me once while I visited him in Parlakimedi that at times there was a shortage of acceptable families as marriage partners for the princesses of Parlakimedi. As a consequence one started to 'make' those partners. *Rajaguru* took as an example the Cālukyas of Mācamāra (*S. N. Rajaguru, op. cit.*, Vol. II, pp. 130f, 214), a family that claims their descent from the Imperial Cālukyas who had marriage relationships with the Early Gaṅgas (*S. N. Rajaguru, op. cit.*, Vol. II, p. 131). This family combines all advantages for Parlakimedi: former imperial status equal to one's own claim, political weakness and economic dependence on Parlakimedi, whose kings gave them the village of Mācamāra as a sinecure.

[92] *tama pūrvōttaraṃ svata-paracinamduna tat-sāmpradāya kṣatriyulani teliśi* (p.1)

[93] Probably from Telugu *koṭāru/koṭāramu/koṭhāru* 'a store, a granary; a place to keep grain, salt, &c.' (*C. P. Brown*, Dictionary Telugu English. 2nd ed. New Delhi 1983 (reprint), p. 315).

[94] Cf. *B. Schnepel*, Durga and the King: Ethno-historical Aspects of the Politico-Ritual Life of a South Orissan Jungle Kingdom. JRAI (MAN, N.S.) 1995, p. 7.

in the new region, may be one of the origins of the *iṣṭadevatā*-pairs in Kaliṅga.[94]

In Tekkali taluk, the goddess Rāmacaṇḍī seems to have been popular since the eleventh century and was also worshipped by the Tekkali kings. *Jagadeb* describes the change from Rāmacaṇḍī to Koṭaradēvi:

Rāmachandī continued to be the guardian deity of the Tekkali Rājahs until the beginning of the reign of the Kadamba dynasty. But the Kadamba rulers transferred their residence to a fort which they had built near the hills lying to the west of Tekkali. That fort was known as Chintāmaṇi-gadh. This Chintāmaṇi-gadh was far away from the temple of Rāmachandī. So the custom grew up at Chintāmaṇi: as it was not possible to directly worship the Goddess her bangles and her kunkuma 'vermillion' came to be worshipped; these two articles representing the Goddess were kept near one of the gates of the fortress.

In this way, the symbols of the goddess's female reproductive power and with them their worshippers could be incorporated from the wilderness into the range of royal patronage without being actually present within the walls of the fort.[95] The goddesses Koṭaradēvi and Kaḷikadēvi therefore represent an intermediary stage between the Jēna family's local roots and the Jagaddēvus with their status as Kṣatriyas that is further augmented by the pure male *iṣṭadevatās* Gopālasvāmi and Jagannātha who have their equivalents in the pair Raghunātha and Kṛṣṇa of Parlakimedi.[96]

The Origin of the Jēna Family. As indicated in TJV and also stated by *Jagadeb*,[97] the Tekkali Rājās are believed to have immigrated into the taluk at the beginning of their rule. While TJV prefers a northern origin, *Jagadeb* regards them as southerners. An immigration from the west, out of the tribal tracts, or a local origin, also highly ignominious, is not taken into account. Nonetheless, all facts accumulated so far make a origin from a local peasant or service community highly probable.

There is for example the residence of the first ruler, Caṃdraśēkhara Jēna, in Burugām, the headquarters of the Yerra Boyas. There seem to be two possibilities: the first is that he must have defeated them completely to be able to survive as an outsider in a tribal environment where the infrastructure of the Hindu kingdom does not exist. This is almost impossible if one considers the difficulty the British had when they tried to suppress the uprisings in the hilly tracts of Ganjam at the end of the eighteenth century. It took them about two generations, from 1765 to 1810, until all local rulers were under control, not to mention the tribals. Or, Caṃdraśēkhara Jēna must have had other means to pacify the Yerra Boyas. If one assumes that he himself was a member of the élite of this non-hinduized community, one can read the first part of the TJV as an account of hinduization of a 'tribal' lineage head.

Contrary to the Pūsapāṭi family of Vizianagaram who indeed immigrated into Kaliṅga from the Krishna-Godavari delta in 1652 and who brought with them the cult of the

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[95] *H. Kulke* has proposed this as an explanation for similar cases of *in effigie* worship of powerful female deities in the forts and palaces of little kings of Orissa (*H. Kulke*, Legitimation and Town Planning in the Feudatory States of Central Orissa. in: Ritual Space in India: Studies in Architectural Anthropology. (*J. Pieper,* ed.) Art and Archaeology Research Papers 17, pp. London 1980, 30-40).

[96] *S. N. Rajaguru, op. cit.,* Vol. II, p. 139.

[97] *L. H. Jagadeb,* Copper-Plate of Raghunath Jagadev I of Kadamba Dynasty - Tekkali. JAHRS 8, 1933, p. 238.

Durgā of Vijayavada, the TJV assumes the foundation of the cult of the *iṣṭadevatās* somewhere in the forests of Tekkali. Their worship is inevitably connected with hills, as can be seen from the few instances in which the text mentions stone as a building material for temples. Among the many passages where foundations of temples - partly for all-Indian Vaiṣṇavite deities - are described, only in four instances stone temples are explicitly referred to.[98]

Besides the passage in G₂ where it is said that the stone temple was built in the *kasubā* of Majkūru, two cases refer to temples on a hill and one to a very prestigious donation to the priests of Jagannāth of Puri. These temples, whatever they really were, seem to have been built only for special purposes when hills and/or *iṣṭadevatās* were involved. Furthermore, these temples are never built as local shrines for the inhabitants of a newly erected village, but are in various ways connected directly with the king. His own cults are so closely linked with the forces of the jungle that even the transfer of a new pair of *iṣṭadevatās* from Puri cannot abolish the custom of installing these temples outside of the king's headquarters on a hill.

Generation	Context	Quote from TJV
2	installation of *iṣṭadevatās*	reṃdu **rāti** guḷu kaṭṭiṃci tama *yiṣṭadēvatala-yina koṭāradēvini kāḷikādēvini* pratiṣṭacēyiṃci
8	installation of a deity on a hill (*parvatamu*)	ā parvataṃ mīduna **rāti** gudi kaṭṭiṃci śrī caṃ-drasēkhara svāmivānni pratiṣṭacēyiṃci
9	donation of an *agrahāramu* in Puri from where the new *iṣṭadevatās* are brought back	**rāti** kōvila kaṭṭiṃci śrī *bṛṃdāvana* svāmivāni viṣṇu mūrtini pratiṣ30ṭacēśi
9	installation of *iṣṭadevatās* on a hill (*meṭṭa*)	meṭṭamīdanu **rāti** kōvila kaṭṭiṃci śrī gōpāla svāmivānni śrī jagannāyakula svāmivānni pra-tiṣṭacēśi tama *yiṣṭadēvata*gā vicāriṃcakuni

This strong attachment to the soil cannot be found in the case of the Pūsapātis, the best documented case of an immigration. Their strategy for gaining recognition in their new environment, besides a strong alliance with the Muslim governors of Cikākōl (Śrīkāku-lam), is a religious policy that is based on their claim of being the rightful Gajapatis and on their patronage of the region's largest temple, the Varāha-Lakṣmī-Narasiṃha temple of Siṃhācalam.

Another argument for a local origin and against an immigration of a Kṣatriya prince is the name of the family: Jēna or Janā.[99] This name is known in Kaliṅga as 'a title of Oriya castes, e.g. Bolāsi and Kālinji.'[100] These castes are all Śūdras and members of the local peasant militia for which Parlakimedi was famous. Thus, the name Jēna sug-

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[98]   It is hard to determine whether in the other cases caves, open spaces, and wooden structures are implied, or whether *pakka* Hindu brick temples are meant.
[99]   'Jēna' is *Rajaguru's* spelling. My copy of TJV has 'Janā'.
[100]   E. Thurston/K. Rangachari, *op. cit.*, Vol. 2, p. 456. Bolāsi: A caste of cultivators largely found in the Gumsur taluk of Ganjam. One of their occupations is the service as paiks or peons. They

gests an origin in one of the groups of peasants and small landed proprietors known as *paiks* (armed retainers), or *bissois* (local chiefs in the hills of the Parlakimedi *maliahs*).

The Shifting of the Capital. With the ascent of the Tekkali Rājās within the power pyramid of Parlakimedi, various changes of the king's headquarters are described. As map 2 shows, the shifts of the capital have the tendency to move the centre of the little kingdom away from the coast into the hills in the west. While the movements in G_1 and G_2 keep close to the coast, from G_8 onwards the capital is built in the hills.

Generation	Location of Capital	Remarks
1	Burugām	taken from the Yerra Bōyas
1	Pāta Tekkali	fort close to Burugām
2	Narasiṃhapuraṃ	northwest of Burugām (exact location unknown)
8	Tekkalipaṭnaṃ	headquarters in a fort in a valley nearby
9	Ciṃtāmaṇipaṭnaṃ	southwest of Tekkali in a valley, headquarters in a fort nearby
11	Raghunāthapuraṃ	suburb of Tekkali; headquarters in a fort west of Raghunāthapuraṃ with a 5-storied palace

These shifts indicate one of the basic strategic dilemmas of the little kings of Kaliṅga. While the control over large areas of arable land in the plains is necessary for the prosperity of the little kingdom, the retreat into the inaccessible jungles of the hills are a second prerequisite for a successful rule of a weaker king[101] who has no means for a successful opposition against a strong enemy. However, any attempt at enlarging the agrarian basis in order to increase the state income and the strength of the own army and the necessary deforestation of the area removes the strategic advantage of the forest cover close by the headquarters. Thus, a frequent shift of the centre is necessary.[102]

While the centre of the kingdom shifts west due to the foundation of new settlements

Footnote from p. 89, continued
are one of the 42 recognized Oriya Śudra castes. Besides Nāyako, Daso, Mahanti, Pātro, etc. they use the title Jenna. E. *Thurston/K. Rangacharya, ibid.* Vol. 1, p. 256; Kālingi / Kālinji: Cultivators and paiks in Ganjam, Vizagapatam, and Jaipur. They are both Oriya- and Telugu-speakers. The Telugu section, called Kalingulu have three large subdivisions: The Buragam, Kintala, and Odiya. The Kintala Kalingulu live south of the river Langulya, the Buragam Kalingas north of it. Their titles are Naidu, Nayarlu, Chowdari, Bissōyi, Podhāno, Jenna, Swayi, and Naiko. The Kālinjis are the Oriya speaking equivalent with the same titles. E. *Thurston/K. Rangacharya, op. cit.* Vol. 3, p. 47. See also B. *Datta*, A Linguistic Study of Personal Names and Surnames in Bengali. Calcutta 1981, p. 152: 'Jānā (Gb [=Gandhabaṅile], Māh. [=Māheṣya]): Cf. Oriya-Jānā, surname of a class of Śudras. Also Jenā, Bara Jenā, a prince.' (I am indebted to *Peter Rahul Das* for this information).
[101] Cf. Arthaśāstra, chapter 12.
[102] The same argument can be found in B. *Cohn, op. cit.* and B. *Schnepel, Little Kingdoms in India Reconsidered.* Unpublished research paper, 1992.

and temples, the capital also moves into this direction (cf. Map 2). The fort (*kōṭa*) containing the royal headquarters is thus built in a valley or a jungle area close to the main administrative centre, usually called *paṭnam* or *kasubā*. Smaller territorial units within the jurisdiction of a large village (*grāmam*) have a *thānā* (police station, military post). Unfortunately there is no information in the text about the relationship of these *thānās* with the centre. There is no indication as to whether they were under the command of a king's officer and thus directly linked to the royal court, or whether they were in the hands of a *sāmanta*, a little king of a lesser order, maybe a *bissoi*.

The Administrative Setup. From what has just been said about the *thānās* in Tekkali taluk, it becomes clear that the TJV does not describe the administration of the little kingdom in a systematic way. The text does not contain a description of the administrative apparatus of the little kingdom of Tekkali as it fulfilled its daily routine tasks. Only a few names of offices and titles are mentioned, all in contexts irrelevant for the routine administration of the little kingdom, but very important for the king's prestige. In this regard the text is not different from medieval inscriptions. Besides the king (*rājā*) who bears the titles *janā/jēna*, *bhūpati*, *maṅgarāju* or *jagaddēvu*, no other person or office is ever mentioned in the context of an administrative procedure.

Any administrative procedure is described as the king's personal affair without the involvement of any high officer like a minister or a royal *kāyastha* (registrar, scribe). But from the numerous causative forms which occur in the context of the cutting of jungle and building of villages, temples etc., it is clear that the existence of an administrative staff who had to execute the king's orders is implied.

Even so, we know from the episode about the war with Parlakimedi (G_{11}) that there existed a group of *maṃtrisāmaṃtulu*, consisting of higher officials called *maṃtrudu* and a group of little kings under Tekkali called *sāmaṃtudu*.[103] They stand as *partes pro toto* for the royal court of Tekkali, but nothing is said about their function there. In another case the title *mahāpātra* (minister) is mentioned. In G_4, when the rulership is transferred to the youngest brother, the elder brothers are compensated with this title which gives them the status of courtiers and therefore enhances the prestige of the Tekkali king by increasing the number of nobles at his court. But as soon as activities outside the realm of rank and prestige are talked about, no offices and titles are mentioned. It is not even clear whether the Tekkali kings had a *rājaguru*, a very important office in the context of religious patronage and legitimization. Nor are army officers ever mentioned. As in the case of medieval inscriptions, only comparative work may result in a detailed model of a state administration as it probably existed in the little kingdoms of Kaliṅga.

In the beginning I have asked the question whether there are — besides the already known classical *śāstras*, travellers' accounts and inscriptons — sources that give us an insight into the routine work of a premodern state administration of the Indian subcontinent. I have proposed to utilize for this purpose sources of a rather recent date. These include the tax- and prebend-lists (*kaiphīyattulu*), chronicles and family histories

[103] *maṃtrisāmaṃtulu* is a Sanskrit *dvandva* with the Telugu plural ending *-lu*. From this form it is not possible to determine whether there existed more than one *maṃtrudu* or more than one *sāmaṃtudu*, even though the plural suggests a total number higher than two.

of the little kings. These sources were produced at the end of the precolonial era, but they represent a world view that closely resembles the one found in the copper plate inscriptions and the temple chronicles of the area of their origin.

I have described in detail one of these *vamśāvalis*, the *Tekkali jamīmdārla vamśāvali*, the traditional account of the family of the Zaminadrs of Tekkali. Emphasis was laid rather on narration than on analysis, knowing that this text alone cannot answer any of the questions I have raised at the beginning of the present paper. But I hope that the description of its contents shows this type of text is a potential source not only for the reconstruction of the factual history of the area, but also for the 'spirit' of the old pre-colonial regime. The *vamśāvali* contains useful insights, in a view from below, from the point of view of a·local nobility of rather obscure origin, in the way in which a small administrative apparatus was able to produce and hold fast on the necessary requirements for the ruler to be recognized as a true Hindu king by his subjects and peers. The main themes of the text are the same as those found in older sources: patronage over temples, symbolic legitimation, questions of honour and petty wars, marriage relations etc. But from the *vamśāvalis*, legendary accounts (*pūrvōttaramulu*), letters of privilege (*chāmu citāu*s), and temple chronicles (*sthala māhātmiyulu*) of the seventeenth century and later we can also extract some information which earlier sources rarely contain. These concern matters of internal relations such as allusions to conflicts within the royal family or among the ministers, economic problems such as inflations, the somehow rather weak position of the king's representatives in their dealings with the people in the hinterland, etc. The texts also mention the foundation of rather small institutions like village temples and other religious institutions of merely local significance, which earlier sources do not mention, or of forts at mountain passes and police stations in the vicinity of the capital. There are also reasons given for the shifting of the state capital according to the political and strategic conditions of the times. Some texts even record diplomatic missions and the attempts to settle conflicts between neighbours peacefully by appealing to the higher authorities of the Gajapati or Mughal overlords. Nothing of this, besides the immigration legend, is shrouded in mythological allegories, but stated rather plainly in a pragmatic way that makes the reader ot the texts wonder whether the authors did have the insider's knowledge of persons who actually worked as *kāyasthas* or *karaṇas* in the administration of the little kings.

A regional focus can be gained through an analysis of the information from sources produced by the scribes of neighbouring little kingdoms. A future project could, for instance, focus on the material from a single power pyramid, with one of the Mahārājas of Kaliṅga (Jaipur, Parlakimedi or Vizianagaram) at the top. This would reveal [in a more systematic way than so far] the dealings of the little kings with their overlords and among each other. It would furthermore shed some light on their relationships with the *subahdār*s and *faujdār*s of the Golkonda and Mughal administrations, as well as the way in which the pre-modern administrations dealt with the local representatives of the British East India Company. By this approach, a less idealized picture than often found in regional historiography could be gained from a 'subaltern' point of view. The sources have the advantage that no suppression of of contradictory materials by a higher authority was possible. What would, for instance, be a (unfortunately nonexistent) Tarla

vaṃśāvali's point of view on the water rights over which one of their rulers was killed? For future research it would be useful to establishing a network of parallel texts, *vaṃśā-valis* of neighbouring little kings, temple accounts, and Persian, Marathi and British sources, that can corroborate the statements in the texts. In this way, much of the some-what abstract or mythical material of the earlier medieval sources could be filled with life. Maybe even a connection with the world of the *Arthaśāstra* could be made.

Appendix
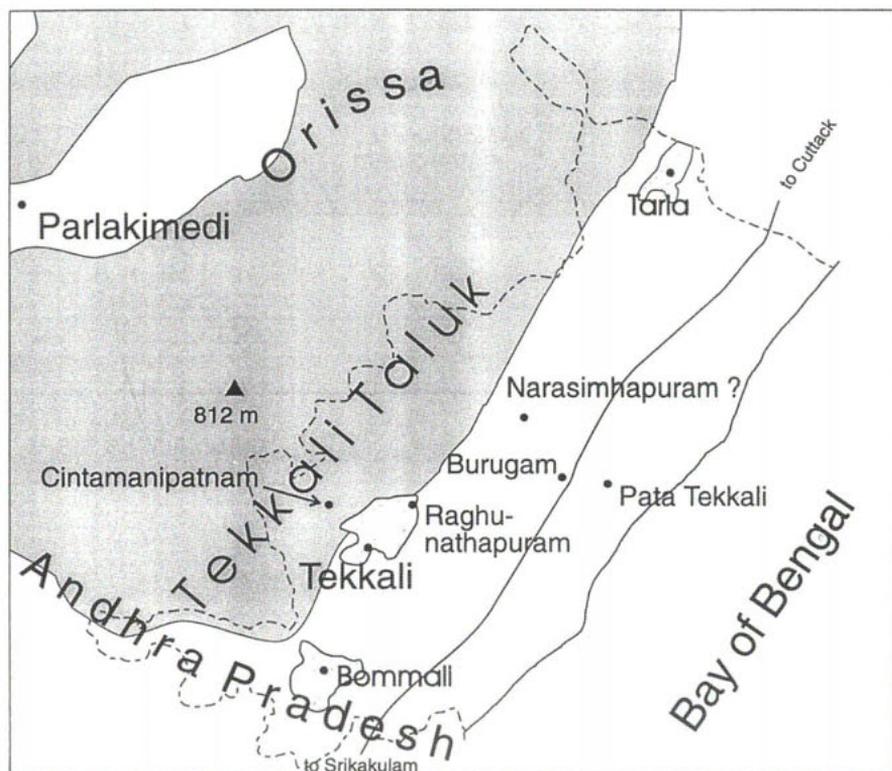
The area of Tekkali, Bommali and Tarla acc. to Census of India, 1971   mountainous areas

Map 1.
Location of Towns mentioned in Text
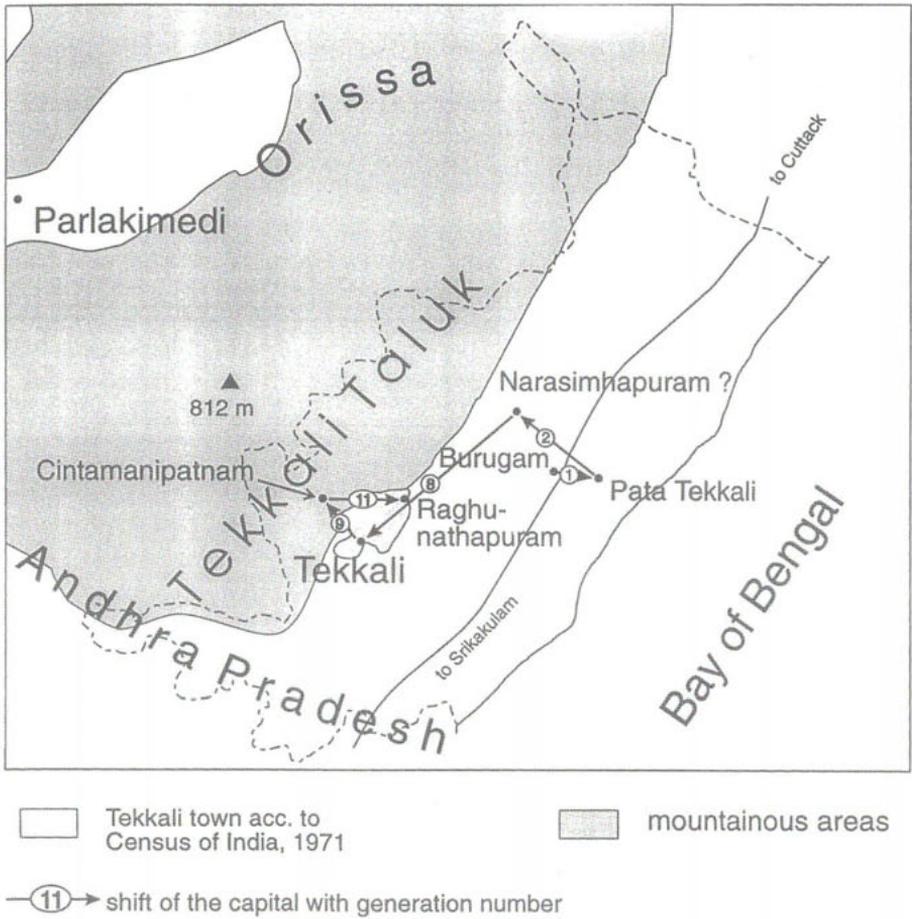
Map 2
The Shifting of the Capital of the Tekkali Kings
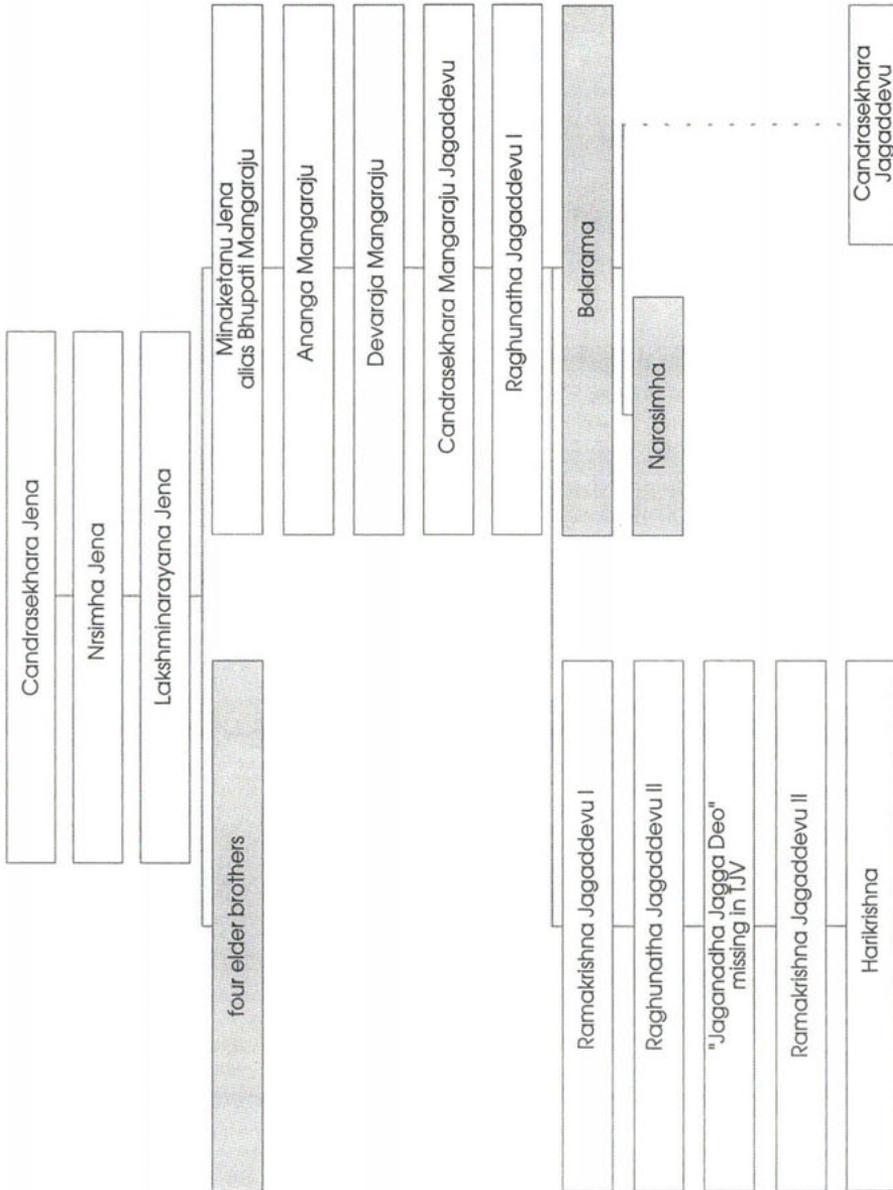
The Genealogy of the Jēna/Jagaddēvu Family of Tekkali
as reconstructed from the text

III. Zur Natur der Rechtsquellen

Richard W. Lariviere

Dharmaśāstra, Custom, 'Real Law' and 'Apocryphal' Smrtis

One of the questions that we must confront in attempting to examine the relationship between law and the state in ancient India is that of the general nature of *dharmaśāstra*[1]. What is its relationship to 'law'? Does it represent the law of the land? What is its value for the history of Indian society? What does this literature tell us about how people actually lived? I am not the first to ask these questions, obviously. These are questions which underlay much of the scholarship related to *dharmaśāstra*, and one might expect that 200 years of European and Indian scholarship on this question would have settled the issue. This is not the case. The answers to these questions given by various scholars over the years have been contradictory to say the least. The following examples are representative of views held by theoreticians of Hindu Law. The standard textbook on Hindu Law, *Mayne*'s Treatise on Hindu Law and Usage states: '*there can be no doubt that these rules were concerned with the practical administration of law.*'[2]
Govinda Das had a very different opinion: '*It is a profound error to regard these texts as complete codes of law or as getting all their 'rules' rigidly enforced by the political authorities of their time.*[3] [. . .] *Hindu law was in the main [n]ever more than a pious wish of its metaphysically-minded, ceremonial ridden, priestly promulgators and but seldom a stern reality.*'[4] *Ludo Rocher* has said very recently: '*I am convinced that, during the time of the commentaries and digests, these texts did not represent the law of the land. They were purely panditic, learned commentaries on ancient authoritative texts. The fact that they display*

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[1] The remarks in this paper are concerned with the *vyavahāra* (legal procedure) portions of dharmaśāstra. Although I believe that the general notion of the ascendancy of custom and the efforts to include rather than exclude local practice within the realm of *dharma* apply equally as well to *ācāra* and *prāyaścitta*, I am not addressing those portions of the *dharmaśāstra* literature here.
[2] [*John D.*] *Mayne's* Treatise on Hindu Law and Usage, 12th edition, revised by Justice Alladi *Kuppuswami*, Delhi 1986, p. 2. It must be pointed out that this view does not seem to have been stated by *Mayne* himself since it is not found in any edition authored by him. It seems to have been first included in the eleventh edition revised by *N. Chandrasekhara Aiyar* in 1950.
[3] 'The Real Character of Hindu Law,' the introduction to the Vyavahāra-bālambhaṭṭī of Bālambhaṭṭa Pāyagunde, edited by *Nityanand Pant Parvatiya*, Chowkhamba Sanskrit Series 41, Benares 1914, p. 8.
[4] *Ibid.*, p. 16.

*differences does not mean, as some have proposed, that the commentators adapted the ancient
sacred texts to local customs. That would have been pure sacrilege on their part.*'[5]

Thus, on the basis of these examples, the *dharmaśāstra* literature is:

1. undoubtedly concerned with real law
2. merely pious wishes with no political sanction
3. purely panditic commentaries with no relation to custom.

What are we to make of this? Is one view correct and the others not? Are these views
mutually exclusive? Are there other alternative views possible? Before I answer any of
these questions, it is necessary to remind the reader of the complexity of the *dharma*
literature, and to provide myself with a convenient escape. The hundreds of surviving
texts that comprise the *dharma* literature extend from the 6th century B. C. to the 18th
century A. D. Any generalizations about it are fraught with danger. Yet, the very
length, size, and continuity of the tradition means that it must have a cultural import
that can be generally described.

Let me begin by giving my view of the nature of the *dharmaśāstra* literature. I believe
that the *dharmaśāstra* literature represents a peculiarly Indian record of local social
norms and traditional standards of behavior. It represents in very definite terms the law
of the land. This is different than the view held by my teacher, Ludo Rocher. It is
different than the view of Govinda Das, and in an important way it is different from
what *Mayne* understood. What I mean is that the whole of the *dharma* corpus can be
viewed as a record of custom. It is not always a clear record because of the idiom and
the fictions which came to be the mode of expression of the *dharma* literature. That the
dharma literature is a record of custom is obfuscated by the fact that the idiom of all the
dharma literature is one of eternality and timelessness. This means that there are no
contemporaneous references which can help us to establish the chronology of these
ideas, nor is there admission that custom and practice changed and evolved over time.[6]
It is further obfuscated by the fact that the *dharma* literature clings to the claim that all
of its provisions can be traced directly or indirectly to the Veda, the very root of
dharma.

How can I justify my view that *dharmaśāstra* is a record of custom? by examining the
theoretical statements made in the *dharmaśāstra*s and in the *mīmāṃsā* literature, and by
examining the nature of particular rules preserved in the *dharmaśāstra* texts.

J. D. M. Derrett has made the claim that the *dharmaśāstra* was always only of 'suasive'
authority and that the British misunderstood the literature and treated it as positive
law.[7] First of all, to say that *dharmaśāstra* is not positive law raises the question of what
we mean by positive law. If by positive law we mean law enacted by a properly consti-

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[5] *Ludo Rocher*, 'Changing Patterns of Diversification in Hindu Law,' in: Identity and Diversi-
fication in Cults and Sects in South Asia, Philadelphia 1984, pp. 31-44 at 41.
[6] The *kalivarjyas* are the only explicit recognition of the possibility of change in custom and
its instantiation in rules. The formal theory of *kalivarjyas* is a very late one and its primary
purpose seems to have been to explain inconsistencies in the texts whose origins were then lost
in the mists of the past. For dates, see *Batuknath Bhattacharya*, The 'Kalivarjyas' or Prohibitions
in the 'Kali' Age, Calcutta 1943, pp. 176-177. While the formal theory is late, the notion that
the parameters of *dharmic* behavior changed over time is an old one, see, for example, Nirukta
1.20 and Gautamadharmasūtra 1.3-5.
[7] Dharmaśāstra and Juridical Literature, Wiesbaden 1973, p. 9.

tuted authority for the government of society, then it is my view that the provisions of *dharmaśāstra* qualify as positive law. That they are based on normative values or find expression in the exemplary behavior of specific groups does not diminish the positive character of the laws. *All* legal systems are based on norms and beliefs which, if pressed as to their sources, are ultimately normative and in some sense, therefore, 'natural' law.[8]

If we pause for a moment to consider what a properly constituted authority might have been in classical India, we come face to face with one of the most nettlesome problems in the history of *dharmaśāstra*: we do not know by whom or when our texts were composed. The texts themselves — concerned to preserve the fiction of Vedic timelessness — tell us nothing about their own histories. We are left to extrapolate how these texts may have come into being. What we do know — as certainly as we can know anything in *dharmaśāstra* — is that a significant portion of the laws administered in royal courts were those which had been authored by representative bodies of regions, guilds, trade groups, castes, etc. We know from Kātyāyana, Bṛhaspati, Manu, and Pitāmaha that the king was obliged to sanction and enforce those regional conventions which were the consensus of local leaders. These *vyavasthās* were to be the basis for the king's decision in his own courts, not just in the local courts.[9] Nārada (10.2-3) tells us that the king is obliged to enforce even the customs of heretics:

> pāṣaṇḍanaigamaśreṇīpūgavrātagaṇādiṣu |
> saṃrakṣet samayaṃ rājā durge janapade tathā ‖
> yo dharmaḥ karma yac caiṣām upasthānavidhiś ca yaḥ |
> yac caiṣāṃ vṛttyutpādanam anumanyeta tat tathā ‖

'The king must protect the conventions of heretics, corporate bodies, guilds, councils, troops, groups, and the like in towns and in the countryside. Whatever their laws, duties, rules for worship, or mode of livelihood, he must permit them.'

Lingat objects that these laws — which he prefers to call statutes (French *statuts*) — are not 'legislation' since they were regulations that applied to 'restricted circles in the population and had not the general application which is required by our definition of 'legislation.''[10] What is more, he does not consider the findings of the court real law because 'It is *dharma* only for the two parties in the case. It cannot leave any trace in the sphere of the law itself.' *Lingat* further objects to describing the findings of the king's court as law because the *rājaśāsana* which results from the king's court is 'merely an expression of the royal policies, which could be inspired by considerations of conven-

[8] For an analysis of the Indian case, one cannot do better than that of *Wilhelm Halbfass* in India and Europe, Albany 1988, pp. 330-333.

[9] 48-50 says: *deśasyānumatenaiva vyavasthā yā nirūpitā | likhitā tu sadā dhāryā mudritā rāja-mudrayā ‖ 48 ‖ śāstravad yatnato rakṣyā tāṃ nirīkṣya vinirṇayet | naigamasthais tu yat kāryaṃ likhitaṃ yad vyavasthitam ‖ 49 ‖ tasmāt tat sampravarteta nānyathaiva pravartayet ‖ 50 ‖* 'A written convention determined by the consensus of regional inhabitants is is to be kept and sealed with the royal seal. It should be strictly enforced just like the *śāstra* and considered when rendering a decision. A regulation which is written down by traders is justiciable and should therefore be adhered to. He (the king?) should not conduct himself otherwise.' For similar passages in Bṛhaspati see Vīramitrodaya Vyavahāraprakāśa p. 22, for Pitāmaha see Smṛticandrikā Vyavahārakāṇḍa p. 58, and Manu 8.41.

[10] *Robert Lingat*, The Classical Law of India (translated from the French with additions by *J. Duncan M. Derrett*), Berkeley 1973, p. 228 and note 53.

ience, opportunism, or equity, of which the king is and must remain the sole judge.'[11]
This seems to me to be a parochial view of the phenomena of law. To claim, as *Lingat*
does, that 'law is understood to express the will of all' is naive insofar as there is not,
nor has there ever been, a society in which the 'will of all' is anything more than a
fiction. To require that every law apply uniformly to every person is to establish a
standard for ancient India that is ludicrous. There is *no* system where laws apply equally
to all whom they govern. Quite aside from the fact that specific laws are never applied
to certain individuals (for example, laws restricting the activities of physicians have no
applicability to plumbers or professors unless they are also physicians), there is inherent
in every society relationships which mitigate the application of laws. Whether it is the
policeman who winks at the excesses of his colleagues or the rich man who hires enough
legal talent to intimidate and exhaust his wronged opponent,[12] the fact is that using
universal applicability as a standard is not helpful. *Lingat's* judgement on the nature of
the *dharma* literature is clouded by his definition of positive law. As to the objection
that a decision by the king is motivated by convenience, opportunism, or equity, this
seems a peculiar view in light of the contemporary judicial history in France, Great
Britain, and the United States. Surely *Lingat* does not mean to suggest that there is a
single, brilliantly apparent set of immutable legal norms obvious to and uniformly
applied by every judge.

   Blackstone and *Cicero* provide us with definitions of law which are more useful for
Indian society. *Cicero* said, 'Law *(lex)* is the highest reason, implanted in nature, which
commands what ought to be done and forbids the opposite.'[13] *Blackstone* stated that
law is 'a rule of civil conduct prescribed by the supreme power in a state, commanding
what is right and prohibiting what is wrong.'[14] In the light of these definitions, the
pronouncements of the king's court are most assuredly law. They are law because they
command what is right and prohibit what is wrong.

   Lingat's objection that the decisions of a king's court are not law because they are
dharma only for the litigants is not a sound objection, because we must consider that
nearly all *dharma* is *svadharma*. That is, questions of right and wrong — questions of
dharma — are unique to each individual. We know from anthropological literature that
dispute settlement in India is never done by weighing a set of facts in abstraction (except
in government courts), rather the total history and relationship of the individuals
involved is taken into account either overtly or implicitly.[15] The reason for this is that

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[11] *Ibid.* p. 256.
[12] See, for example, *Marc Galanter*, 'Why the 'haves' come out ahead: speculations on the limits
of legal change,' in: Law and Society Review 9 (1974), pp. 95-160.
[13] *De Legibus*, Book I vi (Loeb Classical Library ed. transl. by C. W. Keyes), Cambridge, Mass.
1928, p. 317.
[14] *Sir William Blackstone*, Commentaries on the laws of England, 4 vols., Buntingford (England)
1966 (reprint of 1st ed. 1765-1769), vol.1 p. 44.
[15] See *Bernard S. Cohn*, 'Some Notes on Law and Change in North India,' in: Economic
Development and Cultural Change 8 (1959-60) pp. 79-93, and 'Anthropological Notes on
Disputes and Law in India,' in: American Anthropologist 67 (1965) pp. 82-122. 'A Caste Dispute
Among Washermen of Mysore,' in: Eastern Anthropologist 6-7 (1952-54) pp. 148-168. Also
Robert M. Hayden, 'Excommunication as Everyday Event and Ultimate Sanction: The Nature
of Suspension from an Indian Caste,' in: The Journal of Asian Studies 42 (1983) pp. 291-308, and

in the Indian view each set of facts is unique and each dispute is therefore unique. To be bound by precedent is to be bound to give a wrong verdict since no previous decision can be anything more than the most general guidepost.[16]

I think that too much has been made of the difference between *dharmaśāstra* and positive law. From our outsiders', western perspective we see huge gaps between an articulated theory of the law and the society we know from other sources such as inscriptions, literature, and anthropology. We conclude that this system must be a priestly fabrication or at least something other than law. Since it is not like Gaius or Justinian or the U.S. Constitution it must not be positive law. This is wrong. The Indian tradition is simply more overt and bold about the theological underpinnings of its legal system.[17] There is a sophistication and wisdom about the nature of law and legal literature that we have only begun to approach in the Common Law tradition.

We in the west have deluded and deceived ourselves into thinking that law — especially written law — has a reality, a fixed and certain character which it does not. There is implicit in the notion of positive law a constancy, a permanence and a certainty which is not justified. The notion of positive law arises from a European tradition which only knows law as recorded in texts. By texts, here, I mean written and eventually printed texts: black letter law. These texts have often given scholars and legal theorists a sense of certainty and confidence that may not be fully justified by the nature of the printed text.[18] My colleague *Sanford Levinson* has said of a written source of law, 'To view it as a genuine source of guidance is naive, however heartbreaking this realization might be.'[19] India's tradition treated texts differently than we do. I believe that the ancient Indians intuitively held the view that no legal writing was ever intended to be valid in and of itself, but only as it was understood by those members of society who were trustworthy. The trustworthiness of these individuals was determined by their intimacy with the Veda. These were the arbiters of custom and, hence, of law.

These worthies knew that dharma — like justice — is context sensitive. The application of all law is context sensitive. It is a delusion to think that the law can be proclaimed for all time and in every circumstance. The authors of the *dharma* literature understood this context sensitivity of *dharma*. It was never their intention to exhaustively record and codify all law applicable for all time.[20] It was their intention to pro-

Footnote from p. 100, continued
David G. Mandelbaum, Society in India, vol. 1, Berkeley 1972, pp. 310-311.
[16] Uniform application of the law is a fiction in any society claiming such application. One need only look at the legal escapades of Richard Nixon, Edward Kennedy, and Ronald Reagan, and the grotesque disproportion of African-Americans sentenced to death for capital crimes to see sad but eloquent testimony to the lack of uniform applicability of laws in the United States.
[17] For an eloquent articulation of the religion of the U.S. Constitution and of the American state, see *Sidney E. Mead*, The Lively Experiment, New York 1963, especially chapter 5, 'Abraham Lincoln's 'Last, Best Hope of Earth': The American Dream of Destiny and Democracy.'
[18] There is a plethora of literature assailing the certainty of texts. See, for example, *Stanley Fish*: Is there a Text in This Class?, Cambridge (Mass.) 1980 and Doing what comes naturally: change, rhetoric, and the practice of theory in literary and legal studies, Durham (North Carolina) 1989.
[19] *Sanford Levinson*, 'Law as Literature' in: The Texas Law Review 60 (1982) p. 378.
[20] Gautamadharmasūtra ends (28.49) with the statement that in cases where no specific rule has been given, then the matter should be decided by a properly constituted assembly. *Derrett*

vide a means whereby law could be 'discovered' in each specific context. In an Indian context there was never the idea that any two crimes or civil wrongs were identical, so there was no reason to be concerned with precedent. Each dispute was unique and what was needed was a general set of guidelines for procedure and for classification of the dispute. This is what the *dharmaśāstra* provided for dispute settlers of ancient India.

What was the source for the guidelines and classifications provided by these texts? The fiction was that it was the Veda, but a closer examination indicates that the tradition itself recognized that the ultimate source of *dharma* in a legal sense was custom. There are frequent acknowledgements of this in the *dharma* literature. Āpastambadharmasūtra (1.7.20.6-7) has said:

na dharmādharmau carata āvaṃ sva iti na devagandharvā na pitara ity ācakṣate 'yaṃ dharmo 'yam adharma iti. yat tv āryāḥ kriyamāṇaṃ praśaṃsanti sa dharmo yad garhante so 'dharmaḥ

'Dharma and Adharma do not go about saying, 'Here we are.' Nor do gods, gandharvas, or pitṛs say, 'This is *dharma*. This is *adharma*.' [So there is nothing for it but to define] *dharma* [as] 'That which honorable men praise, [and] *adharma* [as] that which they condemn.'

Then there is the well-known concept of the four feet of legal procedure articulated in Nārada (1.10-11): dharma, legal procedure, custom, and the king's decree are the four bases of legal procedure. According to the understandings of this verse recorded by commentators, custom is the overriding source of rules of conduct which the king must enforce.[21]

This is not to say that custom did not accommodate itself to the texts — it certainly must have — Sanskritization cannot be a wholly modern phenomenon.[22] Nor do I mean to state that there is no distortion or sanitizing in the brāhmaṇas' recording of custom — there certainly was. The utter absence of any temporal reference and the fog of the fictional Vedic source are clear indicators that they are doctoring the record. In general, however, the brāhmaṇa *dharmaśāstra* writers were constrained by the burden placed on them as recorders and synthesizers of customary practice. They were obliged by the interested constituencies, by the king, and by considerations of social and poli-

Footnote from p. 101, continued
recognizes this as well, 'Law thus did not depend on texts, but upon how texts were used.' (*Derrett, Sontheimer, Smith,* Beiträge zum Indischen Rechtsdenken, Wiesbaden 1979, p. 108.)
[21] See *Robert Lingat,* Les 'quatres pieds du procès' in: Journal Asiatique 250 (1962) pp. 489-503.
[22] It is a concept that extends back to Śivājī, certainly, inasmuch as he worked diligently to expunge the Persian influence from the language and government of his empire. See *Benoy Kumar Sarkar,* The Positive Background of Hindu Sociology, Delhi 1985 (reprint of 1937), p. 507-508. That *Sarkar* was actually the first to use the term Sanskritization (15 years before *M.N. Srinivas* in his Religion and Society Among the Coorgs) has been pointed out by *Pabitrakumar Gupta* in 'Acharya Benoykumar Sarkar on Sanskritization' in: Ācārya Binaykumār Sarkār, edited by *Pradyot Ghosh,* Maldah 1988, pp. A-E. I am grateful to my colleague, Dr. *Rahul Peter Das,* for bringing this article to my attention. *Derrett* (Beiträge, p. 108) holds a similar view of the mutual influence of custom and *śāstra,* although he denies that *śāstra* was law 'it became evident that *śāstra* was not law, but one of the means whereby law occurred. The *śāstra* in fact reflected selected customs, some of which it systematized in an intellectual sense and in the direction of righteousness; and in due course customs began to move in time with the *śāstra,* but unevenly and unpredictably.'

tical harmony to record the practice as they found it. They were also obliged to explain how these customs fit with the tradition, and it is in these 'explanations' that we may find the most outré flights of brāhmaṇa imagination. In the notion of mixed castes, for example, we are told that the plethora of castes came from admixture of the original four castes recorded in the eternal Veda[23]. This sort of explanation is where brāhmaṇa authors become inventive and paint the data with their unique perspective. Still, this very brahminical explanation affirms the existence of the many castes and their relative autonomy, and the deference with which the king is obliged to treat the customs of these castes establishes their customs as legally binding.

Similarly, the response of the commentators and digest writers to the Nāradasmṛti's provision for the remarriage of widows and other women who have entered into unsuitable marriages is an example of how the brāhmaṇa authors explained rather than dictated custom. Nāradasmṛti 12.97 says:

> naṣṭe mṛte pravrajite klībe ca patite patau |
> pañcasv āpatsu nārīṇāṃ patir anyo vidhīyate ‖ [24]

'There are five catastrophes in which women are required to take another husband: if the husband disappears, dies, or becomes a world-renouncer, a eunuch, or an outcaste.' Commentators such as Medhātithi are not very comfortable with this provision. Their explanations reflect a definite disagreement with this blanket admonition to remarry. Medhātithi in commenting on Manu 9.76 flatly rejects this view altogether and says it is wrong. Mādhavācārya commenting on Parāśaradharmasaṃhitā 4.30 says that this is a rule applicable only in previous yugas (yugāntaraviṣaya). Bhavasvāmin limits the applicability of this rule only to virgin women (akṣatayoni), and even then the rules of niyoga apply. Bālambhaṭṭa (p. 685) on Yājñavalkya 2.127 says that this only applies in those cases where there has been a verbal commitment of marriage but the actual saṃskāra itself has not been completed. Maskarin commenting on Gautama 18.4 intimates that the verse quoted above is to be understood as advocating niyoga — the sole motive for the remarriage should be the birth of offspring.[25]

In spite of the fact that this Nāradasmṛtivacana is unambiguous in its admonition to remarry, the commentators don't like it.[26] They struggle with it and use their considerable hermeneutical skills to interpret it in such a way as to minimize its applicability.

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[23] For a thorough discussion of the various mixed caste systems and the explanations thereof, see Horst Brinkhaus, Die altindischen Mischkastensysteme, Wiesbaden 1978.

[24] This verse is also found in Parāśaradharmasaṃhitā 4.30 and attributed to Bṛhaspati by the Maskaribhāṣya on Gautamadharmasūtra 18.4.

[25] There are many such 'problems' that confront the interpreters of the smṛti tradition including the explanation of such well known institutions as the āśrama system, and niyoga, the levirate marriage which is first praised and then condemned all within five verses of the same chapter of Manu (9.59 and 9.64). For a first rate, comprehensive account of how the āśrama system — which we take so much for granted — evolved, and how the textual accounts differ from the 'standard' understanding of the institutions, see Patrick Olivelle's The Āśrama System: the History and Hermeneutics of a Religious Institution, Oxford University Press, New York 1993.

[26] For a more complete discussion of the implications of and reactions to this verse see R. W. Lariviere, 'Matrimonial Remedies for Women in Classical Indian Law: Alternatives to Divorce,' in: Rules and Remedies in Classical Indian Law, ed. Julia Leslie, Leiden 1991, pp. 37-45; and Paul Thieme, 'Jungfrauengatte' in: Kleine Schriften, Wiesbaden 1984, pp. 426-513.

Yet, the verse survives. Why? If the provision really applies to a previous *yuga*, why should it be preserved and passed on to contemporary students? The tradition knows well the idea of 'editing' texts for use in different eras of human development,[27] so why not do a little editing here? The reasons are no doubt many and complex, but have to do with the fundamentally conservative nature of the *smṛti* tradition.[28] Nevertheless, I believe that in many cases the compilers of *smṛti* texts were confronted with practices that they did not approve of, but that were commonly accepted either in other sectors of society or in other villages or regions.[29] Sometimes these practices were dismissed with claims that they applied to another yuga as above, sometimes they were dismissed as the practice of depraved classes,[30] and at other times they registered their uncertainty by attributing rules to 'others' or by introducing them with 'some say'.[31]

The point here is that the *smṛti* texts were the record of actual customs and practices found in classical India. These customs were recorded whether the compilers of *smṛtis* agreed with them or not because it was the purpose of these texts — on one level — to record the norms of those communities which accepted *dharma* as the the standard of behavior. In addition, it was the object of the recorders of these customs to integrate these practices into the brahminical/vedic *weltanschauung* the promotion of which was the basic motive for their recording the customs in the first place.[32] It is in their explanations of these customs that we find the 'pious wish[es]' and 'metaphysically minded, ceremonial ridden priestly promulga[tion]' that Govinda *Das* decried. The brāhmaṇas' peculiar understandings and strained explanations do not diminish the fact

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[27] See, for example, the account of the transmission of the Manusmṛti found in the beginning of Mātṛkā 1 of the Nāradasmṛti.

[28] See the Introduction to my translation of the Nāradasmṛti, pp. xii-xiv.

[29] Another interesting example is the apparent acknowledgement of the existence of testamentary disposition of paternal property — a will — in classical Hindu Law. Nāradasmṛti 13.15 says

> pitraiva tu vibhaktā ye hīnādhikasamair dhanaiḥ |
> teṣāṃ sa eva dharmaḥ syāt sarvasya hi pitā prabhuḥ ||

'The partition done by the father is legally binding on the coparceners whether the shares are equal or not, because the father is the master of everything.' This flies in the face of the normal rules of inheritance, and the commentators are uneasy about it. The Dāyabhāga 53 and the Smṛticandrikā Vyavahārakāṇḍa 609-610, both stipulate that this can only apply to property acquired by the testator — not to ancestral property. The Parāśaramādhavīya 414 says that this disposition is sanctioned by *smṛti*, but since it violates common practice (*lokaviruddha*) and scripture (*śrutiviruddha*) it is better to divide the property equally. In opposition to this view Bhavasvāmin 153 in his commentary on the Nāradīyamanusaṃhitā says that whatever the father wishes in such a case is what must be done, and there can be no second-guessing even an inequitable division: what's done, is done. The Vyavahāramayūkha 99 flatly states that this provision of Nārada's applies to a different *yuga*. There is an apparent reference to a will in the Gilgit manuscripts (*patrābhilekhya* and *patrābhilikhita*), see: Gilgit Manuscripts vol. III part 2 edited by *Nalinaksha Dutt*, Bibliotheca Indo-Buddhica 17, Srinagar 1942, p. 140. I am grateful to *Gregory Schopen* for this reference, who discusses it in an unpublished article, 'The Monks' Obligation to Make Merit for Deceased Donors: A Buddhist Parallel to Monastic Practice in the Medieval West.'

[30] As in the discussion of a husband's liability for a woman's debt at Nāradasmṛti 1.16.

[31] See *Olivelle, loc.cit.,* section 3.1.1 and 3.2.1.1.

[32] *Ibid., passim,* makes clear that much of the history of what we have come to call the *āśrama* system can rightly be seen as attempting to theologically synthesize a wide range of practices.

that custom is the source of dharma. There is much made of the Vedic source, but ultimately, the immediate source is custom.

The legal texts themselves tell us this in very clear terms. All custom is binding. The commentators, the *nibandhakāras*, and the *mīmāmsakas* went to great lengths to establish that *śiṣṭācāra* (the practices of learned brāhmaṇas) was binding as was established custom for all others. The elevation of *śiṣṭācāra* in the hierarchy of sources of *dharma* is theologically possible because these practices are based on some lost or forgotten Vedic passage. As for the inclusion of the established customs of others as 'legally' binding, this also has a theological motive, namely to include those communities which are not under the immediate sway of the brahminical influence within the vedic world — to Sanskritize them in reverse.

This has the effect of sanctifying custom and generously granting the status of *dharma* to local practice. A reading of the *holakādhikaraṇa* of the Mīmāṁsāsūtras (1.3.15-18) and the commentaries and subcommentaries thereon reveals the liberality with which custom is treated — anything goes as long as it is the practice of those persons the community holds to be virtuous. This principle is carried to the most extreme lengths by Mitramiśra who says that the customs of Śūdras are *dharma* for Śūdras[33] even though they obviously cannot be based on any Śūdra elders' familiarity with the Veda. There is clearly a greater value and esteem placed on the practices of the ideal brāhmaṇa, but his practices are *dharma* for the brāhmaṇa, not for anyone else. The *dharmaśāstra* writers would like for all readers to come away with the notion that brāhmaṇas are the best, most worthy, most important elements of society, and that their lives are exemplary and at the very peak of the normative heap. This may have been true in some settings, and that the brāhmaṇas wished this to be so is almost certain. Whether it was the universal norm is doubtful, and one piece of evidence is the the persistence with which unpopular provisions in the *dharmaśāstras* survive: there must have been large segments of classical Indian society, just as there are large segments of modern Indian society, for whom brāhmaṇas are of little social or political consequence.

From the standpoint of a scholar outside of the tradition, what we are seeing in this liberal acceptance of local practice is a device which assures the inclusion of dominant local custom within the mainstream of Hindu orthodoxy. This means that the local consensus concerning norms of behavior is the real source of dharma, and that the validation of that local practice by tying it to some long forgotten Vedic text is a fiction which serves to provide an umbrella of orthodoxy for all of Bhāratavarṣa. It is the acceptance of this fiction which is the real test of Hindu orthodoxy — not any particular practice or theology.[34]

This has consequences, of course, for how we, as scholars, approach these texts in our attempts to reconstruct the social and legal history of classical India. *J. D. M. Derrett's* '*Dharmaśāstra* and Juridical Literature' is a case in point. This important, laconic, and sometimes brilliant little book introduces an interpretive category to the world of *dharmaśāstra* scholarship. In his discussion of the *dharma* literature he divides texts into two categories: those which are 'genuine' and those which are not. Now, the notion of

[33] *Vīramitrodaya-paribhāsaprakāśa* p. 9.
[34] It is possible that social change — perhaps the effects of the urbanization of the mid-1st millenium B. C. — diminished the capacity of a brāhmaṇa class to influence the practices.

a genuine *dharma* text is not a difficult one. However, the idea that some of these texts were 'apocryphal,'[35] or 'bogus,'[36] or 'supposititious'[37] requires some explanation. Unfortunately, he does not provide us with any explanation of his criteria for categorizing such texts. He uses these terms in a general manner and rarely gives specific textual examples. Even when he refers to specific texts[38] he does not explain why these texts are spurious or apocryphal. His style is to simply toss out these words without elaboration: 'In the end an apocryphal *smṛti* says that ancestral customs are more important than any rule in the *śāstras*[39] . . . The *Parāśarasmṛti* . . . is an ancient *smṛti*, . . . not to be confused with the supposititious *smṛtis* which arose during the period of the commentators.[40] . . . The wave of 'bogus' *smṛti* writing, which may have extended into the seventeenth century, was not juridical in inspiration.'[41]

In only one instance does he give any explanation for the use of these adjectives: 'Texts appearing once only and attributed to named authors may in fact be apocryphal.'[42] This general statement is unsupported by any further argumentation. What he seems to mean from the context is that when a verse is only cited once in the tradition then it should be suspect. By this he does not mean if a verse is found cited once and in only one manuscript then it should be rejected. He means to say that if a verse is found in only one place in the commentaries and *nibandhas* then it is apocryphal.

This standard for judging a verse to be 'bogus' is unacceptable. First, it is not the place of scholars to make this judgement. We can identify texts as chronologically recent, theologically innovative, more or less effective in articulating a position, but if a writer puts forth an opinion it is not within a scholar's province to label it apocryphal. This is a judgement that can only be made by the tradition itself, and even then a text's apocryphal status is only one group's opinion. No Gnostic ever called the Book of John 'The Apocryphon of John,'[43] but if a Christian theologian views it in this way, then we may adopt his category as a descriptive one, but we may not adopt the evaluative, normative judgement implicit in that Christian theologian's usage. In *Derrett's* usage of the terms apocryphal, etc. one has the clear impression that the verses so described have been judged by him to be wrong or incorrect in some way. This is not historical scholarship.

Second, to characterize a text on this basis is to ignore the role of custom and the manner in which texts are transmitted. There is no ecclesiastical body in the Hindu tradition which is empowered to adjudicate on the canonicity of verses or even whole texts. The ultimate test of the verity of a text is whether or not it is acceptable to successive generations of *śiṣṭas*. These are the vectors for the transmission of any text. If the *śiṣṭas* determined that a verse or whole text was bogus, apocryphal, etc. then they

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[35] *Derrett, Dharmaśāstra*, p. 41.
[36] *Ibid.*, p. 40.
[37] *Ibid.*, p. 39.
[38] For example, *ibid.*, p. 36 note 184 where he simply cites 'Kāty. 37-51, 225, 884a.'
[39] *Ibid.*, p. 39, Sumantu quoted in the *Smṛticandrikā, Saṃskārakāṇḍa*, p. 9.
[40] *Ibid.*, p. 39.
[41] *Ibid.*, p. 40.
[42] *Ibid.*, p. 40-41.
[43] See *Hans Jonas*, The Gnostic Religion, Boston 1963, p. 177.

would not have bothered to transmit it. The methods of transmission — by teaching a text to students and by having a manuscript copied — ensured that there was an informed, vigilant, and conservative audience which would be able to detect a fraud quickly.

The very notion of a fraudulent passage in a *smṛti* text requires some explanation. What can it mean? Why would anyone invent a verse in the first place? There can only be two general reasons for doing so: (1) for venal reasons a verse might be created in order to help one party or another in a dispute; and (2) to adapt the tradition to new social circumstances — when local custom has presented practices or circumstances which were not provided for in earlier texts. The venality of the first reason is guarded against by the presence of a large, informed community of experts in *dharma* who would be able to immediately detect a fraudulent verse created for the express purpose of promoting individual interests.[44]

The second reason for the creation of a verse — to adapt the tradition to new circumstances — was not fraud. This was the ongoing process that gave the tradition vitality and the ability to endure. Not only was the adaptation of the textual tradition to the changing needs of society implicit in the development of the *dharmaśāstra*, it was explicitly recognized within the tradition. *Derrett* opposes 'bogus' *smṛtis* with the category of 'genuine' *smṛtis* by 'known' authors (an interesting term in itself since we know almost nothing about these authors). By this he means those authors found in lists of authors of *smṛti* works within the textual tradition: thus Manu, Yājñavalkya, Nārada, etc. There can be no doubt that these texts have a universal appeal to all of the Hindu tradition. We are told very explicitly, for example, that Manu is the most authoritative of these authoritative texts.[45] Kumārila Bhaṭṭa in his commentary on the above mentioned *holakādhikaraṇa* of the Mimāṃsāsūtras also mentions the Manusmṛti (along with the *purāṇas* and *itihāsa*) as uniquely universal in their acceptance throughout the region of Bhāratavarṣa. But universal authority is not to be confused with genuineness.

Kumārila goes on to state that *all* smṛti texts, however limited in their geographical or social applicability, are authoritative for those people who recognize them as such. That is, as long as a practice is

1. time-honored,
2. not opposed to the express provisions of the Veda or of *smṛti*,

[44] There are relatively few surviving accounts of these disputes, but those that do survive give us an idea of their intensity. One example is found in Ānandānubhava's *Nyāyaratnadīpāvali* pp. 98-99 where he accuses an opponent of supporting a contrary view with fraudulent verses the opponent composed himself: *yas tu mandamatiḥ mukhyayatidveṣāt kāmcit kathāṃ ślokāṃś ca 'prāpte kaliyuge' ityādīn hārītadattātreyādivacanatvenodāharati sma so 'timūḍhaḥ svaviraciteṣu doṣaṃ na paśyati. . . . prasiddhāśramanindāyām apy udīritapramāṇavirodhaṃ katham sa śocyo laṭakaḥ karṇāṭabaṭur na paśyati.* 'A fool motivated by excessive hatred of the principal type of renouncer, has cited some story or other and some verses claiming they are statements of Hārīta, Dattātreya, etc. which begin 'When the Kaliyuga arrives . . .' This man is a complete fool who does not see the flaw in these verses he composed himself! How can this miserable cad, this twerp from Karṇāṭaka, not see that he contradicts oft-quoted authorities when he castigates a well-known *āśrama*?'

[45] *Bṛhaspatismṛti, Saṃskārakāṇḍa* 1.13: *vedārthopanibaddhatvāt prādhānyaṃ hi manoḥ smṛtam | manvarthaviparītā tu yā smṛtiḥ sā na śasyate ‖*

3. regarded as obligatory by the *śiṣṭas,*
4. not immoral, and
5. *adṛṣṭārtha,*

it is considered to be authoritative. Custom, therefore, — even for the tradition itself — is the productive and vital source of rules found in the *dharmaśāstra.*

What *Derrett* seems to imply is that older texts are more authoritative than newer ones. Texts written for specific purposes which can be located in a specific region or time are 'bogus' or 'apocryphal.' But this is not an acceptable criterion. Let us look at one of the texts which he dismisses as 'apocryphal'. The *Devalasmṛti,* according to *Derrett,* is a text which was written to cope with the problem of Hindu women who were abducted into marriage or raped by invading Muslims in Sind. This makes it a very late text and one written for very specific purposes, therefore apocryphal, i.e., of dubious authenticity.

The *Devalasmṛti* does contain enough geographical information that it is safe to conclude that it was composed in northwestern India and at a relatively late date. The *mlecchas* mentioned were probably invading Muslims. The penances mentioned are for forcible abduction. *Derrett* is correct in his assessment of the purpose and intention of the *Devalasmṛti,* but by what criterion could we possibly call this text apocryphal. It is attempting to provide specific remedies for a situation which that society had not previously encountered — wholesale abduction of its women by members of a hostile and heterodox religious tradition. The *prāyaścittas* mentioned are intended to expunge the taint inherent in this situation. The mere fact that the text has been passed on for generations through the work of copyists is enough to validate its claim to authoritativeness within the tradition. These penances meet all of the criteria mentioned above for acceptance within the tradition:

1. time-honored,
2. not opposed to the express provisions of the Veda or of *smṛti,*
3. regarded as obligatory by the *śiṣṭas,*
4. not immoral, and
5. *adṛṣṭārtha.*

The mere fact that these provisions have not been formulated in exactly this way in earlier *smṛti*s, or that these penances have not before been mentioned as being applicable to women who have suffered the specific insults described in this text is not enough to render them apocryphal or bogus. This is just an example of the tradition continuing to adapt itself to the changing needs of society.

The categories of apocryphal and supposititious have no place in the discussion of the surviving Sanskrit *dharma* literature. The works which we have may be of limited geographical or chronological applicability. They may represent various strata in the evolution of the *dharmaśāstra,* but every provision found in every text can and must be viewed as a codification of practice or of norms accepted by some part of the society. They are not fraudulent or venal attempts at deception. To characterize them as such is to distort the tradition and to misunderstand the nature of the corpus of *dharma* literature.

To return to the three representative views of the nature of *dharmaśāstra* with which we began this essay, I distinguish my view from that found in *Mayne*'s Treatise in that

we must understand that the *dharmaśāstras* were not composed as literary templates to be applied *in toto* to every situation and every dispute without differentiation. They were collections of aphorisms, guidelines, and advice which could be drawn upon when required to inform and validate a judge's, or a guru's, or a king's opinion. In this way they are indeed concerned with the practical administration of law, but they are not in a modern, western sense 'codes.' Thus Govinda *Das* was right to point out the error of treating them as codes of law.[46] The contents of the *dharmaśāstra* were, however, much more than 'pious wishes' and represent a definite 'reality' that must have been rigidly enforced by contemporary political authorities. *Rocher's* view that the commentaries and digests did not represent the law of the land must be modified to some extent.[47] The rationalizations, the explanations, and the justifications for certain views must fall in the category of 'panditic' reasoning, but the 'authoritative texts' were just that, and the laws found in these texts remained of importance, and, if very late *jayapattras* are valid testimony, remained applicable.[48] It seems reasonable to conclude, then, that *dharmaśāstra* does represent 'law' in a very real sense; that the practices recorded in *dharmaśāstra* did represent the law of the land and are of very real value in constructing the history of Indian society since these texts tell us how — alas, not where and when — people actually lived.

[46] In this he was preceded by the neglected *James H. Nelson*, see *J. D. M. Derrett*, J.H. Nelson: a forgotten administrator-historian of India, in: Essays in Classical and Modern Hindu Law, 2, Leiden 1977, pp. 404-423.
[47] In an even more recent statement of his views, in a 1992 address to the American Philosophical Society, *Rocher* has said, 'The composers of the *dharmaśāstras* compiled treatises on *dharma*, on anything they considered worthy of being recorded as *dharma* with some people, somewhere. They gathered that information in books, in the language of the learned, Sanskrit.'
[48] See *Richard W. Lariviere*, A Sanskrit *Jayapattra* from Eighteenth Century Mithilā, in: Studies in *Dharmaśāstra*, Calcutta 1984, pp. 49-80.

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IV. Materialien

Marlene Njammasch

Staatliche Strukturen
im Reich der Maitrakas von Valabhī

Das Reich der Maitrakas von Valabhī entstand in der Zerfallsphase des Guptareichs. Bhaṭārka, *senāpati* wahrscheinlich des Budhagupta, machte sich in den achtziger Jahren des 5. Jh. n.Chr. selbständig. Der dritte Herrscher der Dynastie, Droṇasiṃha, nannte sich bereits mahārāja.

Von den Maitrakas von Valabhī besitzen wir etwa 100 Inschriften. Eine genaue Zählung ist deshalb schwierig, weil es eine ganze Reihe unvollständiger Bruchstücke von Kupfertafeln und andere Fragmente gibt. Aus den unversehrten und nur leicht beschädigten Kupfertafeln läßt sich immer auf den gleichen Inhalt schließen. Es sind königliche Schenkungsurkunden, in denen die Verleihung von kleineren oder größeren Landstücken in Streulage, ganzen Dörfern, mehreren Dorfgemeinden und die Vergabe von Gelddeposita an Brahmanen, buddhistische Klöster und hinduistische Tempel schriftlich und in genormter Form niedergeschrieben ist. Die Könige der Maitrakadynastie und ihre Vasallen haben im Verlaufe von über 250 Jahren (von 504 bis 766 n.Chr.) Land und Dörfer vergeben.

Betrachtet man die Anlage der Inschriften, so wird klar, daß sich in sehr kurzer Zeit ein fester Formelbestand und ein Schema in der Anlage der Inschriften entwickelten, die schon in den Schenkungsurkunden von Dhruvasena I. (etwa 519 bis 549 n.Chr.)[1] erkennbar werden, aber erst unter Guhasena (549 bis 553 n.Chr.) die endgültige Fassung bekommen. Die Formeln enthalten die Privilegien und Immunitäten der betreffenden Schenkung zugunsten des oder der Belehnten: Steuerprivilegien, Privilegien zur Rechtsprechung und teilweisen Rechtsimmunität, Verwaltungsprivilegien und eigentumsrechtliche Privilegien. Der Formelbestand ist damit nicht erschöpft. Es gibt noch Adreßformeln, in denen Teile des Beamtenapparates erwähnt wurden, Fluchformeln gegen die Konfiskation von geschenktem Land und Segensformeln für die Vergabe von Grund und Boden. Aus diesem Bestand wollen wir uns den Adreßformeln zuwenden und sie mit den Privilegierungsformeln in Beziehung setzen. Beide Formelgruppen gewähren, wenn auch nur punktuell, Einblicke in die staatliche Administration unter den Maitrakas. Untersucht wurden die Adreßformeln der Inschriften von König Droṇasiṃha bis Kharagraha I. (502 bis 615 n.Chr.).

Bereits in der frühesten Inschrift, der des Droṇasiṃha aus dem Jahre 502 n.Chr., folgt

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[1] Soweit es die Regierungsjahre der Maitrakakönige betrifft, folgen wir *K. J. Virji*, Ancient History of Saurashtra (being a study of the Maitrakas of Valabhī, V to VIII Centuries A. D.), Bombay 1955, S. 20-105.

die Adreßformel einem stereotypen Schema: der Herrscher wandte sich direkt an eine feststehende Anzahl von Beamten, um ihnen zu befehlen bzw. sie zu benachrichtigen, von der nachfolgenden Schenkung mit den entsprechenden Modalitäten Kenntnis zu nehmen:*sarvvān=evasvān=āyukta-niyuktaka-cāta-bhaṭa-drāngika-mahattara-dhruvasthān-ādhikaraṇika-dāṇḍapāśik-ādīn=anyāṃś=ca yathā-sambaddhyamānakān=anudarśayaty=astu vas=samviditaṃ*[2] oder: *sarvvān=eva svān=āyuktaka-viniyuktaka-drāngika-mahattara-cāta-bhaṭ-ādīn=anyāṃś=ca yathā-sambadhyamānakān samājñāpayaty=astu vas=samviditaṃ* '(König X) benachrichtigt alle seine *Āyuktas, Niyuktakas, Cātas, Bhaṭas, Drāngikas, Mahattaras, Dhruvasthānādhikaraṇikas, Dāṇḍapāśikas* usw. und alle (anderen Beamten), soweit es sie angeht: Euch sei kundgetan...' oder: *sarvvān=ev=āyuktaka-viniyuktaka-drāngika-mahattara-dhruvasthānādhikaraṇika-dāṇḍapāśika-cāta-bhaṭ-ādīn=samājñāpayaty =astu vas=samviditaṃ*[3] '(König X) befiehlt allen seinen *Āyuktakas, Viniyuktakas, Drāngikas, Mahattaras, Dhruvasthānādhikaraṇikas, Dāṇḍapāśikas, Cātas, Bhaṭas* usw.: Euch sei kundgetan ...' Nach dieser Formel folgen dann die einzelnen Bestimmungen der Schenkung.

Der Herrscher wandte sich an einen bestimmten Kreis von Beamten oder er richtete seinen Befehl an sie. Wir können wohl davon ausgehen, daß es die Beamten waren, die unmittelbar mit den Dörfern und den Landverleihungen zu tun hatten, deren Amts-pflichten von der Schenkung berührt wurden. Der König informierte seine Beamten, soweit es sie anging, schloß jedoch nicht aus, daß es auch andere Amtsträger betreffen könnte. In den Inschriften von Droṇasiṃha und Dhruvasena I. bleibt die Gruppe der genannten Beamten gleich. Manchmal fehlt einer der Beamten in der Aufzählung der Adreßformel. z.B. sind in der Schenkungsurkunde Dhruvasenas I. aus dem Jahre 529 n.Chr.[4] nicht die *Cātas, Bhaṭas* und die *Dāṇḍapāśikas* erwähnt. In der Inschrift ist aber auch weder die Formel für Verwaltungsimmunität noch die Formel über die Mitverlei-hung der niederen Gerichtsbarkeit enthalten. In der Inschrift des Droṇasiṃha aus dem Jahre 502 n.Chr. fehlt der *Dāṇḍapāśika*, aber ebenso die Formel, die den Übergang der niederen Gerichtsbarkeit in die Hände des Belehnten garantierte.[5] Es scheint also durchaus ein Zusammenhang zwischen der Nichterwähnung eines Beamten und der eines bestimmten Privilegs zu bestehen. Darauf wollen wir etwas später noch näher eingehen.

Der Natur der Schenkungen nach stellen die in den Adreßformeln erwähnten Beamten nur einen kleinen Teil des bürokratischen Apparates im Maitrakareich dar. Versuchen wir, herauszubekommen, welche Aufgaben die Beamten im einzelnen hatten: *Āyuktaka*, 'Beauftragter', '...often the governor of a district or subdivision.'[6] *Viniyuk-taka*, ebenfalls ein 'Beauftragter', '... an official probably under the *Āyuktaka* ...'[7]

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[2] EI 17, 7, 1(A), S. 107, Z. 10-12 (Pl.A₁).

[3] EI 3, 46, S. 320, Z. 11-12.

[4] EI 17, 7, 2(B), S. 109, Z. 12 - 14.

[5] EI 16, 4, S. 18, Z. 1-2.

[6] D. C. *Sircar*, Epigraphical Glossary, Bombay 1966, S. 42 (im folg. zit.: *Sircar*, Glossary). Der *Āyuktaka* ist auch in Kāmasūtra V, 5.5 erwähnt, hier ziemlich eindeutig als für das Dorf zuständiger Beamter zusammen mit dem Dorfvorsteher; vgl. auch Kāmandaki V, 82.

[7] *Sircar*, Glossary, S. 375.

Drāṅgika (von *draṅga*, Stadt), vielleicht Vorsteher einer Kreisstadt, unter deren Verwaltung sich mehrere Dörfer befanden; '*Drāṅgika* was an officer in charge of a *draṅga* probably meaning a watch station or a station for revenue collection;...'[8]

Dhruvasthānādhikaraṇika, 'Beamter eines Dhruvasthāna'; ein *dhruvasthāna* war nach *D. C. Sircar* 'a station for the collection of the king's fixed grain share...'[9]

Cāṭa. In den Inschriften der Parivrājakas und Ucchakalpīyas gibt es in den Verleihungsurkunden das Privileg *a-cāṭa-bhaṭa-prāveśya cora-drohaka-varja*[10] oder nur *a-cāṭa-bhaṭa-prāveśya*[11], ('das geschenkte Land oder Dorf) ist nicht von *Cāṭas* und *Bhaṭas* zu betreten außer (zur Arretierung) von Räubern und feindseligen Elementen.' *D. C. Sircar* hält den *cāṭa* für einen 'constable'[12]; die *Cāṭas* scheinen niedere Beamte mit polizeilichen Aufgaben gewesen zu sein, eine Art Gendarm oder Büttel. Bei Yājñavalkya I, 335 gehören sie zusammen mit Dieben, Räubern und Übeltätern zu den Leuten, die die Untertanen quälen und vor denen der König letztere beschützen soll. Ähnlich übel beleumdet sind sie im Drama Mṛcchakaṭikā[13], wo sie mit *gaṇikās, kāyasthas, bhikṣus* und *rāsabhas*, also Prostituierten, Schreibern, Mönchen und Eseln vergesellschaftet werden. *Bhaṭa* (wohl von *bhṛta*) 'Soldat'; in den Adreßformeln folgt *bhaṭa* immer unmittelbar auf *cāṭa*, die Benennungen sind nie getrennt; vielleicht waren die *bhaṭas* Söldner, die in Friedenszeiten auch polizeiliche Aufgaben übernahmen.

Dāṇḍapāśika 'an officer entrusted with the punishment of criminals'[14].

Versuchen wir, die Beamten bestimmten Ressorts zuzuordnen.

1. *Allgemeine Verwaltung*

Hier würden wir die *Āyuktakas* und *Viniyuktakas* einordnen. Sie mögen Beamte einer Kreis- oder Bezirksverwaltung gewesen sein, vielleicht eines *āharaṇī*. In der Mehrzahl der Inschriften wird das Dorf, in dem der Herrscher Land verlieh, oder das verliehene Dorf selbst administrativ eingeordnet, z.B. heißt es in einer Schenkungsinschrift Dhruvasenas I. aus dem Jahre 529 n.Chr.: *Hastavaprāharaṇyāṃ Chedakapadrakagrāme pūrvasīmni...* 'an der Ostgrenze im Dorf Chedakapadraka im *āharaṇī* von Hastavapra'[15] (dann folgt die Beschreibung des verliehenen Landstückes in seinen genauen Grenzen). Hastavapra kann man mit dem modernen Hathab im Gogho taluq des Bhavnagar-Distrikts[16] gleichsetzen. Die meisten Schenkungen Dhruvasenas I. sind im *āharaṇī* von Hastavapra lokalisierbar.

Diesem Ressort der allgemeinen Verwaltung würden wir auch die *mahattaras* zuordnen. In den Adreßformeln sind sie immer zusammen mit den anderen Beamten erwähnt.

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[8] *ibid.*, S. 101.

[9] *ibid.*, S. 96.

[10] Parivrājakas: z.B. EI 8, 28, S. 287, Z. 17 (Pl. II).

[11] Ucchakalpīyas: z.B. CII 3, No. 29, S. 131, Z. 9.

[12] Vgl. *Sircar*, Glossary, S. 68.

[13] The Mṛichchhakaṭikā of Śūdraka, ed. with the Commentary of Pṛithvīdhara (enlarged where necessary), various readings, a literal English translation, notes, and an [...] introduction by *M. R. Kale*, repr. Delhi u. a. 1988 (1st ed., Poona 1924), I,V, pp.182.

[14] *Sircar*, Glossary, S. 81.

[15] EI 15, 12, S. 257, Z. 13-14.

[16] Vgl. *P. Gupta*, Geography in Ancient Indian Inscriptions (up to 650), Delhi 1973, S. 73.

Sie fehlen in keiner Urkunde. Insofern ist *K. Virji* zu widersprechen, die behauptete: 'The *mahattara* is mentioned very late in the Maitraka list of officers.'[17] Schon in der frühesten Maitrakaurkunde, der Schenkungsinschrift Droṇasiṃhas aus dem Jahre 502 n.Chr., sind die *mahattaras* in der Adreßformel genannt. Sie waren Dorffunktionäre, Vorsteher oder Älteste eines Dorfes und vermutlich im Staatsdienst. Die *mahattaras* tauchen aber noch an anderen Stellen in den Inschriften auf, als Pächter von Königsland, das der Herrscher verlieh, und als Grenznachbarn verliehener Landstücke. Aus diesem Tatbestand ist zu folgern, daß sie in erster Linie bäuerliche Produzenten waren und ihr Amt quasi nebenbei oder zusätzlich ausübten. Aus dem Inschriftentext läßt sich weder beweisen, daß sie tatsächlich staatliche Angestellte waren, noch daß sie von den Dorfgemeindemitgliedern gewählt wurden.

2. Steuerbehörde

Da in den Schenkungsinschriften regelmäßig Steuerprivilegien enthalten sind, setzen wir voraus, daß in den Adreßformeln auch Beamte genannt wurden, die für das Steuerressort verantwortlich waren. Zwei Amtsbenennungen bieten sich dafür an, die *Dhruvasthān-ādhikaraṇikas* und die *Drāṅgikas*. Mit *D. C. Sircar*[18] vermuten wir, daß *Dhruvasthāna* die Bezeichnung für eine zentrale Steuereinsammlungsstelle gewesen sein könnte, etwa ein Mittelpunkt mehrerer Dörfer oder eine kleine städtische Gemeinde. *Dhruva*, 'fest-stehend, unveränderlich, bestimmt, festgesetzt'[19] wäre durchaus mit dem festgesetzten königlichen Steueranteil zu identifizieren, den jeder bäuerliche Produzent[20] an den Staat abzuliefern hatte, vielleicht mit dem bekannten *ṣaḍbhāga*, dem Sechstel der Feldfrüchte. Der *Adhikaraṇika*[21] eines *Dhruvasthāna* war vielleicht die lokale Steuerbehörde, mögli-cherweise die eines *āharaṇī*. Gegen diese Deutung könnte man einwenden, daß *adhikara-ṇika* normalerweise 'Richter' bedeutet und die Amtsbezeichnung *Dhruvasthānādhikara-ṇika* auch mit 'Richter eines *Dhruvasthāna*' zu übersetzen wäre. In der Inschrift des Guhasena aus dem Jahre 566 n.Chr. erscheint die Amtsbezeichnung in verkürzter Form als *Dhruvādhikaraṇika*, und so bleibt sie auch bis zum Ende der Regierungszeit Dhara-senas II. (etwa 595 n.Chr.)[22]. Die Zuordnung der *Dhruvasthānādhikaraṇikas* zur Steuer-behörde bleibt problematisch.

Ähnlich schwierig ist die Erklärung der Aufgaben, die der *Drāṅgika* zu erfüllen hatte. *Draṅga* war offensichtlich eine territoriale Einheit im Maitrakareich. Wir kennen den *Mandalīdraṅga*[23] aus Schenkungsinschriften von Guhasena, Śīlāditya I. und Kharagraha I., in dem sich die von den betreffenden Herrschern verliehenen Dörfer befanden. Es liegt also nahe, den *Drāṅgika* als Vorsteher eines *draṅga* zu interpretieren. Andererseits wäre es möglich, dieses Amt mit der Privilegierungsformel *udraṅga* in Zusammenhang zu bringen, die immer in Einheit mit *uparikara*, den 'zusätzlichen Abgaben' genannt ist. Wir haben bereits an anderer Stelle die Vermutung ausgesprochen, daß der Begriff *ud-*

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[17] *Virji*, S. 240.
[18] Vgl. *Sircar*, Glossary, S. 96.
[19] Vgl. PW 3, S. 169.
[20] In modifizierter Form natürlich auch Handwerker, Kaufleute u. a. Untertanen.
[21] PW 1, S. 33 'Richter'; *adhikaraṇa* 'Fach, Zweig, Branche, Gericht, Gerichtshof'.
[22] Vgl. IA 5, 1876, S. 207, Z. 2-3 (Pl. II).
[23] EI 13, 30, S. 339, Z. 10 (Guhasena); JUB, vol.3,1, 1934, S. 87, Z. 23 (Śīlāditya I.); PTAOC (1933), 1935, S. 669, Z. 24 (Kharagraha I.).

raṅga die Grundrente oder Bodensteuer beinhaltet[24], zumal ja alle drei Formen der Grundrente, *dhānya*, Naturalrente, *viṣṭi*, Arbeitsrente und *hiraṇya*, Geldrente, ab der Mitte des 6. Jh. n.Chr. fester Bestandteil der Schenkungsprivilegien in den Inschriften sind.

Die erste Erwähnung der Privilegierungsformel *udraṅga* in Maitrakaurkunden stammt aus dem Jahre 544 n.Chr.[25], der *Maṇḍalīdraṅga* ist 566 n.Chr. erstmalig genannt[26], der *Drāṅgika* jedoch schon in der Adreßformel der frühesten Maitrakainschrift aus dem Jahre 502 n.Chr. enthalten.[27] Er muß eine wichtige Funktion gehabt haben, die über die Verwaltung der übrigens nur in den genannten drei Inschriften erwähnten *draṅgas* hinausging. So ist seine Zuordnung zur Steuerbehörde mindestens wahrscheinlich.

3. *Polizei-/Militärressort*
Hier werden wir die *Bhaṭas* und *Cāṭas* einordnen können.

4. *Rechtsbehörde*
Wir würden den *Dāṇḍapāśika* in diesem Ressort unterbringen, obwohl sich die Aufgaben der *Cāṭas* und der *Dāṇḍapāśikas* sicher überschnitten haben. Ausgehend von den Belegstellen für *cāṭa* in anderen Quellen können wir wohl davon ausgehen, daß sie vor allem die Aufgaben des Aufspürens und Arretierens von Gesetzesverletzern wahrnahmen, während der *Dāṇḍapāśika*, zumindest von der Worterklärung her, offenbar eher für die Bestrafung der Bösewichte zuständig war.

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Seit Guhasena (553 n.Chr.) und besonders seit Dharasena II. (571 n.Chr.) treten in den Adreßformeln neue Beamtenbezeichnungen hinzu, die sich jedoch fast alle in eines der zuvor genannten Ressorts einordnen lassen.

1. *Allgemeine Verwaltung*
Im Gegensatz zu den vorwiegend der unteren Ebene angehörenden Amtsträgern in den Adreßformeln des Droṇasiṃha und Dhruvasena I. finden wir seit Guhasena auch Vertreter der höheren und höchsten Verwaltungshierarchie genannt. In diese Kategorie gehören der *Kumārāmātya* und der *Rājasthānīya*, die am häufigsten erwähnt werden und immer gemeinsam auftreten.

Kumārāmātya 'an officers' cadre mainly composed of the junior members of the royal family.'[28]
Rājasthānīya 'an officer acting for the king; generally a viceroy; probably also a subor-

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[24] Vgl. M. Njammasch, Bemerkungen zur Herkunft und Bedeutung des Begriffs *udraṅga*, in: Altorientalische Forschungen 12, 1985, 1, S. 119 - 128; EI 37, 31, S. 173, Z. 26-27, *s-odraṅgaṃ s-oparikaraṃ sa-vā[ta]-bhūta-dhānya-hiraṇy-ādeyaṃ s-otpadyamāna-viṣṭikam*.
[25] *Diskalkar*, JBBRAS, N. S., 1925, I,1,1, S. 18, Z. 17 (Pl. II).
[26] EI 13, 30, S. 339, Z. 10.
[27] EI 16, 4, S. 18, Z. 2.
[28] *Sircar*, Glossary, S. 166.

dinate ruler'[29]; der *Rājasthānīya* war häufig eine Art Vizekönig oder Statthalter.[30]
Rājaputra[31] 'originally 'a prince'; title of princes and subordinate rulers; but later a title of nobility'.[32]
Amātya[33] 'Minister'.
Uparika[34] 'a viceroy, the governor of a province'.[35]
Viṣayapati[36] 'Vorsteher eines *viṣaya*, wohl einer Provinz'.

2. Steuerbehörde

In einer Inschrift Dharasenas II. taucht der *Bhog-oddharaṇika*[37] auf, nach *Sircar* 'the collector of the king's share of grains'.[38] Die Steuerprivilegierung, die mit den Landschenkungen verbunden war, bedeutete zugleich einen Steuerverlust für den Herrscher. Vielleicht hatte der *Bhogoddharaṇika* diese Steuerausfälle zu registrieren. In die Steuerbehörde im weitesten Sinne wäre auch der *Śaulkika*, der Beamte, der Zölle erhob[39], einzuordnen.

3. Polizei-/Militärressort

Der *Coroddharaṇika*, der 'Befreier oder Vertilger von Räubern', kommt das erste Mal in einer Inschrift des Guhasena aus dem Jahre 564 n.Chr. vor.[40] Er zeigt wohl die Existenz eines Räuberunwesens an, für dessen Bekämpfung sicher besonders ausgebildete und spezialisierte Beamte notwendig waren.

Eine Amtsbezeichnung tritt häufig in den Inschriften des Dharasena II. auf, deren Interpretation schwierig ist, der *Pratisāraka*.[41] *K. Virji* meint: 'The *pratisāraka* was a guard and his duties comprised watching the fields and villages at night time.'[42] *G. Bühler* hält den *Pratisāraka* auch für einen Nachtwächter.[43] *Sircar* erklärt: 'an officer who collects tax and allows carts to go out of the nālī or a strip of low ground.'[44]. Ohne in dieses Amt zuviel hineinzuinterpretieren, dürfen wir den *Pratisāraka* wohl als eine Art Wächter oder Aufseher betrachten, der für Ruhe und Ordnung zu sorgen hatte.

[29] *ibid.*, S. 273.
[30] PW 5, S. 180.
[31] EI 11,2, S. 18, Z. 18.
[32] *Sircar*, Glossary, S. 272.
[33] EI 11, 2, S. 18, Z. 18.
[34] IA 6, 1877, S. 12, Z. 1-2 (Pl. II); *Acharya*, JBBRAS, N. S., 1925 I, 1, 2, S. 68, Z. 2-3; IA 7, 1878, S. 72, Z. 1-2 (Pl. II).
[35] *Sircar*, Glossary, S. 352.
[36] IA 6, 1877, S. 12, Z. 1-2 (Pl. II); *Acharya*, JBBRAS, N. S., 1925 I, 1, 2, S. 68, Z. 2-3 (Pl. II); IA 7, 1878, S. 72, Z. 21-22 (Pl. II); IHQ 15, 2, 1939, S. 285, Z. 3-5.
[37] IA 7, 1878, S. 70, Z. 3-4 (Pl. II).
[38] *Sircar*, Glossary, S. 56; *bhoga* 'Ertrag, Einkünfte'; *uddharaṇa* 'Herausziehen, Entfernen, Ausscheiden eines Teiles', PW 1, S. 232.
[39] z.B. IA 5, 1876, S. 207, Z. 2-3 (Pl. II), ABORI 4, 1923, S. 40, Z. 19-21 u. a.; *śulka* - Zoll.
[40] EI 13, 30, S. 339, Z. 7.
[41] ABORI 4, 1923, S. 40, Z. 19-21; IA 7, 1878, S. 70, Z. 3-4 (Pl. II); Bhavnagar Inscriptions No. 2, S. 32, Z. 3-4; EI 31, 39, S. 303, Z. 16-17; IHQ 15, 2, 1939, S. 285, Z. 3-5; *pratisārin* 'die Runde machend, von einem zum anderen gehend', PW 4, S. 148.
[42] *Virji*, S. 241.
[43] IA 7, 1878, S. 68.
[44] Glossary, S. 260; *pratisāraka* 'a gate-keeper', *ibid.*

Ganz ähnlichen Pflichten oblag möglicherweise der *Avalokika*[45], der nur in einer Inschrift des Dharasena II. erscheint.[46] Ihn, der etwas 'betrachtet', 'sieht' oder 'gewahr wird', könnte man einem Spionageressort zuordnen. Im weitesten Sinne polizeiliche Aufgaben hatte vielleicht auch der *Vartmapāla*.[47] G. *Bühler* hält ihn für einen Wächter, der zum Schutz gegen Räuber an Straßen stationiert war[48], *Sircar* auch für den Eintreiber des *vartma-daṇḍa*, des Straßenzolls[49]. Es wäre möglich, daß der 'Wächter der Wege' mehrere Aufgaben zu erfüllen hatte.

In den Inschriften Dharasenas II. kommen in den Adreßformeln die *Hastyaśvārohas*[50] vor, die Elefanten- oder Pferdetreiber oder -reiter, die wir vielleicht dem Militärressort zuordnen können. Die Reihenfolge ihrer Erwähnung in den Adreßformeln bringt wenig Klarheit. Sie stehen ganz unterschiedlich mit den *Kumārāmatyas*, *Vartmapālas* und *Cāṭas* zusammen, mit hohen und niederen Beamten also.

<p style="text-align:center">* * *</p>

Bis zum Ende der Regierungszeit Śilādityas I. lassen sich die Amtsbezeichnungen in den Adreßformeln verfolgen. Mit Kharagraha I. (615 bis 621 n.Chr.) setzte eine neue Entwicklung ein. Er und alle nachfolgenden Maitrakaherrscher haben in ihren Schenkungsurkunden zwar weiter Adreßformeln, aber nur in verkürzter Form, ohne die Nennung von Amtsträgern: *sarvān=eva   yathā-sambadhyamānakān   =samājñāpayaty=astu vas=saṃviditam* ...[51] '(König X) läßt allen (Beamten), die es betrifft, befehlen: Euch sei kundgetan...' Offensichtlich wurde nun vorausgesetzt, daß die Beamten, deren Funktionsbereich von der Schenkung berührt wurde, allgemein bekannt waren. Wenn man berücksichtigt, daß seit der ersten Urkunde vom Jahre 502 n.Chr. Erfahrungen aus über 100 Jahren Schenkungspraxis im Maitrakareich bestanden, wird die verkürzte Adreßformel verständlich.

Die in den Adreßformeln von Droṇasiṃha bis Śilāditya I. genannten Beamten stellten eine kleine Auswahl aus dem bürokratischen Apparat der Maitrakas dar. Der König informierte nur die Beamten, die der Schenkungsvorgang unmittelbar betraf. In den Urkunden sind noch eine ganze Reihe anderer Beamter genannt. Regelmäßig am Ende einer Inschrift ist der *Dūta(ka)* erwähnt, der 'Bote' des Königs, der den königlichen Willen nebst Urkunde den örtlichen Behörden zu übermitteln hatte. Dieser *Dūta* war in vielen Fällen der Kronprinz. Z.B. ist in vielen Inschriften Dharasenas II. der Kron-

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[45] *avaloka, avalokana* 'Betrachten, Schauen, Sehen, Gewahrwerden', PW 1, S. 125. *Sircar* erwähnt den *Avalokika* in seinem Epigraphical Glossary nicht.

[46] ABORI 4, 1923, S. 40; Z. 19-21.

[47] IA 7, 1878, S. 70, Z. 3-4 (Pl. II); EI 31, 39, S. 303, Z. 16-17; IHQ 15, 2, 1939, S. 285, Z. 3-5; *vartman* 'Weg, Pfad', *pāla* 'Hüter, Wächter'.

[48] IA 7, 1878, S. 68.

[49] Glossary, S. 366 'tolls collected on the roads for the passage of articles of merchandise through a village.'

[50] EI 11, 2, S. 18, Z. 18; IA 6, 1877, S. 12, Z. 1-2 (Pl. II); IA 7, 1878, S. 72, Z. 1-2 (Pl. II), IHQ 15, 2, 1939, S. 285, Z. 3-5; *hastin* 'Elefant'; *aśva* 'Pferd'; *āroha* 'Reiter, Treiber'; *Sircar*, Glossary, S. 127.

[51] PTAOC, 1935, S. 669, Z. 23 (Pl. II).

prinz Śīlāditya der *Dūtaka*[52], der den Titel *Sāmanta* trug.[53] Unter Dhruvasena II. hatte
der Rājaputra Śrī-Kharagraha die Funktion eines *Dūtaka*[54]. Auch der Schreiber,
Lekhaka, war in der Regel ein hoher Beamter. Unter Dharasena II. amtierte für etwa 20
Jahre der *Sandhivigrahādhikaranādhikṛta* Skandabhaṭa[55], 'Chef des Ressorts für Auswär-
tiges'[56], der auch den Titel *Divirapati*[57], 'Herr der Schreiber'[58] trug, als *Lekhaka.*

Wir möchten diese Beamten von den in den Adreßformeln genannten unterscheiden,
weil sie u. E. vorwiegend mit dem technischen Vorgang der Ausfertigung, Registrierung
und Aushändigung der Urkunde an den oder die Belehnten zu tun hatten. Die Beamten
der Adreßformeln hingegen kann man in einen inhaltlichen Zusammenhang mit dem
Urkundentext stellen, nämlich mit den Modalitäten der Schenkung, den Privilegierungs-
und Immunitätsformeln. Der volle Bestand dieser Formeln setzte sich in den vierziger
Jahren des 6. Jh. n.Chr. durch, noch unter Dhruvasena I., und änderte sich von da an
kaum noch. Sowohl bei Landschenkungen wie bei Dorfverleihungen ist in der Regel der
gesamte Komplex der Privilegierungs- und Immunitätsformeln in den Urkunden ent-
halten. Selbst ihre Reihenfolge ändert sich selten.

Die Formeln lauten:
s-odraṅgaḥ 'mit der Grundrente',
s-oparikaraḥ 'mit den zusätzlichen Abgaben',
sa-vāta-bhūta-pratyāyaḥ[59] 'mit den Steuern (oder Einkommen) *Vāta* und *Bhūta*',
sa-dhānya-hirany-ādeyaḥ 'mit den Abgaben in Getreide und Geld',
s-otpadyamāna-viṣṭikaḥ 'mit der Fronarbeit, so wie sie anfällt',
sa-daś-āparādhaḥ 'mit (den Strafen für die) zehn Vergehen',
sarva (samasta)-rājakiyānām = a-hasta-prakṣepaniyaḥ 'von allen Königsleuten nicht einmal
mit der Hand zu berühren',
bhūmicchidra-nyāyena 'nach der Regel eines *bhūmicchidra*[60]'

[52] *Diskalkar*, JBBRAS, N. S., I, 1,4, S. 24, Z. 34 (Pl. II).
[53] z.B. *D.B. Diskalkar*, Selections from Sanskrit Inscriptions, Delhi 1977, S. 108; *Acharya*,
JBBRAS, N. S., I, 1, 2, S. 69, Z. 16 (Pl. II); IA 7, 1878, S. 73, Z. 20 (Pl. II); IHQ, 15, 2, 1939,
S. 286, Z. 16 (Pl. II).
[54] EI 8, 20 B, S. 199, Z. 53-54.
[55] ABORI 4, 1923, S. 41, Z. 32 (Pl. II).
[56] D. h. der Außenminister, vgl. *Sircar*, Glossary, S. 295.
[57] z.B. IHQ 15, 2, 1939, S. 286, Z. 13 (Pl. II).
[58] PW, 3, S. 89; Bṛhatsaṃhitā des Varāhamihira 87, 12; Rājataraṅgiṇī 8, 131, nach *Sircar*,
Glossary, S. 99 'same as Persian *Dabīr*, 'a clerk'; *Divirapati*, *Divīrapati* 'chief secretary or the
chief of the clerks.'
[59] Die Interpretation dieses Privilegs ist sehr schwierig. Die von *Sircar*, Glossary, S. 398 gegebene
Erklärung ist wenig einleuchtend; uns scheint A. S. *Altekars* Interpretationsversuch vernünftiger:
'the expression *vāta* may refer to articles imported (*vā*, III conj., to wish, to gain, to invite, to
invoke) into the villages,' The Rāṣṭrakūṭas and their Times, Poona 1934, S. 229; *bhūta*
übersetzte er mit 'hergestellt' (im Dorf), *ibid.* 'It is, therefore, clear that these expressions refer
to the general excise and octroi duties that were collected at the villages.' *ibid.*
[60] 'in accordance with the principle of cultivating the land for the first time and enjoying it free
of taxes as a result'. *Sircar*, Glossary, S. 393; vgl. auch *R.S. Sharma*, Indian Feudalism, c. A.D.
300 - 1200, Delhi 1985, S. 163; *M. Njammasch*, Untersuchung zur Genesis des Feudalismus in
Indien, Berlin 1984, S. 107-108.

ā-candr-ārk-ārṇava-sarit-kṣiti-sthiti-parvata-samakālīnaḥ 'so lange wie Mond, Sonne, Meer, Flüsse, Erde und Berge andauern',

putra-pautr-ānvaya-bhogyaḥ 'zu genießen von der Nachkommenschaft wie Söhne, Enkel (usw.)',

udak-ātisargeṇa 'mit Wasserweihe',

brahmadāyo nisṛṣṭaḥ 'als Brahmadeya geschenkt',

yato 'sy-ocitayā devabrahmadeya-sthityā bhuṃjataḥ kṛṣataḥ karṣayataḥ pradiśato vā na kaiś=cid vyāsedhe vartitavyam 'und niemand soll dem eine Störung bereiten, der nach den oben beschriebenen Regeln eines *Deva-* oder *Brahmadeya* (das Lehen) genießt, es (selbst) bebaut, (von anderen) bebauen läßt oder (anderweitig) vergibt'.[61]

Versuchen wir auch hier eine Zuordnung der Privilegien und Immunitäten zu bestimmten Ressorts.

1. Verwaltungsimmunitäten

Die Formel *sarva-rājakīyānām=ahasta-prakṣepaṇīya* beinhaltet eine sehr weitgehende Verwaltungsimmunität, da nun mit Inkrafttreten der Schenkung es ausnahmslos allen Beamten des Königs nicht mehr gestattet war, auf dem verliehenen Land Amtshandlungen vorzunehmen. Man kann sogar davon ausgehen, daß sie das betreffende Land nicht mehr betreten durften. Diese Formel ist durchaus mit der Exterritorialität spätrömischen Grundbesitzes vergleichbar.[62]

2. Steuerprivilegien

Aus dem Inschriftenkontext geht deutlich hervor, daß mit Hinblick auf die Steuerprivilegierung ein zwiefacher Vorgang unterstellt werden kann: zum einen eine Steuerimmunität des Belehnten gegenüber dem Staat (die Schenkung war steuerfrei), und zum anderen die Übertragung aller vorherigen Rechte auf Steuerveranlagung, die der Herrscher besaß, auf den Belehnten. Es heißt immer *sa* 'mit, samt, versehen mit, begleitet von'. In die Kategorie der Steuerprivilegien gehören *udraṅga, uparikara, vāta-bhūta-pratyāya, dhānya-hiraṇy-ādeya* und *utpadyamāna-viṣṭi*.

Soweit es das Polizei-, Militär- und Rechtsressort betrifft, lassen sich keine besonderen Immunitätsformeln ausmachen. Sehr wahrscheinlich fielen Polizeikräfte, Militärs und Richter unter die Formel der totalen Verwaltungsimmunität, d.h. sie durften das verliehene Land 'nicht einmal mehr mit der Hand berühren' (*a-hasta-prakṣepaṇīya*).

3. Rechtsprivilegien

Der Belehnte erhielt das Land *sa-daś-āparādha*, d. h. mit dem Recht, die auf seinem Land sitzenden bäuerlichen Produzenten, wohl meist Pächter, für bestimmte Vergehen zu bestrafen. Die 'zehn Vergehen' werden in buddhistischen und brahmanischen Quellen verschieden interpretiert, aber es sind in der Hauptsache Eigentumsdelikte, Verstöße

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[61] Z.B. IHQ 15, 2, 1939, S. 285-286, Z. 8-12.
[62] Vgl. *R. Günther*, Volksbewegungen in der Spätantike und ihre Bedeutung für den gesellschaftlichen Fortschritt im Feudalismus, in: Die Rolle der Volksmassen in der Geschichte der vorkapitalistischen Gesellschaftsformationen, hrsg. v. *J. Herrmann* und *I. Sellnow*, Berlin 1975, S. 173.

gegen herrschende Moralvorstellungen, Verleumdung u. dgl.[63] Die 'zehn Vergehen'
beinhalten wohl den Komplex, den man im europäischen Mittelalter als niedere Ge-
richtsbarkeit definierte.[64] Der Herrscher gab dieses Recht der niederen Gerichtsbarkeit
an den Belehnten. Auch hier ist vorauszusetzen, daß seine Beamten die Bestrafung der
'zehn Vergehen' nicht mehr ausübten.

Mit Ausnahme von *udakātisarga* und der Formel *brahmadāyo nisṛṣṭaḥ*, die eher
Verfahrensregeln bei Schenkungen bedeuten, würden wir den verbleibenden Rest des
Formelbestandes als Eigentumsprivilegien ansehen (Ewigkeitsformel, Erbformel,
Verfügungsformel usw.).

In den Adreßformeln der Maitrakas sind in der Regel nur die Beamten genannt, die
vom Schenkungsvorgang direkt betroffen waren. Daraus ergibt sich, daß das Bild der
staatlichen Administration notwendigerweise begrenzt bleiben muß, weil die Urkunden
uns nur eine Teileinsicht in die Funktionsweise des bürokratischen Apparates der
Maitrakas im 6. Jh. n.Chr. gewähren. Andere zeitgenössische Quellengruppen dieser
Region stehen uns nicht zur Verfügung, um das Bild zu vervollständigen. Die Adreß-
formeln stehen in engem inhaltlichen Zusammenhang zu den Privilegien und Immuni-
täten der Landschenkungen. Die Nichterwähnung eines bestimmten Beamten kann mit
dem Fehlen eines Privilegs begründet werden.

Es ist unbedingt notwendig, die Adreßformeln der Maitrakainschriften wie die anderen
Schenkungsinschriften frühmittelalterlicher indischer Dynastien in ihrer zeitlichen
Abfolge zu untersuchen, ein methodischer Ansatz, der bis in die Gegenwart hinein in
Gesamtdarstellungen immer wieder vernachlässigt wird.

Summary

The kingdom of the Maitrakas came into existence towards the end of the 5th century
A.D. Symptoms of decline appeared on all levels of the state and the society in the
Gupta empire and were deepened by the massive inroads of central Asiatic nomads
called Hūnas or White Huns, into North India. This was the historical background for
the rise of the kingdom of Valabhī ruled by the Maitraka dynasty. Bhaṭarka, *senāpati*
of one of the last Gupta kings, was the founder of the dynasty. In the following
centuries the kingdom included the major part of Kathiawar and the *āhāra* of Khetaka
roughly corresponding to the Kaira district of Gujarat.

From the beginning of the 6th to the middle of the 8th century A.D., the Maitraka
kings bestowed land and villages on Brāhmaṇas, Buddhist monasteries and Hindu temp-
les. Nearly 100 grants have been discovered engraved on copper-plates. The majority of

[63] Vgl. *Sircar*, Glossary, S. 85.
[64] Vgl. *M. Weber*, Wirtschaft und Gesellschaft, Tübingen 1922, S. 733; auch *R. H. Hilton*, Die
Natur mittelalterlicher Bauernwirtschaft ('Peasant economy'), in: Feudalismus - Materialien zur
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[65] Vgl. *A. P. Madan*, The History of the Rāṣṭrakūṭas, New Delhi 1990, S. 191-198.

the inscriptions was written in the 6th and 7th centuries A.D. The Maitrakas used the old Gupta era and issued their land grants from A.D. 502 onwards. Right from the beginning at least parts of the inscriptions appear standardised, containing formulas which refer to the specific purposes of the donations.

Our intention was to analyse the so-called address formulas. In these formulas all the officials responsible for the proceedings of the land grants are mentioned. The royal functionaries were informed by the king about the modalities of the donation.

Analysing the address formulas we can claim that a hierarchical structure of officials from the *mahattaras*, the village functionaries, up to the *kumārāmātyas*, the governors of provinces, is expressed. But we should take into consideration that never the whole range of the officials forming the bureaucratic system of the Maitraka kingdom is included in these formulas. Only a small part of the state officials is mentioned, viz., exactly those who manage all affairs connected with the villages *(āyuktaka, viniyuktaka, drāṅgika, dhruvasthānādhikaraṇika, cāṭa, bhaṭa, dāṇḍapāśika)*. We have tried to relate these officials to the different levels of the administrative system as follows:

general administrative authorities *(āyuktaka, viniyuktaka)*

officials responsible for the collection of taxes *(dhruvasthānādhikaraṇika)*

police officials and military persons *(cāṭa, bhaṭa)*

legal authorities *(dāṇḍapāśika)*.

By the middle of the 6th century A.D. new categories of state functionaries appear in the address formulas *(kumārāmātya, rājasthānīya, rājaputra, amātya, uparika, viṣayapati; bhogoddharaṇika, śaulkika; coroddharaṇika, pratisāraka, avalokika, vartmapāla, hastyaśvāroha)*, but it is possible to classify these state functionaries according to the departments mentioned above.

In our paper we aim at proving that the officials included in the address formulas can be connected with the other formulas of the donation, viz.,

with formulas expressing immunity from the general administration of the kingdom *(sarva-rājakīyānām ahasta-prakṣepaṇīya)*,

with formulas granting remission of taxes *(s-odraṅga, s-oparikara, sa-bhūta-vāta-pratyāya, sa-dhānya-hiraṇy-ādeya, s-otpadyamāna-viṣṭika)*,

with formulas guaranteeing legal privileges *(sa-daś-āparādha)*.

When a certain official is not mentioned in the address formula, we can expect that the respective formula also is missing from the inscription concerned. In the land grant inscription of king Droṇasiṃha dated 502 A.D., the *dāṇḍapāśika* is not included in the address formula, and it seems to be a striking feature that the formula expressing legal privileges *(sa-daś-āparādha)* is omitted from the whole range of the other immunities and privileges of the grant.

The formula *sarva-rajakiyānām ahasta-prakṣepaṇīya* was of particular importance for the donee. It denoted a far-reaching immunity of the land or village granted from the general administration of the kingdom. In future, all the royal officials were not allowed to enter the village or even to touch the piece of land donated by the king to Brāhmaṇas, Buddhist *vihāras* or Hindu *devakulas*. State functionaries could not fulfill their usual duties on the donated areas because these lands or villages were exempted from the

administration of the state - as a rule under special conditions expressed in the formulas *ācandr-ārk-ārṇava-sarit-kṣiti-sthiti-parvata-samakālina* and *putra-pautr-ānvaya-bhogya.*

In over 300 years of Maitraka rule more and more villages, fields and irrigation facilities granted by the various kings of the dynasty dropped out of the royal administration. This must have led to a shrinking influence of the state bureaucracy on considerable regions of the kingdom on the one side, and on the other side to a growing influence of Brāhmaṇas and Hindu *devakulas* on the native population of these donated areas.

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Bernhard Kölver

Donations Called Deposits, or,
The Malla State and Private Rituals
(Documents from Nepal. 7.)

1. Side by side with the familiar form of copper-plate grants, the Mediaeval Nepalese kingdoms ruled by the Mallas knew and used a more modest style for donations. These were written on the narrow oblong palm-leaf strips familiar from other everyday transactions, such as land sales, partitions, wills etc. Such donations often were more restricted in scope than their copper-plate counterparts, the limitations extending in several directions. First, there is the volume of the donation: it is often parts only of a field, or modest sums of money, which are being willed away. Second, the donors usually are commoners, with lower castes being well represented. Third, among occasions one does find the familiar, generalized donations for the benefit of a deity or cult; but often the purpose is more specific and stems from the vicissitudes of human life: smallish rituals established in the name of a deceased relative form no inconsiderable part among them.

The mode of these donations shows the peculiarity indicated by the title of this paper: they usually go by the name of 'deposit', *niksepa-*, which is not easily reconciled with the notion of a 'gift', *dāna-*. [In view of this, I should say I am at present using the word 'donation' as an abbreviated description of their contents as expressed in Western parlance, and not as an attempt to render a notion derived from Sanskrit (or Newārī).] And finally, those among them which record gifts of land share a formal property highly unusual in land records: they lack the seal which invariably accompanied other transactions where land passed from one hand into another's.

In order to assess the import of this anomaly, it is necessary to revert to their function.

2. *Seals.* As shown on an earlier occasion, documents recording sales of houses or fields invariably show a clay impression of a seal. This bears a king's name and emblem(s) when as a vendor he is directly involved; in transactions between private individuals, the impressions usually either show the syllable *śrī* or some emblem, often a standard one: a hexagon, a *caitya*, a *kalaśa*, or the like.

Their function is tolerably clear. For the seal is invariably affixed to the left part of the document, which consists of a tight scroll twice pierced, then tied by a thread knotted on top, the knot being as it were hidden beneath the lump of clay which was to bear the impression of the seal. From damaged or torn documents we know this hidden part of the document usually contained an *abstract of the proceedings* more fully recorded in the body of the document itself - which points to its first and obvious

purpose: in cases of litigation involving a suspicion of forgery, it was this abstract which could be consulted: its integrity was easily verified by the state of the seal.

This implies it must have been some official agency which was responsible for affixing the clay or sealing the abstract. Its nature is again easy to guess at: it will have been some form of a cadastral office that kept records of owners of lands so as to facilitate the collection of taxes, possibly on the lines suggested in Kauṭ. 2.35.

3. The donations written on palm leaf (some 70 in number which have been photographed during the last years) bear no traces of such sealing. There can be no doubt they are not cases of seals being lost: there are no punctures on their left sides, and the margin is often sufficiently wide for us to be certain the left part was not cut off; more important, the absence of seals is a recurrent feature of this type of document, not a single exception being found among the corpus.

If one was to interpret this fact by the criteria just used one would have to say these transfers were not entered into cadastral records. In our collections, the first specimen of this type dates from N. S. 526, i.e. A. D. 1406; they continue to slightly beyond the end of the Malla era: the last one is dated N. S. 906, i.e. 1786, with no more than what would seem to be accidental gaps within the series.

4. As so often, texts are written in a mixture of Sanskrit and Newārī, with the customary deviations from Standard Sanskrit. Behind the numerous variations one can recognize a fixed pattern which consists of two parts, the first of them giving the legal framework while the second contains what might be called the particulars of the case. They are divided the usual way. The first part follows a grid written in Sanskrit; the second part uses the vernacular. For both sections, one can recognize a standardized wording, occasional deviations notwithstanding. This runs as follows:

The Formula

(A) Sanskrit Part

> NB. For DATE and PLACE, what is reproduced here is the older and briefer style attested since the earliest specimens of the type. Early in the 17th century A. D., it came to be much embellished.

PROTOCOL   *[siddhaṃ] śraiyo 'stu* OR *[siddhaṃ] svasti*
           Hail. Let it be auspicious OR Hail. Welfare.

DATE   *samvat, < ... >   < ... > māse   < ... > pakṣe   < ... > tithau*
           The year ..., in the month of ..., in its ... half, on the ... lunar day.

PLACE   *< ... > vāstavya-*
           dwelling in ...

DONOR   *[amuka]nāmnā *dānapatinā/*yajamānena*[a]
    svahastena svavidyamānena svavācā pratipannībhūtena
           by the donor/sacrificer N.N., by his own hand, himself being
           present, having acknowledged [the donation] by his own word,

OBJECT   *< ... > gṛham*   AND/OR

< ... > *kṣetram* < ... > *ropaṇikam* < ... > *dakṣiṇataś ca*
etanmadhye   AND/OR
mohora ṭaṃkā [or some other currency unit] [+ sums]
> the ... house / field of ... *ropaṇika*s, ... [enumeration of boundaries:]
> and south of ...: in their midst and/or the *mohora ṭaṃkā* (coins)

PURPOSE   ... *nimittyartham*
> for the sake of ...

DONEE   *śrī-śrī-śrī-* < ... > *prītikāmanayā (with variants)*
> from devotion and love to the Thrice Venerable ...

MODE   *nikṣepeṇa*[b]
> by way of a deposit

TRANSACTION   *sampradattaṃ bhavati*[c] OR, in Newārī: *duṃ tā juro.*
> has been donated OR has been placed inside.

[a]Both terms occur with Newārī inflectional endings: *dānapati-sa, yajamāna-sna*
etc. — [b]Always in Newarized forms: *nikṣepana, nikṣepna* etc. — [c]A correspond-
ing sentence in the active voice is attested in a gilt copper plate dated N. S. 788
(Abhilekha-Saṃgraha 7 (Kathmandu 2019), pp. 23 f.), a royal donation.

This is usually followed by the passage in Newārī (below,(B)) which records the stipula-
tions of the particular case. It is either preceded or followed by one of the usual stanzas
on Gifts of Land, the verse familiar from countless documents

> *svadattaṃ paradattaṃ vā yo haret suraviprayoḥ* |
> *ṣaṣṭhivarṣasahasreṇa viṣṭhāyāṃ jāyate kṛmiḥ* ||
> 'Whoever takes from gods and brāhmaṇas what was given by himself or
> given by others, he is reborn a worm in ordure for sixty thousand years.'

with some variations being the most popular among them. Further imprecations follow;
only at the end the formula returns to Sanskrit when naming the

WITNESS(ES)   *dattapatrārthe sākṣī* .... *dṛṣṭaḥ,*
> The witness seen in the matter of this deed of gift...,   *plus*

ESCHATOCOL   *śubham (± astu)* , i.e. (±Let it be) propitious.

(B) This is expanded by an account of the technicalities of the particular donation. At
this point, the formula begins to use the Newārī language, usually introduced by (±
thvate) *bhāṣā* — an expression which as it were combines two different interpretations.
It is familiar from phrases like *ataḥ paraṃ deśabhāṣā* 'from now on, the language of the
region' (which is also attested in the present corpus); *atha nepālabhāṣā; ataḥ (sic!)*
nepālabhāṣayā likhyate etc. But what follows usually gives the donor's intention, and his
provisions for how the donation is to be administered, in a way which makes
paraphrases like 'stipulations', 'agreement' or even 'substance' a rendering more appro-
priate to the context.

   The wording of these stipulations is not as stable as that of the Sanskrit portion; yet
the following stages are rarely omitted.

(B1)   *thva vuyā/dāmayā*[a] *[± varṣaṃ prati] vara sānana*
> in enacting the [± annual] vow of this field/money

[a]sometimes only *thvateyā*, i.e. of this (donation), connected with this donation.

(B2)   This is followed by the stipulations of the individual donation which are subject to great variation. They are often laid down in considerable detail, recording the ritual, specific lists of items to be offered, the dates, etc. The section usually ends in

      ... *viya māla.*   ... has to be given,

and sometimes adds

      praśeṣa guthisyaṃ bhakṣābhojana di juro

          The remainder is to be offered by the *guṭhi* for a feast.

(B3)   Last, there are the imprecations and blessings: counterparts, in a sense, of the Sanskrit verse or verses:

      thvate avicchinna yānana nistrapaṃ yaṃja māla.

          They have to make the terms adhered to, causing no interruption to them.

      lopa yāya mateva. lopa yākāle govrāhmaṇādi pañcamahāpātaka rāka juro. lopa mayākāle utottra juro.

          No loss must be caused. If there is a loss, (they will) obtain the Five Great Sins[a], (killing) a cow, a brāhmaṇa etc. If there is no loss, highest (bliss).
          [a] i.e. the guilt or fruit of the Five Great Sins.

Deposits vs. Gifts, *nikṣepa-* vs. *dāna-*

5.1. If it was not for the term *nikṣepeṇa* — which occurs in most of the donations, though not all of them — the formula looks straightforward enough: 'At ..., on ..., X, the donor ...[*usually defined by name and place of residence*], has, [± by way of a deposit,] given/donated the Field (etc.) named Y [*usually defined by its demarcations in the four directions of the compass*] to Z, for the sake of ...'.

5.2. But an expression 'by way of a deposit, *nikṣepeṇa*' is difficult to accommodate within the context of a donation. Indeed, in the proper sense of the terms, the two notions are irreconcilable: a donation implies an owner relinquishing ownership; in a deposit, he retains it. The śāstra expressly ordains deposits are to be left untouched by the trustee: *yathā dāyas tathā grahaḥ*: this is how Manu (8.180; repeated in 8.195) sums up what the preceding three fourths of his verse set forth in a more explicit version (*yo yathā nikṣiped dhaste yam arthaṃ yasya mānavaḥ | sa tathaiva grahītavyo,* 'in whichever form (or way) somebody deposits something into some (other person)'s hands, in that very (same form) he is to take it back: as the giving, so the taking.' And in his commentary on Manu 8.180, Medhātithi has nothing substantial to add: *yathā dāyo dīyate nikṣipyate tathā gṛhyate,* 'the way the object given (*dāyaḥ*) is given, i.e. deposited, the same way it is taken, returned'[1]. Obviously, this is a legal as well as a moral obligation: '*yo nikṣepaṃ yācyamāno nikṣeptur na prayacchati | sa yācyaḥ prādvivākena* &c. Someone who, being requested, does not give (i.e. return) a deposit to the depositor, he is to be requested by the judge': this is Manu again (8.181). And this clearly is the general view the śāstras take.

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[1] Manusmṛti Medhātithibhāṣya-samalaṅkṛtā. 1-2. Calcutta 1967-71 (Gurumaṇḍalagranthamālā. 24), p. 790.

5.3. 'Given by way of a deposit, *nikṣepeṇa sampradattam*': is it deposits of lands, then, rather than donations which the documents record? There are other parts of the formula which provide an unequivocal answer.

1. Towards its beginning, the Newārī section describes the transaction by the term *vara sānana* (var. *vala sānana, olasā*). *vara-* is the familiar Sanskrit term, the vow or wish as well as its result, its fulfilment. From literary references it is quite clear such vows create a binding obligation. — *sāne* I take to be, with *Jørgensen*'s Dictionary, as a variant of *sane*, which is 'to act, behave; intend'. Etymologically, then, *vara sāne* is both 'to intend a vow' and 'to enact its fulfilment'; it is the latter meaning which is applicable to the stage of the transaction when the term is employed: the context usually is *thva dāmayā* (or: *vuyā*) *vara sānana* 'enacting the vow of this money/field', which is tantamount to the proceeds of whatever is 'deposited'.[2]

2. Misappropriations were traditionally threatened by a whole host of imprecatory formulas. We have just quoted the stanza *svadattam paradattam vā*, 'Whoever takes from gods and brāhmaṇas..' etc., and the Newārī text, though not as stable as the Sanskrit one, usually has similar injunctions: N. S. 735 *avicchini yānana dhasyam takva *jajamānapanisyam nistrapam yamja māla* 'having definitely agreed to make it (i.e. to perform the rite) without interruption, the sacrificers have to make (the donation) adhered to' is one instance from many; with all the variations in individual documents, yet the crucial words 'uninterrupted' (*avicchinna-*) and 'have to make it adhered to' (*nistrapam yamja māla*) rarely fail to be mentioned. Towards the end of documents, one can find standard expressions like 'for as long as the moon and the sun and the earth (will stand)', etc. Going by such phrases, there can be no question the transaction was meant to exist in perpetuity, and the owner did not contemplate to set the verse at naught which enjoined him not to take back what he himself had given. (What he actually did was another matter: see below, §§6-7.)

5.4. Why, then, call a deposit what was meant as a perpetual and irreversible donation? In order to understand this, one will have to go beyond Manu's deceptively simple definition.

For deposits, the śāstra has two different terms, *upanidhi-* and *nikṣepa-*. And in Arthaśāstra terminology, the two are not synonymous.

What Manu described in the verses just quoted would in Arthaśāstra usage have been an *upanidhi-*, viz., a deposit entrusted to somebody's safe keeping, not to be used, and to be surrendered to the owner upon demand in the state and shape in which it had been handed over: this is the commentators' sealed bag, with the custodian possibly not even aware of its contents[3].

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[2] There are a few variants to the term which make the meaning more explicit than the usual wording with its religious overtones. N. S. 781, N. S. 822 have *dāmayā klantra* 'the interest of the money', N. S. 807, *vrasam prati klantra lyākhana* 'the sum of the annual interest', etc.— At times, it looks as if the words were conflated with what otherwise is denoted by *varṣam prati*, i.e. the annual interest just mentioned.

[3] At the beginning of his explanation of Manu 8.180, Medhātithi distinguishes between sealed and unsealed, witnessed and unwitnessed (*samudram amudram sasākṣikam asākṣikam*) deposits: *loc. cit.*, p. 790.

The *nikṣepa-* of the Arthaśāstra often is of a different kind[4]. The case Kauṭalya dwells upon at some length (3.12.33 etc.) is the materials someone entrusts to an artisan to produce something: the gold being taken to a goldsmith, etc. There is, then, an essential difference between the two. The *upanidhi-* must on no account be touched. Obviously, this cannot hold good for the materials an artisan is to work on.

In the course of time, *nikṣepa-* came to be the dominating concept, pushing the word *upanidhi-* into the background, though never quite replacing it. (The reason possibly was entirely practical in nature: adulteration, misappropriation etc. and ensuing litigation are of course more likely to arise with objects destined to be altered in the normal course of things.) But when the *nikṣepa-* as it were came to absorb the *upanidhi-*, this merger obliterated the essential distinction of whether the object entrusted was to be used or not. Predictably, the śāstra shows a marked tendency to say it should not — an impractical procedure since in effect it left the raw materials entrusted to artisans without a rule[5].

But the exigencies of practical life do make themselves felt here and there. There is a rule in Nārada from which we have to infer he knew of deposits that could be used. *Lariviere* 2,5[6] (= *Jolly* 2,8[7]), with minor deviations in wording) says

> *yaś cārthaṃ sādhayet tena nikṣeptur ananujñayā* |
> *tatrāpi daṇḍyaḥ sa bhavet tac ca sodayam āvahet* ||

'Whoever acquires a profit by it [i.e. by the deposit] without the depositor's permission[8], he ought to be punished even there (i.e. by the king, *rājñā*, 2.4) and ought to procure [the deposit] together with the income (gained by using it, contrary to the terms of a deposit)[9].'

ananujñayā, without permission: this implies that when permission was given, the materials deposed could be used by the trustee. Such permitted uses cover the case of the

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[4] For the *nikṣepa-* in the Arthaśāstra, see E. Ritschl and M. Schetelich, Studien zum Kauṭilīya Arthaśāstra, Berlin 1973, pp. 198 ff.; cf. also B. Breloer, Kauṭalīya-Studien 2 (Bonn 1928), pp. 97 ff., 3 (Leipzig 1934), pp. 376 ff.; H. Scharfe, Untersuchungen zur Staatsrechtslehre des Kauṭalya (Wiesbaden 1968), pp. 137, 287.

[5] Cf. *Ritschl/Schetelich, loc. cit.*, p. 200: 'Vertrauen, das an sich beim Depositum eine große Rolle spielte, [...]scheint in den Beziehungen zwischen Handwerkern und Auftraggebern nicht immer genügt zu haben.'

[6] The Nāradasmṛti critically ed. with an introd., annotated transl., and appendices by R. W. *Lariviere.* Pt. 1-2. Philadelphia 1989, Pt.1, p. 137.

[7] The Institutes of Nārada ed. by J. Jolly, Calcutta 1885, p. 130.

[8] or: without informing him

[9] *Lariviere* takes *sodayam* to be a repetitive amplification of *daṇḍyaḥ* and renders it by 'plus a penalty' (II, p. 97). The sense would plead against this interpretation. The property deposited of course is the depositor's, and not the trustee's, which is why in all fairness the income gained from it ought to go to the owner of the capital: a case similar to the commissioned sellers of goods who, according to Kauṭ. 3.12.25 or 30 *mūlyam udayaṃ ca dadyuḥ* 'should give the price and the profit' to the owner. — Taken by itself, *udaya-* can of course mean any kind of increment, the penalty not excluded: but the parallels make it most likely it means 'interest' in the passage discussed. This is how Asahāya understands the term: he says *sopāśrayam*, i.e. 'together with what rests upon it': the *āśraya-*, the basis of the transaction, is the capital deposited; its *upāśraya-*, the income derived from it. The closest parallel is Yājñavalkya 2.67, a verse which says that for a *nikṣepa-* as for other objects deposited with someone not the owner,

artisans' materials, and they cover the case of the documents under discussion. First and obviously, with the bequests that consisted of money only: funds which were meant to be lent out against interest[10], as is evident from the *thva dāmayā vara sānana* passage (Formula, [B1]), as is evident, too, from the *guthi* accounts which have been pre-served[11]. The interest collected was to finance the ritual established. — With donated fields, the case was not any different in principle: they were also meant to be used, to yield an annual income by having them farmed. Nārada's term *nikṣepaḥ sodayaḥ* seems a perfectly adequate description of what the donations intend.

5.5. Even so, all this could have been easily accommodated under the more conventional heading of *dāna-*, 'gift' or 'donation'. Countless establishments were financed that way. And the formula itself has preserved three words which stem from this context: *dattapatrārthe* in the Witnessing formula, *dānapatinā ... sampradattam* 'given by the donor', clearly point back to an origin in 'gifts': a depositor is no *dānapati-*, let alone a *yajamāna-*. To go by this, the *nikṣepa-* seems to be a layer superposed over a previous formalism which viewed the transaction in terms of gifts.

The reason for the innovation is not beyond conjecture: we shall now turn to the question of what may have lain behind the change in formalism. Conceivable answers lie in two separate trains of thought.

5.6. Conceptually, when applied to the transactions recorded, 'deposits' had indubitable advantages over 'donations'.
(1) For one thing, all donations mention a clearly defined purpose which the endowment is to serve: usually some kind of ritual, down to lamps to be lit on a particular day. Now, with gifts a donee normally is free in his dispositions as to the property made over to him: I do not know whether a donor's intention could legally bind the recipient. But such intentions were the driving force behind the endowments here recorded, and from this point of view, deposits were a serviceable solution.

To be sure, there is a definite shift in emphasis in this: in deposits, retention of ownership is of the essence; the endowments rather stress the other side of the coin, non-transfer of ownership to those endowed: they are not owners, but trustees.
(2) This leads to the second point, the question of the grantees (which we shall have to revert to). The rituals established of course address themselves to a deity who in this very central sense would have to be regarded as the beneficiary. But even so the endowments can hardly be said to form part of what this god or goddess owns: the

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Footnote from p. 130, continued

ājīvan svecchayā daṇḍyo dāpyas taṃ cāpi sodayam, 'he who uses them according to his wish is to be punished, and should be made to return it together with the increment' — which 'increment' to Vijñāneśvara is the interest (*savṛddhikam*), and he apparently does not take it in the sense of current rates, but as the sum actually obtained (*salābham*): Yājñavalkyasmṛti ... with the commentary Mitākṣarā ... Fifth ed. ... by Narayan Ram Acharya, Bombay 1949, p. 178.
[10] From N. S. 730, we have a document recording a loan (*hastoddhāra*) from such funds which shows a *guthi* actually pursuing what in spite of its modest scale can be called banking activities.
[11] See, e.g., the Āśā Saphū Kuthi mss. *Vaidya* No. 432 (a *guthi* 'functioning as lending and borrowing institution', p. 93 f.), No. 438 ('lending, interest, harvest and functions of the *guthi* noted', p. 95), No. 440, p. 96, etc.

usual priestly hierarchy which acts for the deity has no voice in handling them. Rather, it is *guṭhi*s which are entrusted with this task, i.e. usually, autonomous bodies of a donor's compeers which serve a religious or social purpose. — Obviously, the members of such *guṭhi*s, though recipients, were in no sense the grantees: there are constant sentences of the type (N. S. 762) *ropa yāya mateva; ropa yākāre govrāhmaṇādi pañca-mahāpātaka juro* etc., 'it is not permitted to cause a loss; if (they, i.e. the members of the *guṭhi*) cause a loss, there (will) be (the guilt of) the Five Great Sins, (viz., killing) a cow, a brāhmaṇa etc.'; there are the standardized provisions for control: every document unfailingly reminds *guṭhi* members the property is not theirs. Again, a deposit was an adequate expression of the legal position.

Such, then, are the reasons which could in theory be advanced against the *dāna*-, and in favour of the *nikṣepa*- model. But they have to be balanced against a simple fact. For centuries, deities and cults had thriven on endowments framed as gifts, *dāna*s, and for all we know, the pattern had worked reasonably well; Malla kings continued to use it; distrust of the traditional administrative handling of donations would hardly seem a sufficient cause for the innovation.

6. *The missing seals.* It is at this point that one is driven back to the peculiarity mentioned above and shelved until now, viz., the missing seals that tell us the transfers of ownership were not entered into cadastral records. Obviously, this fact is closely related to the questions of deposits, in the sense of retained ownership. Essentially, it is problems of state finances that now raise their head.

Lands granted to religious institutions, it is well known, used to be exempt from taxes and other kinds of revenue; any donation of lands a private individual made to a deity would thus reduce the income of the state. Which is why kings resorted to various devices to stem this drain[12]. It now seems the Malla states chose what cannot but be called a radical method in order to achieve this aim: for whole large groups of donations, they withheld this permission altogether. Owners, then, continued to be liable to pay the normal dues to the state even on lands they had willed away.

This explains a peculiarity in the terms of our donations. More often than not, it is but *a certain part* of a particular field that is being given. A field, e.g., is described the usual way, giving its name, its size, its four boundaries (either in full or by way of an abbreviation), the description concluding with *etanmadhye* 'in their midst' [i.e. located between the boundaries]: up to this point, the text exactly conforms to the pattern we know from sales. But now it is a fraction which follows: 'one half, one third etc. of this (is donated).' This is an odd way to express the matter. If someone wishes to sell half a field, he will of course have it partitioned, and have the deed drawn up so as to indicate the boundaries of the plot he means to dispose of. Notionally, i.e. when divested of its overtones, there seems to be no objection to regarding a donation as a sale at price zero; if there is no flaw to this, there would seem to be no reason for a gift of part of a field to be handled in a way different from its sale. Yet it was, and the reason is plain: the owner still had to pay revenue for it — and the share he donated (: this is speculation, now) may well have amounted to something like the net profit he derived

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[12]   A brief synopsis is found in *D. C. Sircar*, Indian Epigraphy (Delhi 1965), pp. 114 ff.

from it: if it had been the entire field that he made over, the revenue he still had to pay would have taxed his remaining income.

7. This is a fact which is not without its social repercussions. Presumably from a regard for its own income, the state did not grant a normal *guthi* the privileges that many temples, *maths*, or brāhmaṇas enjoyed: such donations of limited appeal were not exempt from tax.

One part of the people's reactions the documents show: although the legal construction was anything but stable, we see a constant stream of new *guthi*s emerge, for a veritable host of purposes, to administer even minute trusts. Their members were held together by the common task of controlling each other in the administration of donations, by the common feasts that the documents so often provide for; they were held together by favours which it was in the power of the *guthi* to bestow: loans the interest of which at times was lower than the current rate, down to the instance of N. S. 709 where a donor had a codicil added which says a borrower just has to replace what he took, i.e. there was no interest to be charged. In a sense this is a parallel to the institutions called *dyaḥchem*s, 'houses of gods', which apart from the space used by and for their deity usually contain rooms that at the discretion of the guardian are available to people in emergencies: to hold a feast when somebody lies ill in the house (: an eventual death would pollute the entire party), to accommodate families whose house has come down, etc.

And if one was looking for corroboration, one would find it in the terminology the Newars themselves use to designate their donations. In the Newārī part of the formula, the crucial word is 'inside', *du*, and its derivations. A donor causes his gift 'to be inside', *du juya*; even a simple *dumtā* will do, 'inside' or 'placed inside' (: which is the expression the documents can use as the Newārī equivalent of *sampradattaṃ bhavati*). The *guthi* receives the donation, an act which is called *du kāya* 'to take inside'; the same phrase is used to denote the act of receiving someone into one's household: the elderly (e.g. in a document dated N. S. 793 *āṣāḍha śukla 6*), or a wife, or an adopted son.

The associations of the concept are sharply focussed by a term the documents use when dealing with the deity they call the 'Thrice Ven. Āryyāvalokiteśvara, the Revered', i.e. the famous Matsyendranāth whose procession through the city, in his unwieldy chariot, forms such an important event in the annual festive calendar of Pāṭan. In its course, the statue spends some time in Gāḍa Bāhāl, where he is taken into its *sanctissimum*. In the documents, this place goes by the name of 'The Sacred Interior', *śrīduṃ*. In choosing this designation with its lack of precision the documents very markedly point to its secrecy and inaccessibility — and by implication to the unity of the group which is held together by the worship of this particular manifestation of the divine. — Correspondingly, what goes to people who do not belong to the community (as to the low-caste tailors, the *jugi*, with their indispensable ritual functions), even what goes to the general public by way of entertainment at great festivals, is called 'what is placed outside', *pi te* etc. 'Inside' vs. 'outside', *du* vs. *pi*: this is the most simple and straightforward of structural patterns.

It looks as if the state had decided to ignore its society when it was to its advantage to do so, and driven people to their own resources. They found them in abundance: one

could well imagine the profusion of *guthi*s to have been part of the answer. However this may be, there can be little doubt all this must have strengthened communal feelings, first in the positive sense of creating cohesion between members. But in withholding a favour which, to go by the śāstra, the people had every right to, the state achieved what was not a desirable result: it as it were incidentally created a division between the representatives of the Great Tradition and those others which provided for the services that everybody stood in need of.

Dinesh Raj Pant

The Institution of Slavery in Nepal and its Analysis Based on the *Dharmaśāstras*

1. A Survey of Sources

1.1. The history of Nepal that can be written based on documents begins 1500 years ago under the Licchavi kings. About two hundred inscriptions of the Licchavi period have been found. Of them, one deals with the institution of slavery. There is a temple of Anantaliṅgeśvara on a hill located south of Sūryavināyaka in Bhaktapur and north of the town of Lubhu. The inscription was set up by Narendradeva (ca. 643-680),[1] a famous king of the Licchavi period. The site, nowadays famous under the name of the Śaiva deity Anantaliṅgeśvara, belonged to Haṃsagṛhadraṅga during the Licchavi period. There was a temple dedicated to the Vaiṣṇava deity Lokapālasvāmin, and Narendradeva, in administering the affairs of the temple, assigned ten male and twenty female temple slaves[2] to it.[3] Since many letters have worn away in the passage on this stone inscription where the slaves are described, it is not possible to understand everything that was written, but it is clear that provisions were made for the slaves to receive grain and sums of money.[4]

This is the only clear mention of the institution of slavery during Licchavi times to have come to light. Something now will be said, however, about a further sign of its existence found in another inscription. There is an inscription near the Buddhist caitya of Chabel, located somewhat east of Paśupatinātha Temple. In this inscription, the date of which has not been ascertained, it is stated, in connection with the subject of controlling one's sense organs, *dāsavat tāni sandhārya*[5] ('bringing them under control like slaves'), and this is an indirect indication that the institution of slavery existed.

1.2. Following this discussion of the practice of slavery in the Licchavi period, we come to two documents from the second half of the 11th century. These two legal documents,

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[1] This paper furnishes for kings their reign, and for other persons their lifetime.
[2] With regard to how *devabhṛtyānām* and *dāsīnāṃ* (D. Vajracharya 1973:486) have been described in this inscription, it appears at first as if only *devadāsa* ('male temple slave') and *dāsī* ('female slave') are described, but not female slaves of God. However, 'female slave' is used here for female slaves of God, being described along with *devadāsa* in a religious context. D. Vajracharya has written 'female slaves of God' in some places and 'female slaves' in others (*ibid.*:487, 488) in translating this inscription.
[3] D. Vajracharya 1973:486.
[4] Ibid.
[5] D. Vajracharya 1973:1.

dating to 1051 and 1061, are located in the Rudravarṇamahāvihāra (Okubahal) in Patan. The document of 1051 records the case of someone who pledged himself to bondage for five years in exchange for having received both cash and kind,[6] and the document of 1061 stipulates a three-year period of service under the same conditions.[7] As these are private documents, the name of the king is not on them; nevertheless, the first document dates to the reign of Baladeva (ca. 1049-1060), and the second one to either Baladeva or Pradyumnakāmadeva (ca. 1063-1066).

1.3. We come to the troubled times that followed upon the Licchavi period. From the reign of Ānandadeva (II.), there is a legal document, dated 1313, which says four *pātra*-s from Gabahal in Patan freed two persons.[8] Now although the paramount kings residing in Bhaktapur was recognized as such, in Patan the traditional rule was one of *pātra*-s, and since it was they who issued it, there is no mention of any king. As sense cannot be made of all the sentences, the exact situation is not clear; still, when things are put into context, it is seen that what is being referred to is manumission. This conclusion is reinforced by the fact, furthermore, that the word *mukatapatra* (*muktipatra* = 'writ of emancipation') is written on the back side.

1.4. The evidence continues after a gap of more than three centuries. King Siddhinarasiṃha Malla (1619-1661) of the kingdom of Lalitpur (Patan) was the one who built the famous Kṛṣṇa Temple at the darbār square of his capital. In an inscription set up there in 1637 when the temple was dedicated, along with the various gifts Siddhinarasiṃha gave during a *koṭihoma* he performed for forty days, mention is made of a gift of male and female slaves.[9] From this it is clear that, in making gifts of slaves in this manner, he was gaining merit.

1.5. On the northern side of Talejuchok, Bhaktapur's royal palace, a total of twelve gilt copperplate inscriptions have been affixed in a row to the main beam supporting the rafters. The fourth of them from the left is of relevance to the institution of slavery. It was placed there by Siddhinarasiṃha Malla's grandson, the Patan king Yoganarendra Malla (1684-1705). Witnessed by the Bhaktapur king Bhūpatīndra Malla (1696-1722), Patan's *cautārā* ('chief minister') and the royal priest of Patan, it tells of Yoganarendra founding a *guṭhī* for the Taleju of Bhaktapur. The inscription calls upon slaves and wicked persons not to damage the gilt copperplate, threatening them with Taleju's baleful look if they do, while promising them her look of blessing if they preserve it.[10] *Śrīrājapatnī Jayalakṣmīdevī* also numbers among those who acted as witnesses. This Jayalakṣmī was one of Yoganarendra Malla's concubines. It may be supposed that she had a hand in comparing slaves to wicked persons as a warning to anyone who might offer competition to her, it being the tradition in the society of the time that concubines who had entered the court as slaves might become queens if they pleased the king.

[6]   *B. Kölver* 1986:436.
[7]   *Ibid.*:437.
[8]   For this document and the problems of its interpretation, see *M. Pant* 1990:8.
[9]   *Parajuli, Y. Vajracharya* and *R. Vajracharya* 1954:21.
[10] *Tevari et al.* 1962:29-30.

1.6. Now for the great incision in Nepalese history, the conquest of the Kathmandu Valley by the Gorkha King Pṛthvīnārāyaṇa Śāha (1743-1775). From his reign onwards, documents relating to slavery become more plentiful.

1.6.1. From Pṛthvīnārāyaṇa Śāha himself, there are four documents, all issued to one Śrīkṛṣṇa Pāṭhaka, the king ordering him to give male and female slaves to several different people.[11] Three documents concern the traditional giving of slaves as gifts, as though they were gifts of property. A fourth document, however, is of particular interest, and I propose to discuss it in some detail.

It was issued in 1766 and shows the king commanding Śrīkṛṣṇa Pāṭhaka 'to seize the wife and children of the enemy and give them to Bhīmasena Kārkī in exchange for a male buffalo that was confiscated from him and brought to the king.'[12] From this document we learn that the value of a mixed pair of slaves was no greater than a single animal.

A next group of relevant documents was issued by Pṛthvīnārāyaṇa Śāha's son Pratāpasiṃha Śāha (1775-1777) when he was the crown prince. They were also addressed to Śrīkṛṣṇa Pāṭhaka, and two of them again concern the giving of a mixed pair of slaves to someone.[13] In one document Pratāpasiṃha Śāha orders Śrīkṛṣṇa Pāṭhaka to 'send two couples of slaves if possible and, if not, one, because of some urgent works over here.'[14]

In 1767 a *savāl* (i.e. a 'question,' 'request,' 'desire' etc. — the word is from Arabic) was carried out under the name of Śrīkṛṣṇa Pāṭhaka. The term is in common use in Nepali and is used, among other things, in the sense of an affidavit obtained as part of the legal process to expedite court cases. This particular affidavit lists a number of tasks entrusted to Śrīkṛṣṇa Pāṭhaka, among them matters concerning male and female slaves.[15] The king's name is not on the document, but it comes from Pṛthvīnārāyaṇa Śāha's reign.

We do not know much about Śrīkṛṣṇa Pāṭhaka, but from other documents it is clear that during the period of the conquest of the Kathmandu Valley, he was involved as a chief officer in the job of exercising authority over newly conquered territory and conquering other new territory. — Interestingly enough, all the documents encountered up to now which command the transfer of slaves are addressed to this single Śrīkṛṣṇa Pāṭhaka.

1.6.2. Some light is also shed on the institution of slavery as it existed during the period, by a document written by Pṛthvīnārāyaṇa Śāha in 1771 A. D. to the *umarā* of Aginchok, Lakṣmīkānta Upādhyāya. It stipulates that if the owner of a male slave who had committed an act of theft was unable to locate him, then he would become government property, and adds that it was not proper for anyone to appropriate a slave to himself in exchange for an unfinished plough, there being no custom from former times to do

[11] *D. Pant* 1982:54, 56; *id.* 1985:30.
[12] *D. Pant* 1985:30.
[13] *D. Pant* 1982a:64, *id.* 1983:2-3.
[14] *D. Pant* 1988:104.
[15] *D. Pant* 1985:31.

so. Again it is seen that the custom of regarding a slave as the equivalent of an inanimate object still existed at the time.[16]

1.6.3. In the treasury of the Paśupatinātha temple, there is a copperplate dated 1773 that concerns a donation, made by a Bhirkot Brahmin, of two Newar women as temple female slaves.[17] If hitherto we have encountered only examples of rulers being involved in the institution of slavery, we now have proof, from this copperplate, that ordinary citizens were also involved in it. The kingdom of Bhirkot was part of the Caubīsī kingdoms, and the royal families of Gorkha and Bhirkot were related agnatically. Shortly after Pṛthvīnārāyaṇa Śāha had consolidated his power over the three kingdoms of the Kathmandu Valley, he turned his sights on the regions in the west. In this connection, he began invading the kingdoms to the west of Gorkha, and after some time Bhirkot, too, fell to him.

There is no name of the king on the copperplate of 1773,[18] but as the precinct of Paśupatinātha Temple is inside Kathmandu, it is clear that it was under the control of Pṛthvīnārāyaṇa Śāha at this time. It would appear that the reason why a citizen of Bhirkot does not mention the name of Pṛthvīnārāyaṇa Śāha is that in 1773 the kingdom of Bhirkot was not under the control of Gorkha, and was in fact the enemy of the Gorkhalis. Interestingly, there is another copperplate concerning slavery in the Paśupatinātha treasury, this time dated 1806 and issued by one Buddhirekhā Godārnī (a woman Kṣatriya of the Thāpā clan).[19] Again, on this copperplate no mention is made of the reigning king, Gīrvāṇayuddhavikrama Śāha.[20] Doubt may arise that the man from Bhirkot did not mention the king's name only for the reason mentioned above, but that there was great glory attached to Paśupatinātha is seen from the fact that a man from far-off Bhirkot went all the way there to make an offering of temple female slaves.[21]

1.6.4. Though there are many documents relating to slavery from the reign of Pṛthvīnārāyaṇa Śāha, on the other hand there is also evidence that the king supported reducing the practice of keeping slaves:

Lubhu was a region in the kingdom of Patan to the southeast of Kathmandu which had come under the control of Pṛthvīnārāyaṇa Śāha in about 1764. There is a document issued by him in 1768, stating that he had seized Dhanadatta Nevāra, the neighbour of Rāmakṛṣṇa Paudyāla of that place, made a slave of him and given him to Viśvāmitra

[16]   *N. Pant et al.*:1148.
[17]   *T. Shrestha* 1974:104-105.
[18]   *Ibid.*
[19]   *Ibid.*
[20]   *Ibid.*:105.
[21]   There is a document stating that in 1789 A. D. Thākura Girī, in establishing an endowment for Viśveśvaramahādeva in Bisankhu, donated eight *ropanīs* of land together with his own female slave. This may serve to supplement what has just been mentioned concerning gifts to deities. In the document (Nepal-German Manuscript Preservation Project K 113/23), located in the Guthi Office in Bhadrakali, the year of recording is given as Śaka 680. The figure 1 seems to have been left out by the copyist. What may be taken as the true date, Śaka 1680, corresponds to the year 1789 A. D.

Miśra. His master, though, had let him go, and the king ruled he was from that day free and no one henceforth had the right to call him a slave.[22] The transaction is remarkable enough: it is a royal decree confirming an act of emancipation carried out by an ordinary citizen. There is a dense settlement of the Paudels in the region of Lubhu, and there are Mishras there as well.[23] — It is interesting in this context that in Lubhu there are still descendants of the Rāmakrṣṇa Paudyāla mentioned in the document.[24]

1.6.5. A similar act of manumission is attested from 1769 A. D.: One Tulasīrāma Kāphle of Bhamarkot bought a male slave named Kesyā from Jayanārāyaṇa for 26 rupees and set him free.[25] Even though Pṛthvīnārāyaṇa Śāha was king at the time, his name is not mentioned, which means not only rulers but also commoners were involved in acts of manumission.

1.6.6. In a document of King Rājendravikrama Śāha (1816-1847), dating from 1830, we get a glimpse of Pṛthvīnārāyaṇa Śāha's effort in 1773 to reduce the number of slaves. It tells us that Pṛthvīnārāyaṇa Śāha tried to put a stop to the practice whereby Danuvar[26] merchants of Sātagāũ, having advanced loans of money or goods to commoners for a double or triple rate of return, took their sons and daughters as security and made slaves of them.[27] In Kabhre Palanchok District there is a place called Baluva.[28] There are seven villages of Danuvars.[29] The 1830 document makes it clear that the Sātagāũ mentioned previously as the home of Danuvāra Śāhū is this same place.[30] This is a good example, if on a small scale, illustrating that Pṛthvīnārāyaṇa Śāha did not wish to let the number of slaves increase. His lack of success in the undertaking, however, is seen in the fact that his great-grandson Rājendravikrama had to go through the same motions.

1.7. If, on the one hand, the rulers tried to weaken the institution of slavery, on the other they made a practice of giving slaves to people they liked. Daivajñaśiromaṇi Lakṣmīpati Pāde (1758-1831) received such slaves, and the circumstances are colourful.
     In his plan to conquer the west, Bahādura Śāha (1757-1797), regent under his own nephew Raṇabahādura Śāha (1777-1799), appointed Lakṣmīpati Pāde as an aide. On the basis of astrology, Lakṣmīpati wrote that before the year of 1786 ended, the kingdom would gain victories as far as the Bheri River, and he submitted his prediction to the

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[22] *N. Pant et al.* 1969:1038-1039.
[23] This information was received from Rukmanath Paudel, a resident of Lubhu.
[24] *V. Paudel* 1989:36, 40-41.
[25] *Kaphle* 1977:8.
[26] The Danuvar are one of the ethnic groups of Nepal settled particularly in the eastern hills.
[27] *N. Pant et al.* 1969:1041.
[28] Jācabujhakendra 1975:491.
[29] *Upreti* 1992:86.
[30] In a previous mention of it, Sātagāũ was made to refer to Banepa, Dhulikhel, Khandpu, Chaukot, Panauti, Sanga and Nala (*N. Pant et al.* 1969:1040-1041; *D. Pant* 1971:252), but this has been shown to be inaccurate. Similarly, taking the reference as being to the Sātagāũ of Salyan (*Kshetri* 1986-1987:9) does not seem to be satisfactory either.

Nepal government. Bahādura Śāha had written that the king would give him a stipulated reward if his prediction came true, he himself being a witness to the promise. The banks of the Bheri were reached sometime earlier than the astrologer had predicted, and the Nepal government was very pleased with him. There is evidence that he later received landed property and, along with it, one male and two female slaves.[31] High officials posted in the west wrote two documents in 1786 concerning his obtaining them.[32]

1.8. *Foreigners' Accounts.* In 1793, Colonel Kirkpatrick, who had come to Nepal as an accredited agent of the East India Company, wrote his *An Account of the Kingdom of Nepaul.* In the chapter entitled 'Crimes', he deals among other things with matters relating to the institution of slavery. He writes that women who committed immoral acts were often subjected to having their noses cut off and being enslaved, and that it was the custom in Nepal that they should become the property of the village chieftains.[33]

Francis Buchanan Hamilton, who came to Kathmandu with Captain Knox's mission in 1802, spending fourteen months in Nepal and another two years on the Nepalese border, also wrote a history of Nepal entitled *An Account of the Kingdom of Nepal.* He wrote much more than Kirkpatrick did about the institution of slavery as it was practised in Nepal, including the fact that there was no prohibition on the sale of Hindu women of any caste as slaves to Muslims and Christians. Their owners could sell any slaves, male or female, without their assent, and after being sold they were forced to conform to their new owner's religion.[34] In another place Hamilton writes that household servants in Nepal are generally slaves. The price of slaves was approximately thirty mohars, but the price of a female slave was approximately forty mohars if she was young and beautiful.[35] Hamilton writes here at length about slaves of both sexes.[36] But it does not appear that he clearly understood the institution of slavery as practised in Nepal, in view of his belief that people working as cooks in another person's house or serving in his worship room were slaves. It seems that he thought such people were slaves because slaves generally acted as house servants.

1.9. *Further Steps towards Reducing Slavery.*
1.9.1. The one-and-a-half-year-old Gīrvāṇayuddhavikrama Śāha (1799-1816) was raised to the throne by his father, Raṇabahādura Śāha, who at the age of 23 became a yogin and was henceforth called *Svāmī Mahārāja*. Raṇabahādura Śāha, having left Nepal and having spent about three and a half years in Benares, returned back home and began to act as Gīrvāṇa's guardian. In 1806, within one and a half months of becoming a regent (*mukhtiyāra*), on the basis of an authorization letter in the name of his son then eight years old, Raṇabahādura Śāha issued, in the name of the king, a document containing forty articles of miscellaneous contents, addressed to fourteen officials in the territory

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[31] *D. Pant* 1966:39.
[32] *Ibid.*
[33] *Kirkpatrick* 1811:104.
[34] *Hamilton* 1819:37.
[35] *Ibid.*:234.
[36] *Ibid.*:234-236.

extending from the Kankai and the Tishta Rivers in the east to the Mahakali River in the west. During this time the kingdom of Nepal extended from the Tishta in the east to beyond the Sutlej, to the kingdom of Chamba, in the west, barring the famous fort of Kangra. Nevertheless, in these affidavits it is stated that only in that part of the kingdom extending up to the Mahakali were investigations being carried out. In the fourth affidavit it is written that no son of a commoner could legally be made a slave by anyone without the king's permission, and that anyone who tried to force another person to become a slave would be punished, and the slave freed.[37] Thus it is seen that Ranabahādura Śāha also tried to reduce the practice of slavery, but as three weeks had not passed from the time that this writ came into effect until he was murdered by his step-brother Śerabahādura Śāha (1778-1806), it is unclear whether the policy adopted by Ranabahādura Śāha was successful or not.

1.9.2. There again is a copperplate in the Paśupatinātha temple which provides more evidence in the present context. This is the 1806 document already referred to (1.9., above). It states that Buddhirekhā Godārnī, in donating her dowry of jewellery, utensils and the like to Paśupati, at the same time freed a female slave whom she had purchased for fifteen rupees. In order to certify this act, Buddhirekhā called upon her son, daughter, daughter-in-law and others to be witnesses to it.[38] From this it is seen, therefore, that if merit was to be gained, on the one hand, by donating female slaves to Paśupati, it was also to be gained, on the other, by going there and emancipating slaves.

1.9.3. In a sense, this tallies with a document issued in 1808 by Gīrvāṇayuddhavikrama Śāha to Kājī Balavanta Rānā. Word had been received that members of the four Hindu castes were openly selling their own sons and daughters to Bhoṭes (people of Tibetan origin), Muslims and other people in the plains, and were likewise secretly selling the sons and daughters of others. Now, notice was issued that such transactions were to stop, and whoever further engaged in them would be fined and subject to bodily punishment; watchmen should be placed at the ghāṭs to bar such activities; whoever overstepped the order should be heavily punished; Bhoṭes and people from the plains who came to buy slaves should have their property confiscated. Balavanta Rānā was also warned that if he disobeyed the order and failed to display zeal in carrying it out, he would be considered a rebel.[39]

This document chiefly deals with Muslims and Bhoṭes making slaves of Hindus. Nevertheless, since what is written is *musalamāna prabhriti madheśyā*,[40] it is a larger group people, including both Muslims and Tibetans who are singled out in the document. — It is not clear from the document which area of the kingdom was being targeted; nevertheless, since watchmen would be placed there and Bhoṭes and Madhises (people from the plains), including Muslims, went there to do business, it would appear that it was the border region. The suspicion arises that Kumaon and Garhwal, part of the kingdom of Nepal at that time, might have been the target area, given that Nepalese administrators posted to that region were found to have engaged in the slave trade.[41]

[37] *D. Pant* 1971:239.
[38] *T. Shrestha* 1974:105.
[39] *Naraharinath* 1966:68-69.
[40] *Ibid.* 68.
[41] *Pande* 1937:397-398, *Sankrityayan* 1953:212.

As to the author of the rules, one should keep in mind Gīrvāṇayuddhavikrama Śāha at the time was only eleven years old. In other words, the edict was the work of Bhīmasena Thāpā (1775-1839), who then controlled the reins of power.

1.9.4. The same Bhīmasena Thāpā is seen to have also had a document issued in 1836[42], in the name of Gīrvāṇa's son Rājendravikrama Śāha, on the subject of putting a stop to the practice of slavery. In it one Subbā Pūrṇabhadra of the Magar tribe (a non-Hindu tribe that follows Buddhist practices) makes petition to the effect that since Magars, unlike other ethnic groups, had no fixed public order and were subject to corrupt practices, a fixed public order should be instituted in their case too. This petition was heard, and the document records the enactment of a system of public order relating to eating habits and bondage. The Magars from the Marsyangdi River to Pyuthan used to give their daughters as pledges, but henceforth such activity was to stop, nor were others to accept such pledges, and anyone who failed to conform to the system and bought or sold slaves would be punished.

1.9.5. A next decisive step occurred under the reign of Rājendravikrama Śāha. There is a document he issued in 1839 which clearly shows the government made an attempt to end slavery throughout the whole of Nepal.[43] Written when Cautariyā Puṣkara Śāha and Kājī Raṇajaṅga Pãde were in control of the government, it states that, from that day on, no one was allowed to buy or sell the sons and daughters of someone else as slaves, and that whoever did not abide by the order and engaged in such activity would be punished according to his caste.[44] This was the first document to apply to the whole of Nepal, and thus it marks a very important stage in the history of the emancipation of slaves in the country.[45]

1.10. *The Mulukī Ain.* As King Rājendravikrama Śāha did not have a good grasp of administration, the state of the Nepalese kingdom slowly deteriorated. It was under these conditions that power fell into the hands of Jaṅgabahādura (1817-1877) following the Kot massacre. Sometime later Rājendravikrama Śāha was deposed and his son, Surendravikrama Śāha (1847-1881), was placed on the throne. After that Jaṅgabahādura in practice (though not in law) wielded absolute power.

In 1854, some three years after having returned from a trip to Europe, Prime Minister Jaṅgabahādura had the Ain promulgated which was the new code of law.[46] Until then the rules and restrictions had been in force separately, but now he had everything codified into a single body of law. Though the Ain came into force in 1854, written

[42] *Nepali* 1956:191.
[43] *Id.* 1964:9-10.
[44] *Ibid.*
[45] *Mahesh Chandra Regmi*, in writing on the subject of slavery in his *A Study in Nepali Economic History 1768-1846*, made use of many documents in his collection, apparently dating from between 1788 and 1846 (pp. 117-122, 189-190). Since these documents have not been published, not everything in this context is clear, but nevertheless what is clear is that they are documents that were sent by Nepalese rulers to Solukhumbu, Dullu, Dailekh, Jumla, Garhwal and other places in order to establish slavery. As a special study is needed of the slavery system of this period, it is worth recalling in this context that these documents should be looked into thoroughly.
[46] *Mulukī Ain* 1965:2.

evidence has been found showing that it began to take shape from 1908 V.S. (1851/ 1852),[47] and thus it seems that Jaṅgabahādura started having it drawn up right after returning from Europe.

There are rules concerning bondage and slaves in many passages of the Ain. Ten articles of it are mainly taken up with these subjects.[48] They are generally concerned with strengthening the traditional system of slavery, but some also deal with the emancipation of slaves, and therefore it is clear that Jaṅgabahādura consented both to the making and freeing of slaves.

Jaṅgabahādura had adopted a policy of settling areas that were uninhabitable because of malaria, and a place remained for slaves within this policy. He made a law whereby slaves who had fled from the kingdom of Nepal to India and from there went to settle down to a household life and farming in Surkhet in the west or Morang in the east were automatically freed.[49] But slaves who arrived in Surkhet or Morang directly, having fled from other parts of Nepal, were not granted this concession.

In compensation for the aid that Jaṅgabahādura had rendered to the East India Company during the Mutiny of 1857, Nepal received back part of the land that was taken away under the Sugauli Treaty of 1816. These lands were called the Nayā Muluk, that is, the 'New Country'. The slaves living in the Nayā Muluk (which comprised Banke, Bardiya, Kailali and Kanchanpur districts) were now freed automatically.[50] Moreover, the selling of sons and daughters was now forbidden.[51] All these steps marked a great advance towards freeing slaves.

1.11. Daniel Wright, who was working at the British residency in Kathmandu as a surgeon during the time of Jaṅgabahādura, edited a *vaṃśāvalī* under the title *History of Nepal ... with an Introductory Sketch of the Country and People of Nepal.* His introductory sketch gives a concise account of the current practice during his time:

'*Slavery is one of the institutions of Nepal. Every person of any means has several slaves in his household, and the wealthy have generally a great number of both sexes. It is said that there are from twenty to thirty thousand slaves in the country. Most of these have been born-slaves; but free men and women, with all their families, may be sold into slavery as a punishment for certain crimes, such as incest and some offences against caste. In a few of the wealthier households the female slaves are not allowed to leave the house; but in general they enjoy a great deal of freedom in this respect, and the morals of the female slaves are very loose in consequence. They are generally employed in domestic work, wood-cutting, grass-cutting, and similar labour. The price of slaves ranges for females from 150 to 200 rupees, and for males from 100 to 150 rupees. They are usually well treated, and on the whole seem*

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[47] On the cover page of the *Ain* published in 1927 V.S. (1870/1871) and 1928 V.S. (1871/1872) on the order of Commander-in-Chief Raṇoddīpasiṃha, when his brother Jaṅgabahādura was ruling, it is written that the formulation of this code had started in 1908 V.S. (1851/1852).

[48] *Muluki Ain* 1965:349-386, 576-578, 682-691. It is worth remembering in this context that in the *Ain* published in 1870/1871, 1871/1872 and in different manuscripts of this *Ain*, some articles on male and female slaves and bondmen are missing, and some numbers are added and others reduced in the articles which correspond to those published in 1965.

[49] *Muluki Ain* 1965:36.

[50] *Landon* 1928:part 2, 164.

[51] *Ibid.*

quite contented and happy. Should a slave have a child by her master, she can claim her freedom' (p. 45).

But a near-contemporary Nepalese source materially adds to this description. This is a 1875 A. D. deed effecting the conveyance of property within a Brāhmaṇa family. It reveals the fact that, besides farm animals, gold and silver, household utensils, jewellery and such, male and female slaves were also divided up between the six brothers.[52] Slaves, then, were considered as forms of wealth, and they were treated like goods when it came to dividing up possessions.

1.12. Noticeable efforts were made to amend the Ain by Bir Shamsher (1852-1901), sometime after had become the prime minister by killing his uncle Raṇoddīpasiṃha (1825-1885). The revision promulgated during his rule[53], in 1945 V.S. (1888/1889), introduced far-reaching changes. The number of articles on slaves and bondsmen in the new version was reduced to two. They clearly said that, from that point in time on, no one can be made a slave even with his own consent.[54] (One notes in passing this had been Rājendravikrama Śāha's position in 1839[55].) Handwritten notes dated 1967 V.S. (1910-1911) have been found in the Ain published when Chandra Shamsher (1863-1929) was ruling which indicate that this article was published in 1886 (43 Margasu 9:1)[56]: Bir Shamsher, then, had done the work within a year of becoming the prime minister.

There is evidence that Bir's successor Dev Shamsher attempted to free slaves immediately after his accession to the prime-ministership. Dev Shamsher had posted officials to Lamjung and Kaski, with the idea of freeing slaves. In order that the people there would aid in the task, he made assurances that those who freed slaves would be given land and other concessions.[57] He had assembled civil and military officials and other respected persons to his office in May 1901 and delivered a speech condemning slavery and praising the freeing of slaves.[58] Dev Shamsher was successful in freeing some slaves that were in the king's palace, his own household and in the houses of his courtiers,[59] but the powerful persons in Lamjung and Kaski were bitterly opposed to the idea, and armed forces had to be made use of in order to protect the officials who had been posted there.[60] All this may have induced him to retrace his steps: he made a law in June 1901 outlawing the buying and selling of slaves and even giving and receiving them as gifts.[61] Thus Dev Shamsher made great attempts to free slaves, but as his term of office was only four months he did not succeed in doing so.

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[52] *Bhattarai* 1994:kha.
[53] The text was actually published by order of Dev Shamsher (1862-1914), the commander-in-chief when Bir Shamsher was ruling.
[54] *Ain* 1888/1889:vol. 3, 125. The same details are found in the *Ain*, published when Chandra Shamsher was ruling, by order of his brother Commander-in-Chief Bhim Shamsher (1865-1932 A. D.) in 1961 V.S. (1904/1905), 1967 V.S. (1910/1911), 1975 V.S. (1918/1919) and 1980 V.S. (1923/1924).
[55] See note 44.
[56] *Ain* 1910/1911:vol. 3, 125-127.
[57] *Ibid.*:13-14.
[58] *D. Pant* 1971:256.
[59] *Ibid.*
[60] *Ibid.*:257.
[61] *Ibid.*

1.13. *Sylvain Lévi*, writing at the beginning of this century, had a number interesting remarks about slavery at the time, and it seems useful to quote him in full.

'*La première en dignité de ces classes est celle de Khvâs ou Khavas, esclaves ou affranchis royaux qui sont les hommes de confiance du palais; c'est l'emploi qu'ils tenaient déjà, dit-on, à Chitor. Les bâtards de la famille royale, les enfants nés d'un Thâkur et d'une esclave sont rangés dans cette caste. Il faut se garder de confondre les Khvâs avec les Ketas ou Kamâras (Karmakâras) qui sont les esclaves ordinaires. L'esclavage est en effet une des institutions du Népal; le nombre des esclaves s'y élève à vingt ou trente mille. La provenance en est variée; les uns sont nés en servitude, les autres, en punition d'un crime, ont été dégradés et vendus; d'autres, et les plus nombreux, ont été vendus par des parents nécessiteux. Les parents essaient d'abord de les vendre à des gens de bonne caste qui respectent les obligations de caste de leur esclave; s'ils n'y réussissent pas, ils se résignent à les vendre à des parias ou à des infidèles. L'enfant perd dès lors sa caste, mais les parents conservent la leur, à moins qu'ils reprennent chez eux leur enfant, même affranchi. Le prix d'un esclave va de 150 à 200 francs pour un garçon, de 200 à 300 pour une fille. Les filles esclaves, même les esclaves de la reine, sont toutes légalement des prostituées; leurs maîtres ne leur assurent que la nourriture la plus frugale, et les laissent pourvoir à leur vêtement par leurs propres ressources. Une esclave qui a un enfant de son maître peut réclamer son affranchissement.*' (pp. 274 f.)

1.14. *Chandra Shamsher*, having become the prime minister after deposing his elder brother Dev Shamsher, was a strict administrator. He took the same strong line on the freeing of slaves as he did on other subjects, as though the victory was his. Having heard that rulers before him had attempted to free the slaves, and bearing in mind that his elder brother Dev Shamsher had done the same, Chandra Shamsher, unlike others, did not make use of half-hearted measures, nor did he adopt a blanket policy that bore little fruit, as Dev Shamsher had done. Previous rulers had attempted to abolish slavery, but they had made no survey of the number of slaves in the region they were trying to reform. Therefore, in the census of 1920, Chandra Shamsher set up a separate category for slaves.[62] Similarly, he prepared an estimate of the number of owners of slaves,[63] while at the same time making a law regarding the right of slaves to acquire wealth on their own and to inherit wealth from their parents.[64] On November 28, 1924, having made the necessary preparations, Chandra Shamsher assembled civilian and military officials and other dignitaries on the open parade ground and had a 61-page speech[65] read by the world-famous Sanskritist Gurujyū Hem Raj (1878-1953) in which the evils of slavery were laid bare and its abolishment advocated.[66] King Tribhuvan Bir Bikram Shaha (1911-1955) and Chandra Shamsher himself were also present on this occasion. Five months later, in April 1925, Chandra Shamsher made a law abolishing slavery throughout Nepal.[67]

[62] *Nepali* 1964:18-19.
[63] *Ibid.*:21.
[64] *Ibid.*:19.
[65] Ch. J.B.R. 1925.
[66] *D. Pant* 1975:257-258.
[67] *Ibid.*:258-259. Chandra Shamsher ordered his courtiers to give their suggestions on whether or not to be a signatory of the League of Nations convention for the freeing the slaves after the

Nepal thus did away with slavery 78 years after India had in 1843.[68] It is worth
recalling also in this context that Chandra Shamsher abolished the practice of suttee in
1920,[69] 91 years after India had done so in 1829.

2. Nepalese Slavery in terms of Hindu Law

After this survey of the forms slavery could take in the kingdom of Nepal, there
remains the task of relating them to the prevailing legal and social concepts. The point
of reference needs has to be codified Hindu law, i.e. the *dharmaśāstra*, though this
comprehensive label, and the traditional view of *dharma*, suggest a unity which we have
long learnt to replace by a more differentiated view.

2.1. Nepalese References to the Validity of the *śāstra*

On a stone inscription in Keltol of the Licchavi king Mānadeva (ca. 465-505), he is
described as *śrutidharmaśāstravihitāṃ dharmakriyāṅ kurvvatā*[70] ('doing sanctioned
works according to what is set down in the Veda and *dharmaśāstra*s'). Thus it is clear
that the ideal of the Licchavi kings was that of ruling according to the *dharmaśāstra*s.

There stands a pillar at the temple of Satyanārāyaṇa in Handigaon on which a long
hymn of Dvaipāyana Vyāsa composed in beautiful Sanskrit by Anuparama is inscri-
bed.[71] The letters in many parts of it have been effaced, but what is left gives a hint of
Anuparama's wide-ranging philosophical thought. On this inscription, besides the men-

Footnote from p. 145, continued
Nepalese government was asked whether it was willing to do so by the British legation
sometime after the elimination of slavery by Chandra Shamsher *(Dixit* 1963:40). Some
documents with suggestions submitted by courtiers in this connection are in the Madan Puraskar
Pustakalaya, still unpublished, whereas others have been published *(Dixit* 1963:40, *id.* 1964:29,
42). Among these documents, there is a letter written by Gurujyū Hem Raj. It alludes to the fact
that slavery had been abolished but bonded slavery had not (Dixit 1964:42). This is clear from
the civil code published under Chandra Shamsher in 1984 V.S. (1927/1928) by order of his
brother, Commander-in-Chief Bhim Shamsher, and from the *Ain* published under Bhim
Shamsher in 1987 V.S. (1930/1931) by order of his brother Commander-in-Chief Juddha
Shamsher (1875-1952); there is no mention in either of slavery, only of bonded slavery.—
Chandra Shamsher made an *ain* concerning slavery in December 1925 after issuing a
proclamation abolishing slavery, to go into effect in April 1925. That code was included in the
civil code published in 1927/1928 and 1930/1931 as number 17 of the article titled 'Sale and
Killing of a Person' published under Juddha Shamsher in 1992 V.S. (1935/1936) by order of his
nephew Commander-in-Chief Padma Shamsher (1882-1960) and was included as paragraph 1 in
the same article; matters concerning bonded slaves existing there before were excluded. The
contents remained unchanged in the *Muluki Ain* published in 2009 V.S. (1952/1953) and 2012
V.S. (1955/1956). — The codes mentioned above, excluding the civil code published in 1965, are
in the collections of the National Archives, Madan Puraskar Pustakalaya, *Krishna Prasad Pant,
Siddhi Raj Pandey, Narayan Ballav Pant* and *Prakash Raj Pandey.*
[68]   *Majumdar, Ray Chaudhuri and Datta* 1974:1066.
[69]   Ch. J.B.R. 1924:45.
[70]   *D. Vajracharya* 1973:71.
[71]   *Ibid.*:158-162.

tion of *smṛtis*[72] (*dharmaśāstra*s), there is mention of *śāstre manuyamabṛhaspaty-uśanasām*[73] ('in the *śāstra*s of Manu, Yama, Bṛhaspati and Śukra'), so that we learn that these *smṛti*s were in circulation during the Licchavi period.

There is a wealth of evidence that the rulers and the people of the Malla period remained committed to living according to the *dharmaśāstra*s. It is impossible to mention it all in this short article. Therefore only two examples will be given here from the period.

There is a MS. dated 1380 of a Newari commentary entitled *Nyāyavikāsinī* on the *Nāradasmṛti*. It was composed by Maṇika for Jayata, the minister of Sthiti Malla.[74] The administrators of this time, then, were eager to understand the contents of the *Nāradasmṛti* in their own language. It is also worth noting in this context the fact, mentioned in the *Bhāṣavaṃśāvalī*, that Sthiti Malla sought the help of pandits schooled in the śāstras on how to run things according to the *dharmaśāstra*s.[75]

A copperplate set up in 1701 at Mulchok in Patan by Yoganarendra Malla concerns a particular decision taken according to the *dharmaśāstra*s.[76] The king of Kathmandu, Bhūpālendra Malla (1687-1700), had gone on a pilgrimage and died upon reaching Brahmanabha, situated near the town of Ayodhyā. Two months and five days later this news reached Kathmandu, and the task of casting Bhūpālendra's birth horoscope (*cinā*) and having suttee performed was completed. Sixteen days later the time fell for the king of Patan, Yoganarendra Malla, to begin performing a *koṭihoma*. As Yoganarendra Malla was Hariharasiṃha's great-grandson, and Bhūpālendra his great-great-grandson, they stood in a collateral relation to the deceased. Unsure, therefore, as to whether he was under impurity and whether he should go through with the *koṭihoma*, Yoganarendra Malla ordered his gurus and purohitas to make a decision according to the śāstras. The *dharmaśāstra*s began to be looked into, and since according to the *Śaṅkhasmṛti* only a partial mourning period had to be observed, as more than thirty days had elapsed but not a year, it was decided that only three days were under defilement, and the *koṭihoma* began on the fixed day. The copperplate recounts these particulars in detail, laying stress on the fact that the matter was settled according to the *Śaṅkhasmṛti*.[77]

As copies of the *Ācāradīpa*,[78] *Devadāsaprakāśa*,[79] *Prāyaścittaprakaraṇa*[80] and *Dharmasāra*[81] predating Pṛthvīnārāyaṇa Śāha have been found in the Gorkha kingdom, it

[72] *Ibid.*:160.
[73] *Ibid.*
[74] S. Vajracharya 1987:117. In view of the statement in the MS. that Luntabhadra Vajrācārya copied the *Nyāyavikāsinī* by Maṇika, and the very same statement in the edition, the publication of the said text by S. Vajracharya under the title of *Luntabhadravajrācāryayāḥ nyāyavikāsinī* ('Luntabhadra Vajrācārya's Nyāyavikāsinī') is surprising.
[75] Wright 1877:183-184, Department of Archaeology 1971:17-18.
[76] D. Vajracharya et al. 1962:227.
[77] D. Vajracharya et al. 1962:227.
[78] D. Pant 1988:663.
[79] *Ibid.*:664.
[80] D. Pant 1994:vaktavya 1-2.
[81] D. Pant 1988a:731.

is seen that these works, written in the medieval period,[82] were familiar there during that time. And since, except for the *Dharmasāra*, all the other books were copied by pandits of the Arjyāla family, it is clear that the Arjyālas, at the time the royal purohitas, were increasingly involved in this type of work.

Then for the famous *Mitākṣarā*, Vijñāneśvara's commentary on the *Yājñavalkyasmṛti*. Three learned pandits, two Arjyālas among them, petitioned Pṛthvīnārāyaṇa Śāha to listen to its second book, the *Vyavahārādhyāya*, and the king said he would, but this work with the *Mitākṣarā* commentary on it was not available in Gorkha, so it was brought from the neighbouring kingdom of Tanahu. When the king had heard the eight to ten initial *ślokas*, he said that it would be a sin for him not to act according to the *dharmaśāstras*, but that if he did so act, court cases would not run smoothly, so that it was best to place responsibility for affairs relating to the *dharmaśāstras* in the hands of *dharmādhikāras*, who were responsible for religious matters, as stated in a kind of *vaṃśāvalī*.[83] In reciting only the 'Vyavahārādhyāya' and not the 'Ācārādhyāya' and other sections, the Gorkhali pandits are seen to have harboured the aim of simplifying court procedures. The whole procedure is a bit odd: the Gorkhali pandits knew there was such a thing as the *Mitākṣarā*, but they apparently were unable to produce a copy from their own holdings, whereas the work was in Tanahu. We also learn that it was the opinion of Pṛthvīnārāyaṇa Śāha that the task of conforming to the *dharmaśāstras* was to be entrusted to special officials, the *dharmādhikāras*.

2.2. From all this, one gathers the Nepalese pandits at least had access to the standard information on *dharma*. The examination of the slavery cases listed in Part I of this paper suggests their knowledge went much farther than that: most of the transactions listed above can be fully explained by referring to the relevant *śāstra* texts.

2.2.1. *Nārada*. The name of the fifth part of the *vyavahāra* section in the *Nāradasmṛti* is called 'Abhyupetyāśuśrūṣā.' This contains the following account concerning the different types of slaves:

> gṛhajātas tathā krīto labdho dāyād upāgataḥ |
> anākālabhṛtas tadvad āhitah svāminā ca yah ‖
> mokṣito mahataś carṇād yuddhaprāptaḥ paṇe jitaḥ |
> tavāham ity upagataḥ pravrajyāvasitaḥ kṛtaḥ ‖
> bhaktadāsaś ca vijñeyas tathaiva vadavāhṛtaḥ |
> vikretā cātmanaḥ śāstre dāsāḥ pañcadaśa smṛtāḥ ‖ [84]

Thus fifteen types of slaves are enumerated. On the basis of Bhavasvāmin, Asahāya and other commentators,[85] the three verses are translated as follows: 'One born into, bought or given into slavery; received as an inheritance; raised during a period of famine; given as security by the owner; given in discharge of a large debt; seized in battle; won on a wager; coming and offering to be a slave; leaving the life of a *saṃnyāsin*; offering to be a slave for a certain period of time; a slave for getting food;

[82] *Kane* 1975:994, 1047-1048, 1052, 1074, *Raghavan* 1966:24.
[83] N. Pant et al. 1972:1231-1232.
[84] *Jolly* 1885:147, *Śāstrī* 1929:96.
[85] *Jolly* 1885, *Śāstrī* 1929.

coming in the tow of a woman slave; selling himself: in the *śāstras*, these are called the fifteen types of slaves.'

And Nārada goes on to say

> *tatra pūrvaś caturvargo dāsatvān na vimucyate |*
> *prasādāt svāmino 'nyatra dāsyam eṣām kramāgatam* ‖ [86]

'Of the fifteen types of slaves mentioned here, the first four types cannot receive freedom except by the kindness of their owners.' In other words, Nārada is of opinion that the four classes comprising those born, bought, given or inherited into slavery are *permanent slaves*, and the other eleven classes of slaves are *impermanent*, that is, they enter into slavery only temporarily. It is clearly written that the first four kinds can receive freedom by the kindness of their owners, particularly if they have saved them from some life-threatening danger,[87] and the other types can receive freedom by fulfilling certain conditions.[88] (One notes in passing this section is quoted by Vijñāneśvara in his commentary on the corresponding section in the *Yājñavalkyasmṛti*, the fourteenth.)

Let us now briefly consider how some of the material mentioned above may be compared with the *dharmaśāstras*.

We have previously discussed how Narendradeva arranged for slaves for Lokapāla-svāmin (1.1.), how a man from Bhirkot offered a female slave to Paśupatinātha (1.6.3.), and how Siddhinarasiṃha Malla, in performing a *koṭihoma*, similarly gave a gift of male and female slaves (1.4.). The gift of slaves was in the context of his giving gifts to his own guru Viśvanātha Upādhyāya and others.[89] These three cases are examples of *labdhaḥ pratigrahādinā*[90] ('received as a gift and so forth') in the *dharmaśāstras*.

Then, there were the two cases of bondage (1.2., above). Indenture in the 1051 document was for five years, and in the one from 1061, for three years. Both are the *krītaḥ* of the *dharmaśāstras*, that is, *etavātkālam tvaddāsa iti abhyupagamitaḥ*[91] ('having come and said, I will be your slave for such and such a period of time').

The legal document of 1313 (1.3., above) is not clear in its details. Still, there is no doubt it is a writ of manumission.[92] The owner's being able to free a slave at his own discretion is an example of what is stated in the *dharmaśāstras*.

The first batch of documents by Pṛthvīnārāyaṇa Śāha (1.6.1., gifts of slaves to Śrīkṛṣṇa Pāṭhaka, including wives and children of enemies) and the documents of 1786 (1.7.: Lakṣmīpati Pāde) go together: these slaves were given during wartime, and as the documents were written jointly by several officers, holding the post of either *kājī* or *saradāra*, who were in the war zone, it is clear that these were people who were captured in war.[93] These are examples of the *yuddhaprāptaḥ* of the *dharmaśāstras*, that

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[86] *Jolly* 1885:147, *Śāstrī* 1929:97.
[87] *Jolly* 1885:147, *Śāstrī* 1929:97.
[88] *Jolly* 1885:147-148, *Śāstrī* 1929:97-98.
[89] B. Parajuli, Y. Vajracharya and R. Vajracharya 1955:20-21.
[90] *Jolly* 1883:146, *Śāstrī* 1929:96.
[91] *Yājñavalkyasmṛti* 2, 14.
[92] See note 17.
[93] D. Pant 1966:39.

is, *samare vijitya gṛhītaḥ*[94] ('defeated and captured in battle'). So is Dhanadatta Nevāra (1.6.4). In this context one may recall the *Manusmṛti* verse (8.415)

> *dhvajāhṛto bhaktadāso gṛhajaḥ krītadatrimau* |
> *paitṛko daṇḍadāsaś ca saptaite dāsayonayaḥ* ||

'There are slaves of seven kinds, (viz.) he who is made a captive under a standard, he who serves for his daily food, he who is born in the house, he who is bought and he who is given, he who is inherited from ancestors, and he who is enslaved by way of punishment.'[95] Dhanadatta, then, is an example of the *dhvajāhṛtaḥ* of this verse, that is, according to Kullūka, the commentator on the *Manusmṛti*, *saṅgrāmasvāmisakāśā jitaḥ* 'waging battle and being defeated by one's owner'. The document does not spell out the conditions under which the master released his slave. It might be a case of provisions like those the *Nāradasmṛti* envisages when saying

> *tavāham ity upagato yuddhaprāptaḥ paṇe jitaḥ* |
> *pratipūruṣadānena mucyerams tulyakarmaṇā* ||[96]

'A slave who is a slave for having come and said 'I have become a slave,' having been defeated and captured in battle, or having been won in a wager, can be freed from slavery by his own efforts as well as by having someone else stand in for him.' We do not have evidence to tell us whether this slave received his freedom from Viśvāmitra Miśra in accordance with the above words, or under some other set of circumstances, such, perhaps, as those mentioned by Kauṭalya: *āryaprāṇo dhvajāhṛtaḥ karmakālānu-rūpeṇa mūlyārdhena vā vimucyeta* |[97] 'An Aryan captured under the banner should be freed for [having done] suitable work for a specified period or for half the price.'[98] Dhanadatta may have become a free man by doing something like this.

The Danuvāra merchants of Sātagāũ enslaving commoners after having made loans to them (1.6.6.) may be compared with the Nārada's *mokṣito mahataś carṇāt*, that is, in Yājñavalkya's words (2.14) *ṛṇamocanena dāsatvam abhyupagataḥ ṛṇadāsaḥ* 'having become a slave as a means of freeing oneself from debt.'

The purchase of other people's sons and daughters and making slaves of them (see, e.g., 1.9.3 above) no doubt is covered by the *śāstra* term *krītaḥ*, as amplified, e.g., in the sentence *svadravyeṇānyasmāt krītaḥ*[99] 'bought with one's own money from others'.

As to the common activity of selling one's own sons and daughters and those of others, we had seen both Gīrvāṇayuddhavikrama trying to stop it (1.9.3), and Rājendravikrama Śāha at least curbing the practice (: this was the case of the Magars and their customs, 1.9.4). The procedure was frowned upon since ancient times. An old instance is the Anuśāsanaparvan of the *Mahābhārata*, Bhīṣma giving instructions to Yudhiṣṭhira:

> *yo manuṣyaḥ svakam putram vikrīya dhanam icchati* |
> *kanyām vā jīvitārthāya yaḥ śulkena prayacchati* ||
> *saptāvare mahāghore niraye kālasāhvaye* |

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[94] *Yājñavalkyasmṛti* 2, 14.
[95] *Bühler* 1886:326.
[96] *Śāstrī* 1929:98.
[97] *Kauṭalīya Arthaśāstra* 3.13.19 (*Kangle* 1970:118).
[98] *Kangle* 1972:237.
[99] *Śāstrī* 1929:96.

svedaṃ mūtraṃ purīṣaṃ ca tasmin preta upāśnute ‖
anyo 'py atha na vikreyo manuṣyaḥ kiṃ punaḥ prajāḥ |
adharmamūlair hi dhanair na tair artho 'sti kaścana ‖ [100]

'Whoever sells his son for money or gives away his daughter after taking the price in order to survive will live, after dying, in the vast, fearful seventh-level hell called Kālasa, devouring sweat, urine and excrement. If it is not lawful for others to sell them, what sense is there in selling one's own offspring? The money gained unlawfully will be of no use.' And quite a number of law books continue in this strain. Here is the *Viṣṇu-dharmottara*, condemning the sale of one's own daughter:

kanyāṃ hayaṃ ca dāsīṃ ca svagṛhe sambhavān śubhān |
poṣayitvā dvijo lobhāt paścād etāṃś ca vikrayet ‖
sa bhuktvā yātanāḥ sarvāḥ paścād vyādho bhaved iha | [101]

'The twice-born [Brāhmaṇa, Kṣatriya or Vaiśya] who nurtures a daughter, horse or slave born into his own house and sells them out of greed will, after having suffered all torments, be reborn as a hunter.' And Aparārka, the commentator on the *Yājñavalkya-smṛti*, goes on in the same vein:

nārīnāṃ vikrayaṃ kṛtvā carec cāndrāyaṇaṃ vratam |
dviguṇaṃ puruṣasyaiva vratam āhur manīṣiṇaḥ ‖ [102]

'One must observe the vow of *cāndrāyaṇa* for selling a woman and the same *cāndrāyaṇa* twice for selling a man - thus say the wise.' All this shows that, whatever may have been the motives behind Gīrvāṇayuddhavikrama's and Rājendravikrama's rulings, both kings were acting in conformity to the *śāstras*.

Finally, for a note on the foreigners' observations, and I shall take Wright (1.11) as an example. His 'slaves in Nepal born from the union of male and female household slaves' of course are the *gṛhajātaḥ*, that is, *gṛhe dāsyām jāto gṛhajātaḥ*[103] ('born to female slaves in the house'), as mentioned in the *dharmaśāstra*. — And to close with two special cases. He had mentioned the woman slave receiving her freedom if she bore a child of her owner. This again has its roots in old traditions, formulated as early as the *Kauṭalīya Arthaśāstra*: *svāminaḥ svasyām dāsyām jātaṃ samātṛkam adāsam vidyāt* | *gṛhyā cet kuṭumbarthacintanī mātā bhrātā bhaginī cāsyā adāsāḥ syuḥ* | [104] 'The offspring begotten by the master on his own female slave shall be known as free along with the mother. If the mother is attached to the house and looks after the affairs of the family, her brother and sister also shall be free.' And second, as to the slaves' normal tasks: Wright's description (1.11.: household chores, chopping firewood, cutting grass and the like) finds close parallels in a treatise entitled *Lekhapaddhati*, compiled in the 15th century by a pandit from Gujarat[105]. There are two relevant documents there (the sale of a female slave[106]; a woman who sold herself[107]) which record what they had

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[100] *Mahābhārata Anuśāsanaparvan* 45:19, 20, 24, (Poona 1975:2574).
[101] Quoted in Ch. J.B.R. 1925:53.
[102] Quoted in *ibid.*:52.
[103] *Jolly* 1885:146.
[104] *Kauṭalīya Arthaśāstra* 3.13.23, 24 (*Kangle* 1970:118).
[105] *Dalal and Shrigondekor* 1925:VII.
[106] *Ibid.*:44-45.
[107] *Ibid.*:45-47.

to do: household and outdoor work, field work, fetching water, smearing walls, cleaning away dirt, milking cows and buffaloes, churning curds and buttermilk, taking snacks to the field workers etc. —

Allow me to close with a general remark. I have presented this survey of the institution of slavery in Nepal not only because of its intrinsic interest, but also to show the huge mass of traditional documents preserved in Nepal well repays closer study.

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Mahes Raj Pant

Six 15th- and 16th-century Deeds from Tirhut
Recording the Purchase of Slaves[1]

Introductory

Like the deeds of the Newar kingdoms,[2] the following deeds from Tirhut are written
on palm-leaves of oblong shape with a pen in black ink. The individual akṣara-s appear
separately and without any break between words. But unlike the Newar deeds which
are written on long narrow strips of palm-leaves and preserved in the shape of scrolls,
these deeds are written on palm-leaves of standard size. Moreover, they have a hole in
the middle meant for a string to pass through for binding.

The characters are Maithili. The language is standard Sanskrit. Compared to the deeds
from the Newar kingdoms, there are fewer grammatical inaccuracies. Generally
speaking, these deeds closely follow the models as prescribed by Vidyāpati in his
Likhanāvalī.[3] However, one can notice here and there the scribe's lesser familiarity with
the language. Nevertheless, I have not tried to edit the language following the norms of
standard Sanskrit and have commented about grammar only in such places where
comment is indispensable. The Sanskrit language of the deeds is interspersed with local
words which, in most cases, denote place-names and administrative units, and
occasionally personal and family names.

Date. These deeds, issued from Tirhut, cover a period of 69 years and are dated in the
Lakṣmaṇasaṃvat (LS). The initial year of the LS is variously identified: there are no less
than 15 different traditions regarding its beginning, clustered within a span of 27 years
falling between 1104 to 1130;[4] moreover, there are two different views concerning the

[2] For a general view of the Newar deeds on palm-leaves, see Kölver and Śākya:1985.
[3] Specifically docs. 55-56.
[4] For 1104 and 1105, see Cunningham 1971:76-77, 78; and Ojha 1918:186. For 1106, see Ojha
loc. cit. For 1107, see Cunningham 1971:78-79, Ojha loc. cit. and Jayaswal 1934:21. For 1108, see
Cunningham 1971:79, Ojha loc. cit. and Jayaswal loc. cit. For 1109, see Sircar 1962:331, Agrawala
1962: Bhūmikā 10, Majumdar 1967:407, Chaudhary 1976:14, 16, 17 and P. Jha 1977:96-97. For
1110, see Jayaswal loc. cit. and Sircar 1942:89, 90, 91 (Sircar (ibid.:87) wrongly concludes that 'the
Lakshmaṇa Samvat date of the document follows the formula L. S. + 1108 = A. D.', given that
a difference of 1031 years between the LS year and the corresponding Śaka year can be deduced

day when it started.[5] Our deeds follow the formula LS + 1130 = Christian era, which I am going to substantiate in the following lines.

It is to be noted that, barring the last one, all the deeds were issued during the reign of the kings of the Oinwāra dynasty, which rose to power in the fourteenth century, following the collapse of the Karṇāṭas. The first deed among them was issued on Thursday, the 13th of the waxing moon of Śrāvaṇa in LS 364, when Bhairavasiṃha was reigning over Tirhut.

We have a silver coin of this Bhairavasiṃha dated Śaka 1411, in the 15th year of his reign.[6] This substantiates the fact that he ascended the throne about Śaka 1397, which corresponds to 1475-76 in the Christian reckoning. The first seven traditions of the epoch of the LS, which range between 1104 to 1110, do not fit the present context, as the LS 364 of our deed yields results between 1468 to 1474, when Bhairavasiṃha had not ascended the throne yet.

This Bhairavasiṃha, as the first deed says, was shining with all the royal insignia received through the favour and boon of Sultān (*Suratrāṇa*) Alāvadīna Sāha,[7] the guardian of the east (*prācīdikpati*). This piece of information enables us to safely conclude that Bhairavasiṃha acknowledged the suzerainty of a certain sultān of that name and quarter.

Since our deed describes the sultān, the overlord of Bhairavasiṃha, as 'the guardian of the east', there is no doubt about his being a sultān of Bengal, which lies to the east of Tirhut. As we know that Sayyid Husain became sultān of Bengal, under the title of Alā-ud-dīn Husain Shāh, most probably in 1493,[8] there is no reason not to conclude that Alāvadīna Sāha of our deed is the very same sultān who exercised his suzerainty over Tirhut until it fell into the hands of Sultān Sikandar Shāh Lodī of Delhi in 1495.[9] Needless to say, the seven succeeding traditions of the epoch, falling between 1112 and 1123, also do not suit the context, since the LS 364 of our deed would correspond to

Footnote from p. 159, continued
from the document itself, issued on the third of the waning moon of Caitra, LS 620, Śaka year 1651 and the [Faslī] year 1136.). For 1112, 1113 and 1115, see *Jayaswal* loc. cit. For 1117, see *Chaudhary* 1976:16. For 1119, see *Kielhorn* 1890:1-2, *Ojha* 1918:185, *Jayaswal* loc. cit. and *Chaudhary* 1976:15. For 1120, see *Jayaswal* loc. cit. For 1123, see *Rajbanshi* 1964:34 (*Śāstri* (1905:109) wrongly read a figure of units in the Śaka year in a MS. dated both in Śaka and LS, and this led *Ojha* (1918:185) to arrive at a wrong conclusion. For the correct reading, see *Vīrapustakālaya* 1960:111-112 and *D. Vajrācārya et al.* 1962:141, and for the verification of the date, see ibid.: 337). For 1130, see Sircar 1962:332 and *Thakur* 1980:208.
I may point out an additional tradition concerning an era which is called *Lakṣmaṇasenasyātītarājye*, i.e. 'in the past [period of] sovereignty of Lakṣmaṇasena', or similar expressions, the initial year of which has been satisfactorily settled by *Petech* (1958:197-198) to be 1204.
[5] For the 1st of the waning moon of Śrāvaṇa, see *Cunningham* 1971:76-77. For the 1st of the waning moon of Māgha, see *Cunningham* 1971:79-80.
[6] *Sircar* 1962:329-330.
[7] In prefixing the sultān's name with the honorific *śrīmad*, the unlearned scribe commits a mistake in the process of combination by writing *dda* instead of a simple *da*. The same kind of mistake also occurs in deeds 2 (l. 2) and 3 (l. 2), both involving the conjunction of *śrīmad* and *rūpa*.
[8] *Habibullah* 1972a:142-143. *Ray* 1967:215-216.
[9] *Diwakar* 1959:396-397. *Hameed-ud-Din* 1967:143. *Majumdar* 1967:408. *Choudhary* 1970:82.

the years between 1476 to 1487, when Bengal was under the control of several rulers with quite dissimilar names from what we have in our deed.[10] The last tradition has been strongly supported by a post-colophon statement in a MS. of the *Dānakāṇḍa* section of Lakṣmīdhara's *Kṛtyakalpataru*. According to it, the MS. was copied on Wednesday, the 5th of the waxing moon of Kārttika in LS 374, which is made to correspond to Śaka 1426, during the reign of Rāmabhadra,[11] son and successor of Bhairavasiṃha.[12] This equivalence between the well-known Śaka era and the LS substantiates the tradition according to which the LS started when 1130 years of the Christian era had already elapsed. This definition of the LS fully fits the context of our deed, as it places it in 1494. It should be noted that five other deeds likewise are in conformity with their historical contexts when we accept that the LS of these deeds started from the same year.

Another characteristic of these deeds that distinguishes them from the Newar deeds is that they are furnished with the weekday. The Newar deeds generally state the weekday only when the transaction involves a donation to a deity.[13] Interestingly, in such circumstances, the Newar deeds provide not only all five important elements (*aṅga*) of Indic chronometry, but also a long succession of others, beginning with (*parārdha*), *kalpa, manvantara* and *yuga* down to the signs occupied by the sun and the moon at that particular moment, which are usually recited before proceeding with any kind of act for which the donor ensures religious sanction by solemnly declaring a formula of intent called *saṃkalpa*.[14] Though our deeds are furnished with the most important chronological elements, *viz.* the year, month, fortnight, lunar day and weekday, I have not verified them.

A repeated perusal of these deeds in manuscript form has convinced me of the fact that they are themselves not the originals. I think it is wise to establish this before entering upon the task of comparing these deeds with classical norms.[15]

The approvals in the margins of all the deeds — which certainly are meant to represent the signatures of the persons concerned — are in the same hand in which the body of the deeds has been written.[16] On top of that, both the second and third deeds

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[10] *Habibullah* 1972:136-141. *Ray* 1967:213-215.
[11] *Sircar* 1962:332. *Thakur* 1980:208.
[12] *Sircar* op. cit.:332-333. *P. Jha* 1977:130-131. *Thakur* op. cit.:207-208.
[13] For an exception, a Newar deed concerning a piece of land and being furnished with a weekday see *M. Pant* 1994:7.
[14] See *Rajbanshi* 1983:8-9, 52-53, 81-82, 93-94; id. 1985:10-11, 37-38, 39-40, 48-49, 65-66; id. 1987:6-7, 19, 42-43, 71-72, 93-94, 127-128. There is only a single piece of evidence in the whole corpus of Newar palm-leaf deeds edited by *Rajbanshi* in which the weekday is given along with the other elements and the signs occupied by the sun and the moon, though no mention is made there of the *parārdha, kalpa, manvantara* and *yuga* (see id. 1987:78-79). There is a deed which states a full *saṃkalpa,* though it does not go beyond the lunar day (see id. 1985:64). Another deed does not go beyond the lunar day and stops at the two initial words of the *saṃkalpa* by adding *ityādi* (see id. 1987:119). It is to be noted that a deed recording the donation of a piece of land made by a king to a Brahmin with the intention of seeking the favour of his own tutelary deity states all divisions of time mentioned above, including the weekday (see ibid.: 8-9).
[15] Unless otherwise specified, my source of classical texts is the Dharmakośa (*Joshi* 1937 and 1938).
[16] Other deeds from the same region and fashioned after the same tradition as ours also contain

are written on the same leaf, one on the obverse side and the other on the reverse, though there is an apparent gap of six years between dates. It is hardly likely, therefore, that either deed was meant to be the document of record. These deeds thus, in all likelihood, are either drafts or additional copies but not originals which could be accepted legally.

Hitherto unpublished, these six deeds, covering the period of 1494 to 1562, throw some light on the institution of slavery in Tirhut. Furthermore, they are authentic materials for the reconstruction of the dynastic and political history of Tirhut.

Signs used in Textual Part

x	*akṣara* illegible due to the leaf's being broken, moth-eaten or defaced.
—	*akṣara* which I could not read.
[ ]	uncertain reading.
( )	*akṣara* restored in a lacuna.
< >	*akṣara* omitted by the scribe.

Abbreviations

col.	column
doc.	document

Deed No. 1

Size, 33 x 4.3 cm; text on both sides: *recto* six, *verso* four lines. Condition, not good: 12 *akṣara*-s illegible in line a6, line b1 slightly defaced.

Summary of Contents. The deed certifies the self-sale of a fair-complexioned twenty-year-old Śūdra woman named Hīrā along with her son. The purchase was made by a certain Upādhyāya named Rūpadhara Mahāśaya in the village of Prajuāri, which was under the jurisdiction of the *tapā*, i.e. *tappā*, [17] named Jaraïla, which in turn belonged to Triṣaṣṭideśa in Tīrabhukti. However, the materials at my disposal do not

Footnote from p. 161, continued
the signatures of the persons concerned in the same hand in which the body of the deed is written (*Sircar* 1942:88).
[17] *Tappā* is a division of a country for purposes of revenue collection. See *Wilson* 1855 : s.v. *Tappá, Tuppá. Vidyāpati's* models for deeds like ours advert to the *tappā* in giving the particulars of the place where a transaction occurred: Likhanāvalī, docs. 55-57 etc. It seems that, for purposes of administration, Tīrabhukti was divided at that time into several *deśa*-s, such as Ratnapuradeśa (mentioned in the Likhanāvalī, doc. 55) and Triṣaṣṭideśa (mentioned in the present deed); and a *deśa* was subdivided into many *tappā*-s, and lastly a *tappā* consisted of numerous *grāma*-s. It is to be noted that *Vidyāpati* only once replaces *tappā* with *parigaṇā* (Likhanāvalī, doc. 58), which is more commonly spelt *pargaṇā* (see *Wilson* 1855: s.v. *Pargana, Purgunu*).

enable me to identify this *tappā* and the places named in it and in the deeds to be presented below. Nonetheless, it may be mentioned that the *tappā* under whose jurisdiction the first five deeds were executed is the same *tappā* to which the poet Vidyāpati's village Bisapi belonged.[18] Vidyāpati's village, now spelt Bisfi, falls within the district of Madhubani.

Several intermediaries fixed the price, and payment was made in kind. Hīrā sold herself and her son by taking one mānikā[19] of rice in the husk. The condition under which the purchase was made was that the slave woman could under no circumstances flee, her owner being authorised to bring her back even if she took shelter under the royal throne (*rājasiṃhāsanatalagatāpi*) and to engage her again in the duties of a female slave. The tasks to be done by her were menial, such as the removal of leftover food (*sakalocchiṣṭaphelanādikaṃ dāsīkarmma*), as the deed specifies. The deed is witnessed by four persons; two *Upādhyāya*-s among them.

Text

recto

1.   [20]   siddhiḥ   ‖   paramabhaṭṭāraketyādirājāvalīpūrvvakagatalakṣmaṇasena-
devīyacatuḥ[21]ṣaṣṭitriśatatamābde śrāvaṇaśudi[22]trayodaśīguruvāre

2.   evaṃ māsapakṣadivasānukramakāle bhilikhyamāne yatraṅkenāpi sammata[23]
lasaṃ[24] 364 śrāvaṇaśudi 13 gurau punaḥ paramabhaṭṭārakaparameśva-

3.   rāśvapatigajapatinarapatirājatrayādhikaprācīdigpati(sura)trāṇaśrīmaddalāvadīna-
sāhaprasādavaralabdhasamastaprakriyāvirāja-

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[18] For the inscription, see *Grierson* 1885:190-191.

[19] *Mānikā*, a measure of capacity, expressed no less than five different kinds of volumes in different periods. Interestingly, *Vidyāpati* employs the term *mānī* in the sense of *mānikā* in one of his models for deeds, in a compound in which, as in the present deed, the first member is *dhānya* (Likhanāvalī, doc. 73). *Diwakar Acharya* has written an exhaustive treatment of the subject, as yet unpublished.

[20] This type of symbol, of varying shape, has been taken by earlier epigraphists as representing the sound *om* (e.g. *Fleet* 1963:46), and this is also in conformity with the observation made by *Al-Bīrunī* in the early 11th century (*Sachau* 1964:1, 173). However, later epigraphists interpret it as the phrase *siddham* or *siddhir astu* (e.g. *Bhattasali* 1923-24:352), in spite of its presence in some epigraphs before the very word *siddhiḥ* (*Sircar* 1965:93). There are several instances when the symbol is followed by the syllabic *om* itself (see e.g. *N. Pant, Bhandari* and *D. Pant* 1978:3; plate of the first folio of the Sumatitantra printed after p. 273 in ibid.; Pariśiṣṭa 42, 46, 118, 167, 174, 185, 187, 197 in ibid.; *Banerji* 1913-14: plate facing p. 8; id. 1917-18: plate facing p. 160). It is to be noted that this and four of the following five deeds begin with this symbol and are followed by the word *siddhiḥ* (no. 3 starts with the symbol alone).

[21] Two strokes over the *akṣara tri* that precedes *ṣaṣṭi* mark its cancellation.

[22] The figure *1* that follows *śudi* seems to be struck out.

[23] Note the formation of the a-stem *sammata*, here and in the following deeds, in the sense of the indeclinable *saṃvat*. Pratāpa Malla, a 17th-century king of Kathmandu, profusely uses *sammata* in the metrical portions of his Sanskrit inscriptions in the sense of *saṃvat*: see *Naraharinath* 1953:26; *G. Vajrācārya* and *M. Pant* 1961:8, 10, 13, 18, 19, 23, 25 and *G. Vajrācārya* 1976:218, 220, 223. See *M. Pant* 1986:31 for the usage of *sammata* in a statement written in Sanskrit prose recording Pratāpa Malla's recitation of the *Sabhāparvan* from the *Mahābhārata*.

[24] Abbreviation for *lakṣmaṇasaṃvat* or *lakṣmaṇasenasaṃvat*.

4.   mānaripurājakaṃśanārāyaṇaśivabhaktiparāyaṇamahārājādhirājaśrīmadbhairava--
siṃhadevasambhūjyamānāyāṃ tirabhuktau triṣaṣṭideśā-
5.   ntargatajaraïlatapāpratibaddhaprajuārigrāme   u²⁵śrīrūpadharamahāśayā²⁶
saputrāśūdrīkrayaṇārthaṃ svadhanaṃ prajujyate dhanagrā-
6.   hako pyetat²⁷ mahatā cā[dyena] x x x x x x x x x x x dehāt²⁸ svam ātmāna
vikritavantaḥ mūlya x

In the left-hand margin, facing the third line

mahī

verso

1.   saputrā hīrānāmnīṃ gauravarṇṇāṃ uddeśitavarṣaviṃśativayaskāṃ nānāmadhya-
sthavyavasthāpitadhānya²⁹mānikām ekam ādāyamīṣu dattāṃ³⁰ yatra krīta³¹
2.   saputrā śūdrī 1 mūlyadatta dhānya māṃ 1 gotrāgotranivāraka³² dharmma eva
yadi prapalāti tadā rājasiṃhāsanataṭagato pyānīya sa-
3.   kalocchiṣṭaphelanādikaṃdāsīkarmmaṇinijujyateatrār(the)śākṣiṇahuśrīratnākara-
ūśricchibhū³³karmma³⁴vidyāpati kṛta śrīdharakā-
4.   ḥ | iti ‖

Translation

Success. In the three hundredth year [greater by] sixty-four of the past era of
Lakṣmaṇasenadeva, [whose name is] preceded by the royal titles *paramabhaṭṭāraka*
['supreme king'] etc., on Thursday, the thirteenth of the waxing moon of Śrāvaṇa, the
date thus being written in due order of the month, fortnight, and day, where [the date]
also in figures [is] in the era LS 364, in the waxing moon of Śrāvaṇa, on the 13th, on
Thursday;
      again, in Tīrabhukti, which is protected by *Mahārājādhirāja*, the prosperous³⁵ Bhai-

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²⁵ Abbreviation for *upādhyāya*. For its full form, see deed 5 (l. 6).
²⁶ An *akṣara* that precedes *saputrā* is inked over.
²⁷ A few words such as *sakāśāt* are certainly missing.
²⁸ Five *akṣara-s* which precede *svam ātmāna* are cancelled. ·Of them the first four, which read
as *gajapati*, are struck out, whereas the last one is effaced.
²⁹ *dhānya* is supplied exactly above *mādāya* without any sign of omission, but the addition is
slightly defaced.
³⁰ A comparison of this deed with the specimen provided by *Vidyāpati*, and the following deeds
in the present paper as well, reveals that the normal sequence of clauses is reversed in the
original.
³¹ A medial *i* preceding *kra* in *krī* is legible, and its presence needs some explanation. It seems
that no sooner had the scribe written it than he realised his mistake, though he forgot to cross
it out. The scribe seems to have been habituated to write the stem *krī* as *kri*; see *vikritavantaḥ*
in l. 6 of the front side.
³² There is a half-written *akṣara* which precedes *dharmma*: [dha].
³³ *uśricchibhū* is written in the lower margin by adding the sign of omission v before *karmma*.
³⁴ Abbreviation for *karmmakāra*. For its full form, see deed 4 (back side, l. 2).
³⁵ There are two kinds of honorific prefixes to the names in ·our deeds, namely *śrī* and *śrīmad*.
In order to distinguish one prefix from the other, I translate *śrī* as 'venerable' and the *śrīmad* as
'prosperous'. In light of the fact that both the sultāns and the Tirhut kings receive the prefix

ravasiṃhadeva, a Nārāyaṇa against enemy kings like Nārāyaṇa against Kaṃsa, who is
engaged in devotion to Śiva and is shining with all the insignia received through the
favour and boon of the Sultān the prosperous Alāvadīna Sāha, the *paramabhaṭṭāraka*,
parameśvara supreme lord, *aśvapati* the lord of horses, *gajapati* the lord of elephants,
narapati the lord of men and *rājatrayādhipati* supreme lord of a triad of kings,[36] and
the guardian of the east; in the village of Prajuāri, which is part of [lit. 'tied with'] the
tapā of Jaraïla,[37] which [in turn] is included in Triṣaṣṭideśa,[38] Upādhyāya the venerable
Rūpadhara Mahāśaya[39] invests his own money for the sake of the purchase of a female
Śūdra together with her son. The person who receives the money [from] him, ...[40] for
her part, a female named Hīrā, of fair complexion and ascertained to be twenty years
of age, who is with her own son, having taken one *mānikā* of rice in the husk as the
price, which was settled by several intermediaries, sold[41] herself out of urgent need [42]
and was given to that [transferee]. Hence, 1 female Śūdra together with her son has been
purchased,[43] the price given being 1 *mānikā* of rice in the husk. The *gotrāgotranivāraka*

Footnote from p. 164, continued

śrīmad, not śrī (with the exception of a single deed (no. 2), in which the sultān's and the king's
names are prefixed with śrī, though the latter's personal title, by which he is known equally as
well as by his own name, receives śrīmad), and the fact that Sulaimān karrānī, to whom the deed
provides no such royal titles as are present in cases of the Oinwāra kings and their overlords,
but a śrī (deed 6), like other respectable persons named in the deeds, it is highly likely that at
least the scribes of our deeds regarded śrīmad as having more weight than a mere śrī, which in
one case at least was used even before the names of slaves (deed 6).

[36] *Sircar* (1942:90) translates the compound *rājatrayādhipati* as 'the lord of the three royal titles'.
He takes the compound *rājatrayādhipati* as having the same meaning as in *rājāvalītrayādhipati*
(id. 1965:338). In other words, he thinks the compound may be classified as a
madhyamapadalopa, i.e. 'where the middle member is elided'. I prefer to translate it as literally
as possible; my translation follows that of *Führer* (1887:112), who presents it as 'the lord over
the three rājas'.

[37] Later, this *tapā* was changed to a *pargana* and came to be spelt Jarail (see P. *Jha* 1977:40, 41,
49).

[38] Later, Triṣaṣṭideśa seems to be known as Tirasathī Parganā (see ibid.:41 for this *pargana*).

[39] Cf. *mahāśaya*, lit. 'high-minded', with *mośāya*, a Bengali title of courtesy which derives from
the Sanskrit term and may loosely be translated as 'esquire'.

[40] I do not translate *dehāt* in the absence of its context: 11 *akṣara*-s which precede it are illegible
because of the breakage in the leaf.

[41] In the original, *vikri(sic)tavantaḥ*, which also occurs in deed 2. This fits the situation of deed
2, as the seller is a high-class Brahmin whose name is given in the honorific plural. This mistake
in gender and number in the perfect active participle, which here performs the duty of a finite
verb, stems from the scribe's shaky knowledge of the language, which he shores up in most of
the cases with the help of the book of paradigms.

[42] In the original, *cādyena*. The form *cādya*, which also occurs in deeds 4, 5 and 6, is not attested
in Sanskrit lexicons. However, *Vidyāpati* employs it in his Likhanāvalī (see docs. 55, 57, 58, 59).
I. *Jha* connects it with *cādi* or *cāṃda* and translates it as *atyāvaśyakatā sā* (1969:43), i.e. 'out of
great necessity', *āvaśyakatā sā* (ibid.: 45), i.e. 'out of necessity' or *atyāvaśyaka kāja sā* (ibid.: 46),
i.e. 'for very necessary work' in Maithili and *āvaśyakatā se* (ibid.: 91, 94), i.e. 'out of necessity'
or *atyadhika āvaśyaka kāma se* (ibid.: 93), i.e. 'for the most necessary work' in Hindi, and
Chaudhary translates it as 'under... urgency' (1976:575) or 'driven by... urgency' (ibid.:577, 578).

[43] Since *Vidyāpati's* specimens (docs. 55, 56, 60) and all other deeds in the present paper have
at this point *vikrīta*, i.e. 'sold', it seems that the scribe omits here the prefix *vi*, which reverses
the meaning.

is only dharma.[44] If she runs away, even when she has gone to beneath[45] the royal
throne, she will be brought back and employed in all aspects of the job of a female
slave, such as the removal[46] of leftover food.

In these dealings [the following] are the *kṛta*-witnesses: Upādhyāya the venerable
Ratnākara, Upādhyāya the venerable Chībhū, Karmakāra [blacksmith?] Vidyāpati and
Śrīdhara.[47]

<div align="center">Finis.</div>

[Approved by] Mahī.

<div align="center">

Deed No. 2

</div>

The leaf measures 32.5 x 3.8 cm. Like the leaf above, it contains text on both sides.
Condition, good, well written in a beautiful hand. Dots in several places, usually at the
same level as the head-mark of an *akṣara*.

Date. Monday, the 1st of the waxing moon of Māgha in LS 376, when Rāmabhadra
was reigning, who was the son and successor of Bhairavasimha. This time, the sultān is
Sikandara Sāhi, i.e. Sultān Sikandar Shāh Lodī of Delhi, who died in 1517.[48] The rela-

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[44] The queer term *gotrāgotranivāraka* occurs in nos. 1, 3 and 5 which certify a person's sale of
himself. However, it is to be noted that it is absent in no. 6 which records the same kind of
transaction. The Likhanāvalī offers two specimens of deeds containing the same term (docs.
55-56). We know from the former specimen that both the seller and buyer have to pay an equal
amount for the purpose of the *gotrāgotranivāraka: gotrāgotranivārakāya samubhayadeye 2 | 2 | .*
It is obvious, therefore, that the *gotrāgotranivāraka* was a kind of tax to be paid by both parties
in an equal proportion to make the transaction valid. The latter specimen, like our deeds, was
issued to certify someone's sale of himself and in the same way asserts that the
gotrāgotranivāraka is only dharma ('*gotrāgotranivārako dharmma eva*'), i.e. does not need to be
paid. *I. Jha* (1969:42) tried in various ways to explain the term, to no avail. *Chaudhary*
(1976:575-576), though, perceived that it is a fee.

[45] In the original, *rājasimhāsanatata*. As *tata*, i.e. 'shore', makes no sense here and *Vidyāpati's*
specimen (doc. 55) and similar deeds have the expression *rājasimhāsanatala* (see 1.1 of the back
side of deed 4 and *Sircar* 1942:90, 1. 12 of deed), I take the intended word to be *tala.*

[46] In this deed *ucchiṣṭa* is governed by the verbal noun *phelana*, whereas in other deeds (1.5 of
deed 3 and 1.1 of the back side of deed 4) it is followed by *sphetana*, as it is in the Likhanāvalī
(doc. 55). Here the conventional meaning of the root *phel* 'to go, to move' clashes with the
context, I resort to the Jaina Hemacandra, who paraphrases *phelyate* as *tyajyate*, i.e. 'is left', when
explaining the substantive *phelā*, meaning 'remains of food' (see autocommentary on the
Abhidhānacintāmaṇi 3.90[d]-91[a]). Since the traditional meaning of the root *sphiṭ*, 'to injure', does
not fit our context, I may refer to a meaning of its present participle *sphetyamāna* which occurs
in an erotic text and is explained in a commentary as *apanīyamāna*, i.e. 'being removed' (*Schmidt*
1991:s.v. *sphiṭ*). Cf. a Gujarati derivative *pheṛvũ* which can mean 'to remove' (*R. Turner* 1966:no.
13838).

[47] The word *kṛta* (for *kṛtā*) oddly stands in the original after the name of the third and before
the fourth and last person to witness the transaction. However, I take it to refer to all the
witnesses on the basis of the Dharmaśāstra-s and the Likhanāvalī and in light of the following
deeds. Another noteworthy feature is that *kṛtā* stands alone without the conventional addition
of *bhūtāś ca*. The whole appears to be legal turn of phrase ('have been made and are become'),
which I translate in this and succeeding deeds simply as 'are'.

[48] *Hameed-ud-Din* 1967:142-147.

tionship between Rāmabhadra and Sikandar Lodī seems to have been one of great friendship, if we can believe a statement by Vibhākara, a contemporary Tirhut author.[49]

Summary of Contents. The deed was drawn up for the purchase of a slave woman and her daughter, by the same Rūpadhara whom we know already from the preceding deed. This time his caste status has been elevated to *Sadupādhyāya*, i.e. 'the virtuous *Upādhyāya*'.[50] In addition, the deed supplies more particulars than the previous one does concerning the place where the transaction took place, and it tells us where Rūpadhara actually resided.

The slave woman was of fair complexion and 28 years old. She was a Śūdra, and by caste was a Khālava. Her name was Mānī, and her daughter's Manikī. She together with her daughter belonged to one Ratnākara who, like the purchaser, was a Sadupādhyāya and Mahāśaya. For both mother and daughter Ratnākara received four silver *tanka*-s, a price fixed by the intermediaries. Interestingly enough, the seller was one of the witnesses. This deed is witnessed by four persons, and among them one Miśra and two more Sadupādhyāya-s.

Text

1.   siddhiḥ || paramabhaṭṭāraketyādirājāvalīpūrvvakagatalakṣmaṇasenadevīyaṣaṣṭha-saptatyadhika[51]śatatrayābde samaye bhilikhyamāne punaḥ paramabhaṭṭāraketyādy-aśvapatinarapati[52]gajapatinarapati-

2.   rājatrayādhipatisuratrāṇaśrīsikandarasāhivaralabdhaprasādamahārājādhirājaśrīmad-drūpanārāyaṇaśrīrāmabhadradevapādānāṃ samaravijayināṃ rājye. punaḥ

3.   paramabhaṭṭāraketyādi yatrānkenāpi sammata. lasaṃ 376 māghaśuklapratipadi candre jarayilatapāsaṃlagnaparajuāri ·grāmāntargata ·ga[53]ṅgoragrāme

4.   tilayīgrāmīyasupratiṣṭhasadupādhyāyaśrīrūpadharamahāśayālṣūdrīkrayaṇārthaṃ svadhanaṃ prayuñjate ∶ dhanagrāhakā api sadupādhyāyaśrī·ratnākaramahāśayāḥ sva-

5.   śūdrīṃ khalavajātīyāṃ varṣāṣṭaviṃśativayaskāṃ gauravarṇṇāṃ madhyastha-kṛtacaturmmudrāmūlyāṃ manīnāmnīṃ e[54]sutāṃ

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[49]   *P. Jha* 1977:130-131.

[50]   There are other instances in which family names have been elevated in the Maithila Brahmin community by the addition of *sat* before them: e.g. see *Śāstri* 1905:29, 31, 1915:84 for *sadupādhyāya*, 1905:49 and *Bhattacharya* 1987:152 for *sanmiśra*, and ibid.:177,179 for *satthakkura*. Furthermore, see the colophon of the Abhinavabhāṣya by *Bhavadeva Miśra* on the Yogasūtra; in it the guru of the commentator is called *satthākura*, and both the commentator and his father *sanmiśra*. See microfilm reel no. E 1746/5 of the Nepal-German Manuscript Preservation Project.

[51]   *ka* is written in the upper margin, between *dhi* and *śa*, and the addition is followed by the number of the line from which it has been omitted.

[52]   This first *narapati* is superfluous.

[53]   The medial *e* in *ge* is cancelled by two small strokes.

[54]   Abbreviation for *etat*. We find the same abbreviation in the Sanskrit of Maithilas elsewhere: *Śāstri* 1905:25, 91; *M. Pant* 1986:31, 32. This abbreviation is profusely used in a Sanskrit genealogy of the Sena kings of Nepal, named by its editor as the Prācīna-senavaṃśāvali: Senavaṃśāvalī: 2-14, 16-17. For the same abbreviation used in the documents written in Bengali and Maithili, see *S. Jha* 1957:2-4, 8, 10-12, 14-15, 18, 20 etc. and *P. Jha* 1977:91, 127, respectively.

ma⁵⁵nikīnāmnīṃ caturmmudrāṃ mūlyam ādā·yā-
6.   mīṣu dhaniṣu vikrītavantaḥ. yatra vikrītasūdrī 2 mūlyāṅka·saṃ⁵⁶rū⁵⁷ṭaṃ⁵⁸
4. atrārthe miśraśrīśaśi·sadu⁵⁹śrīśagāpāyī· saduśrīmahīpatikarmmaśrīpatikāḥ sākṣiṇaḥ
kṛtā bhūtāś ceti ‖

<div align="center">

In the left-hand margin, facing the fourth line
mahī⁶⁰

</div>

<div align="center">

Translation

</div>

Success. In the year of a triad of centuries greater by seventy-six of the past era of
Lakṣmaṇasenadeva, [whose name is] preceded by the royal titles *paramabhaṭṭāraka*
etc.,⁶¹ — the date being written;⁶²

again, in the kingdom of *Mahārājādhirāja* the prosperous Rūpanārāyaṇa ['whose form
is like that of Nārāyaṇa'] the venerable Rāmabhadradeva, who is triumphant in war and
has received the favour through the boon of the sultān the venerable Sikandara Sāhi,
paramabhaṭṭāraka, etc.,⁶³ *aśvapati, gajapati, narapati* and *rājatrayādhipati*;

again, *paramabhaṭṭāraka* etc.,⁶⁴ where [the date] also in figures [is] in the era LS 376,
on the 1st of the waxing moon of Māgha, on Monday, in the village of Gaṅgora,⁶⁵
which is included in the village of Parajuāri, which [in turn] is attached to the *tapā* of
Jarayila, Sadupādhyāya [the virtuous Upādhyāya] the reputable, venerable Rūpadhara
Mahāśaya, who is from the village of Tilayī, invests his own money for the sake of the
being 4 silver *ṭaṅka*-s. In these dealings [the following] are the *kṛta*-witnesses: Miśra the
venerable Śaśi, Sadupādhyāya the venerable Śagāpāyī, Sadupādhyāya the venerable
Mahīpati and Karmakāra Śrīpati.

<div align="center">

Finis.

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⁵⁵ The medial *e* in *me* is cancelled by two strokes.
⁵⁶ *saṃ* is an abbreviation for *saṃgṛhīta*. For its full form, see deed 3 (l. 5).
⁵⁷ Abbreviation for *rupya*.
⁵⁸ Abbreviation for *ṭaṅka*.
⁵⁹ Abbreviation for *sadupādhyāya*. For its full form, see deeds 2 (l. 4), 3 (ll. 3, 6), 4 (front side,
l. 4) and 6 (l. 3).
⁶⁰ The syllable *oṃ* occurs five times, half encircling *mahī* to the left.
⁶¹ Note that the present and the succeeding two deeds do not repeat the complete date when
they cite the year in words. This is not in agreement with what Vidyāpati ordains (docs. 56 *et
seq.*) Deed 6, on the contrary, offers the full date along with the year in words only.
⁶² The scribe apparently loses his train of thought here, failing to supply the date in figures. He
takes up this task again later, though, in l. 3 of the original.
⁶³ In the original, *paramabhaṭṭāraketyādi*. This incorporates *parameśvara*, for which see deeds
1 (ll. 2-3) and 5 (l.2). The other two deeds which refer to the sultān omit *parameśvara* and do
not add *ityādi* after *bhaṭṭāraka* (deeds 3 (l.2) and 4 (l.2).
⁶⁴ In the original, *paramabhaṭṭāraketyādi*. It incorporates the beginning of a long phrase
qualifying LS of the deed. For the complete phrase see l. 1. The repetition obviously was made
as a convenient way to resume citation of the date.
⁶⁵ It is to be noted that the same village name, spelt as *Gaṃgaura*, is attested in the register of
the Maithila Brahmins known as the *Kulapañjī*. For the citation, see P. Jha 1977:84.

[Approved by] Mahī.

Deed No. 3

The deed is written on the back of the same leaf on which deed 2 has been written. Only a conjunct letter is damaged on this side of the leaf, where the hole was expanded by the string. Condition, good; beautiful hand.

Date. Sunday, the 11th of the waning moon of Māgha in LS 382, i.e. A.D. 1512, when Rāmabhadra was reigning over Tīrabhukti. This time not only *suratrāṇa* but also, before it, *paścāttya*, i.e. 'the westerner', has been prefixed to the name of his overlord. This, no doubt, was done to distinguish the Lodī sultāns of Delhi from the sultāns of Bengal, who were 'the easterners'. The sultān in this deed, which dates to 1512, is the same as in deed 2, but his name has been spelt here as Sekandara Sāha. It is to be noted that unlike the two previous deeds, the present deed omits the term which states that the Tirhut king received the sultān's favour. Still, it gives the impression that Tirhut was under the direct rule of the sultān, since the word *sambhujyamāna*, i.e. 'being protected' is accompanied by the agent noun referring to Rāmabhadra's overlord as in 1.

Summary of Contents. The deed was prepared for the purchase of a male Śūdra, one Gopa Mādhūka,[66] who offered himself for sale for one silver *ṭaṅka*. His age was 22 years and his complexion was dark. The buyer was the same Sadupādhyāya Rūpadhara Mahāśaya as in deed 2.

This deed, like deed 1, specifies the tasks to be done by the slave. Since he was a male, his master expected him to do heavier jobs, such as ploughing fields, along with the simpler ones of removing leftover food and the like (*anekavidhahalavāhanocchiṣṭa- sphetanādi karmma*).

The deed mentions the scribe, named Vīra, who drew it up with the consent of both parties, and took a fee of one and three quarters of a *paṇa* from each. It is witnessed by three persons, two Upādhyāya Ojhā-s, and one Sadupādhyāya, like the purchaser.

Text

1. paramabhaṭṭāraketyādirājāvalīpūrvvakagatalakṣmaṇasenadevīyadvyaśītyadhikatri- śatatamābde evaṃ māsapakṣadivasānukrameṇa kāle abhilikhyamāne yatrāṅkeṇāpi savvāta lasā 382

2. māghabadiekādaśīravau. punaḥ parama[67]bhaṭṭārakāśvapatinarapatigajapatirāja- trayādhipatipāścātyasuratrāṇaśrīmatsekandarasāhasambhujyamāne   mahārājādhirāja-- śrīmaddrūpanārā-

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[66] In approving the deed, the prospective self-seller writes only *Mādhū*, omitting *gopa* and the final *ka*. Mādhūka, according to Manu 10.33, is the offspring of Vaideha father and the Āyogava mother. In turn, a Vaideha is born of the union of a Vaiśya male and a Brahmin female, and an Āyogava from a Śūdra male and a Vaiśya female.

[67] A cancelled *ṭa* precedes *bhaṭṭārakā*.

3.   yaṇapadalāñchitaḥ[68] śrīmadrāmabhadradevapādās samaravijayina[69]s tīrabhuktau
śāsati   jara<ï>la[70]tapāsaṃlagnaparjuyārigrāme   sadupādhyāyaśrīrūpadharamahāśayāḥ
śūdrakrayaṇārthaṃ svadhanaṃ prayu-

4.   ñjate. dhanagrāhako py etatsakāśān[71] nāmnā mato[72] gopamādhūka ātmavikrayi-
kaḥ rū(p)yaṭaṅkakaikam ādāyātmānaṃ śyāmavarṇṇam uddeśitadvāviṃśativarṣavayaskam
ātmānaṃ vikrītavān tad atre-

5.   tyādi yatra vikrītasvātmā prāṇī 1 mūlyāṅkasaṃgrhītataṃ 1[73] adyārabhya
dhanigrhe anekavidhahalavāhanocchiṣṭasphéṭanādi karmma karttuṃ gotrāgotranivārako
tra dharmmaḥ likhāpanobhayade-

6.   yapa˙[74] 1‖ | atra sākṣī sadupādhyāyaśrīśucikaraüśrīprāṇasaraojhāüśrīśivāyī-
ojhānāṃ mānekāḥ[75] kṛtā bhūtāś ceti likhitam ubhayānumatyā śrīvīreṇeti ‖
         In the left-hand margin, slanting upward between the third and fourth lines
         Mādhūmatam

Translation

In the three hundredth year greater by eighty-two of the past era of Lakṣmaṇasenadeva,
[whose name is] preceded by the royal titles *paramabhaṭṭāraka* etc., the date thus being
written in due order of the month, fortnight and day, where [the date] also in figures
[is] in the era LS 382, on Sunday, the eleventh of the waning moon of Māgha;

   again in Tīrabhukti, which is protected by the Western Sultan the prosperous
Sekandara Sāha, the *paramabhaṭṭāraka, aśvapati, gajapati, narapati*[76] and *rājatrayādhipati*;
and which *Mahārājādhirāja* the prosperous Rāmabhadradeva, who is decorated with the
title of the prosperous Rūpanārāyaṇa and is triumphant in war, is ruling over,[77] in
thevillage of Parjuyāri, which is attached to the *tapā* of Jaraïla, Sadupādhyāya the
venerable Rūpadhara Mahāśaya invests his own money for the sake of the purchase of
a male Śūdra. The person who receives the money from him, for his part, is by name
Gopa Mādhūka, a self-seller, who, having taken one silver *ṭaṅka*, sold himself, of dark

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[68] The *visarga* seems to have been added later since it is squeezed between two *akṣara*-s.
[69] *na* is written in the interlinear space, between *yi* and *sti*.
[70] For this emendation, see deeds 1 (front side, l. 5) and 4 (front side, l. 4). The *tapā* is also spelt
alternatively *jarayila*, a good example of *yaśruti*. See deeds 2 (l. 3) and 5 (l. 4).
[71] *sakāśā* is written in the lower margin, the sign of omission having been added after *py etat*,
and the addition is followed by the number of the line which it has been omitted from.
[72] *Vidyāpati's* Likhanāvalī, which provides us with models for such transactions in Mithila, gives
simply *nāmataḥ* in such instances (doc. 55 *et seq.*). The Lekhapaddhati, in which are collected
paradigms of legal transactions from Gujarat, gives *nāma namataḥ* (pp. 21, 35, etc.).
[73] Most probably, the dash after the figure is meant for barring additional numbers. See the
occurrence of the same sign in deed 4 (l. 6).
[74] *pa* is an abbreviation for *paṇa*.
[75] A sign which looks like o\ is squeezed between two *akṣara*-s; I take it as a *visarga*.
[76] In the original, *gajapati* comes after *narapati*, which is unusual.
[77] In the original, °*sekandarasāhasambhujyamāne...rāmabhadradevapādās samaravijayinas
tīrabhuktau śāsati*. It is obvious that *tīrabhuktau* is governed by *sambhujyamāne*, though the latter
is not in the proper gender. Similarly, the syntax requires that the country's name be repeated
with a different case ending. The Tirhut king's name and the epithet also lack the proper case
endings and numbers.

complexion and ascertained to be twenty-two years of age. Thus here etc. Hence[78] 1 person [lit., 'creature'] has sold himself, the price in figures altogether being 1 *ṭaṅka*.

Starting from today many kinds of work, such as ploughing and the removal of leftover food, should be done[79] at the owner's home. Here the *gotrāgotranivāraka* is the dharma. The fee to be paid by both [parties] for having [the deed] written is *paṇa* 1¾. Here [the following] are the *kṛta*-witnesses:[80] Sadhupādhyāya the venerable Śucikara, Upādhyāya the venerable Prāṇasara Ojhā, Upādhyāya the venerable Śivāyī Ojhā.

<div align="center">Finis.</div>

Written by the venerable Vīra with the consent of both [parties].

<div align="center">Finis.</div>
<div align="center">Approval of Mādhū.</div>

<div align="center"># Deed No. 4</div>

Size, 32.9 x 4.2 cm, text on both sides: *recto* six, *verso* three lines. Condition, not good: The middle portion of the last line of the front side is broken, affecting nine *akṣara*-s, and the expanded hole, three more. The handwriting is good and clear.

Date. Monday, the first of the waxing moon of Māgha in LS 384. The king is named only by the personal epithet, Rūpanārāyaṇa[81]: in all likelihood he is the Rāmabhadra whom we know from deeds 2 and 3. — Further, the present deed contains one additional epithet ending with Nārāyaṇa, namely, Ripurājakaṃsanārāyaṇa, which, as we have seen already in deed 1, was added to Bhairavasiṃha's name. In this context, it may be worthwhile to mention that not only Rāmabhadra but also both his father and son were associated with two epithets ending with Nārāyaṇa,[82] one of them Ripurājakaṃsanārāyaṇa. However, it is to be stressed that none of the kings mentioned above personally bore the epithet *ripurājakaṃsanārāyaṇa*, it being a part of the *viruda* common to all such kings; it did not replace the king's personal name in the way that the indi-

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[78] In the original, *tad atretyādi yatra*. This phrase also occurs in 4 (front side, l.6), though other deeds and *Vidyāpati's* specimens have *yatra* only. *Vidyāpati*, however, employs this phrase, not in deeds concerning slavery, but in some of the loan transactions, in which between the *tad atretyādi* and *yatra* several words are written in recognition of the loan on the part of the debtor (docs. 69, 70 and 77), with one specimen (doc. 73) adding further promises made by the debtor.

[79] In the original, *karttuṃ*. As the infinitive *karttuṃ*, i.e. 'to do', is out of place here, I take this in the sense of *karttavyaṃ*, i.e. 'should be done', which occurs in a similar context in deed 4 (back side, l.1).

[80] In the original, *ojhānāṃ mānekāḥ kṛtā bhūtāś ceti*. As I do not understand *mānekāḥ*, apparently in the nominative plural, I omit its translation and ignore the genitive plural in *ojhā*.

[81] It may be noted similarly that a ms. from Tirhut dated Monday, the 8th of the waxing moon of Phālguna, Saṃvat (apparently LS) 377, only gives the title Rūpanārāyaṇa without the name of the king (see *Śāstri* 1915:115).

[82] For Bhairavasiṃha's two epithets, namely, Ripurājakaṃsanārāyaṇa and Harinārāyaṇa, which we encounter exceptionally in one and the same document, see a post-colophon statement in *P. Jha* 1977:128. For Lakṣmīnātha's two epithets, namely, Ripurājakaṃsanārāyaṇa and Kaṃsanārāyaṇa, in one and the same document, see the following deed.

vidual epithet did.[83] — The sultān again is Sikandara Sāhi, and as in deed 3, he is described as *paścāttyasuratrāṇa*. This time, however, the word *saṃbhujyamāna* is used in connection with the Tirhut king. Interestingly, in the sultān's case the technical word *pracāra* [84] is employed.

Summary of Contents. The deed certifies the purchase of a male Śūdra owned by Mahīdhara Mahāśaya by the now familiar Sadupādhyāya Rūpadhara Mahāśaya. This Śūdra, named Hasaïā, was 12 years old, and his complexion was dark. It is to be noted that Hasaïā at the time of this transaction was already being held in pledge for one quarter of a silver *ṭaṅka* borrowed by his master from the same person who now was planning to buy him. The price of the slave was fixed by several intermediaries at two *ṭaṅka*-s, the fractional part of which had already been taken by Mahīdhara when he put up his slave as security.

The present deed states in the margin that it was approved by the venerable Mahīdhara (*śrīmahīdharamatam*), which apparently is meant to certify the sale. It may be noted that the first two deeds seem to be approved by the same Mahīdhara, since *mahī*, most probably the first two *akṣara*-s of his name, are recorded in their margins.

His job again is defined as of ploughing fields, apart from removing leftover food. The deed again stipulates that if the slave runs away and seeks shelter elsewhere, even at the king's throne, he will be brought back and engaged again in the duties of a Śūdra.

The scribe's fee is to bee three and a half *paṇa*-s, twice as much as in deed 3. The deed was witnessed by several persons belonging to various castes; not only the names but also their home villages are recorded.

<center>*Text*</center>

recto

1.   siddhiḥ ‖ paramabhaṭṭāraketyādi[85]rājāvalīpūrvvakagatalakṣmaṇasenadevīyacatura-

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[83] It is interesting to note that Rāmabhadra's queen has been referred to in an inscription, set up by herself, as 'King Harinārāyaṇa's daughter-in-law' (*snuṣā harinārāyaṇakṣitipateḥ*) and 'King Kaṃsanārāyaṇa's mother' (*nṛpakaṃsanārāyaṇa...janani*) (published in *Choudhary* 1958:126-127). A verse (cited in *Sharma* 1979:298) which records the killing of King Lakṣmīnātha refers to him as Kaṃsanārāyaṇa.

[84] Like the present deed, the Likhanāvalī employs the word *pracāra* in connection with the sultān and *saṃbhujyamāna* with the Tirhut king (doc. 55). A ms. dated Wednesday, the 3rd of the waning moon of Pauṣa, LS 392 employs the same word in reference to a Tirhut king, but makes no mention of a sultān (For this statement in ms., see *Śāstri* 1905:63). The second book (*adhikaraṇa*) of the Kauṭalīya Arthaśāstra is entitled 'Adhyakṣapracāra' and mainly deals with the functions of heads of various administrative departments. However, the occurrence of *pracāra* in 2.8.24 is in the same sense as in the Likhanāvalī, in the ms. referred to above and in the present deed, and Bhaṭṭasvāmin, an ancient commentator on the *Arthaśāstra*, offers *janapada* as a synonym of it (*Pratipadapañcikā*:6). Furthermore, Prabhamati, another early commentator on the Arthaśāstra, glosses *pracāra* in the Kauṭalīya Arthaśāstra 2.6.14 and 2.7.2 as *deśa* (*Cāṇakyaṭīkā*:107, 111) and in 2.8.3 as *janapada* (*ibid.*:118). Taking into account all these facts, I translate the word, which is not entered in the standard dictionaries in such a sense, but which the present situation demands, as 'jurisdiction'.

[85] *di* is written in the upper margin exactly above *rā*.

śītya[86]dhikatriśatatamābde māsapakṣatithidivasānukrameṇa kāle 'bhilikhyamāne yatrā-
2.   ṅkenāpi sammata lasā[87] 384 māghaśudipratipadi candre punaḥ paramabhaṭṭārakā-
śvapatinarapatigajapatirājatrayādhipatipāścātyasuratrāṇaśrīmatsikandarasāhi-
3.   pracāreṣamastaprakriyāvirājamānaripurājakaṃsanārāya(ṇ)abhavabhaktiparāyaṇa-
mahārājādhirājaśrīmaddrūpanārāyaṇadevapādaiḥ sambhujyamānāyā-
4.   n tīrabhuktau jaraïlatapāpratibaddhaparajuārigrāme sadupādhyāyaśrīrūpadhara-
mahāśayāḥ śūdrakrayaṇārthaṃ svadhanaṃ prayuñjate. dhanagrāhako py etatsakā-
5.   śān nāmnā mataḥ śrīmahīdharamahāśayaḥ[88] svaśūdraṃ śyāmavarṇṇaṃ varṣadvā-
dāśavayaskaṃ   hasāïānāmānaṃ   nānāmadhyasthakṛtarūpyamudrikāṃ   anādhika-
śivaṅkaka[89]sahitāṃ etanmū-
6.   lyam ādāya mahatā rṇacādyena candrārkkāvadhināmī(ṣu dhan)i(ṣu v)i(kr)ī(tavān
ta)d atretyādi yatra vikrītaśūdraprāṇī 1 mūlyāṅkasā·raupyaṭaṃ 1 ‖ | ⁻ anena śūdreṇa
dhanik(āvā)-

In the left-hand margin, written vertically to the left of a vertical line
1.   śrī[90]mahīdhara-
2.   mataṃ⁻

verso
1.   se halavāhanocchiṣṭasphetanādi karmma karttavyaṃ yadi kutrāpi prapalāyya
gacchati tadā rājasiṃhāsanatalagato py āniya punaḥ śūdrakarmmaṇe prayujyate.[91]
2.   atrārthe sākṣiṇaḥ kaṭāyīsaṃ[92]śrīcānda tiśvarīsaṃśrīmanorathaśrīvela ñothaosaṃ-
śrīamarūojhārauttakumanūkarmmakāraṇarapatikāḥ kṛtā bhū
3.   likhāpanasamubhayadeyapa 3 ‖ tāś ceti[93] ‖ valiā(sa)[94]saṃśrīgauri. phanandaha-
saṃśrī·narahari.[95]

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[86] *caturaśītya* is written over the effacement of what was originally written.
[87] The crescent in the *anunāsika* sign here and below in l. 6 in *sāraupya* dips unusually low,
losing its shape and assuming the form of a complete *akṣara*.
[88] Note the singular number in the seller's name in contrast to that in deed 2 (l. 4). Further,
though both names in the present deed are followed by *mahāśaya*, the name of the seller, unlike
in deed 2, is not prefixed by *sadupādhyāya*.
[89] *ṅkaka* is written over the effacement of what was originally written, though the original
akṣara-s are not completely obliterated.
[90] There is a partly smudged *akṣara* before *śrī* which I cannot read.
[91] The unusually long head-mark over the *akṣara te*, most probably indicating *te*'s connection
with the *akṣara* in the next line, is struck out by the sign ∨.
[92] *saṃ* is an abbreviation for *sambhūta*. (Sircar 1942:88 and Bhattacharya 1987:98), and P. Jha
1977:132 for its full form. For the use of this abbreviation in Tirhut documents, see Sircar
1942:90, P. Jha 1977:71 ff. passim; Bhattacharya 1987:71, 98.
[93] At this point the sequence of *akṣara*-s loses its proper order: the placement of *tāś ceti* in the
middle of the third line stems from an oversight of the clerk who copied it, as it should be
connected with *kṛtā bhū* at the end of the second line.
[94] The last *akṣara sa* in the place-name, lost due to the expanded string hole, has been restored
on the basis of a deed from Mithilā, dated Tuesday, the 3rd of the waning moon of Caitra, LS
620, Śaka 1651 and [Faslī] San 1136 (Sircar 1942:90, l. 13), in which the same name occurs as
valiyāsa.
[95] The *akṣara*-s which follow *ceti* ‖ are written by a different hand. Thus it goes without saying
that the two witnesses who are placed at the end should precede *karmmakāra*.

Translation

Success. In the three hundredth year greater by eighty-four of the past era of Lakṣmaṇa-senadeva, [whose name is] preceded by the royal titles *paramabhaṭṭāraka* etc., the date being written in due order of the month, fortnight, lunar day and weekday,[96] where [the date] also in figures [is] in the era LS 384, on the first of the waxing moon of Māgha, on Monday;

again, in the jurisdiction of the Western Sultān the prosperous Sikandara Sāhi, the *paramabhaṭṭāraka, aśvapati, gajapati*, narapati[97] and *rājatrayādhipati*; and in Tīrabhukti, which is protected by *Mahārājādhirāja* the prosperous Rūpanārāyaṇadeva, who is shining with all the insignia, a *ripurājakaṃsanārāyaṇa*, and is engaged in devotion to Bhava [i.e. Śiva]; in the village of Parajuāri, which is part of [lit.: 'tied with'] the *tapā* of Jaraïla, Sadupādhyāya the venerable Rūpadhara Mahāśaya invests his own money for the sake of the purchase of a male Śūdra. The person who receives the money from him, for his part, is by name the venerable Mahīdhara Mahāśaya, who, having taken as the price for him [i.e., for the slave] a stamped silver coin, together with one *śivaṅka*[98] less [the money borrowed against] the pledge, as fixed by several intermediaries, sold to that transferee in perpetuity [lit., 'ending with the moon and the sun'], with an urgent need [to pay] the debt, his own Śūdra, named Hasaïā, of fair complexion and twelve years of age. Thus, here etc. Hence 1 person [lit., 'creature'] [of the] Śūdra [caste] has been sold, the price in figures altogether being 1¾ silver *taṅka*-s. The work to be done by this Śūdra is such things as ploughing and the removal of leftover food at the owner's residence. If he goes anywhere by fleeing, even when he has gone to beneath the royal throne, he will be brought back and employed again in the job of a Śūdra. In these dealings [the following] are the *kṛta*-witnesses: the venerable Cānda of Kaṭāyī; the venerable Manoratha and the venerable Śrīvela of Tiśvarī; the venerable Amaru Ojhā,

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[96] In the original, *māsapakṣatithidivasānukrameṇa kāle bhilikhyamāne*. Note the inclusion of the *tithi* in this and the 6th deed.

[97] As in deed 3, the text has *narapati* before *gajapati*.

[98] In the original, *śivaṅkaka*. I take this to be *śivaṅkaika*. The edition of *Vidyāpati's* Likhanāvalī which I possess reads a word as *śivākṣa* in a specimen of deed which was designed for the transaction of a loan taken by a *paikār*, i.e. 'pedlar' (doc. 71). The specimen tells us that 15 *taṅka*-s were taken on loan under the condition of paying three *śivākṣa*-s as interest. The editor translates *śivākṣa* as *rudrākṣa* (I. Jha 1969:54, 97) and concludes that the interest has to be paid in *rudrākṣa*-s (*ibid.*:97), the seeds which are used for rosaries. This conclusion is difficult to swallow, and as the conjuncts *kṣa* and *ṅka* in Maithilī script look similar to untrained eyes, I venture to take this *śivākṣa* as *śivaṅka*. — It is worthwhile to mention that a coin named *śivakāṅka* was introduced by Śivadeva, a Nepali king who ruled from 1098 to 1126 (*Petech* 1984:198-200). The *śivakāṅka* was made of gold, whereas the *śivaṅka* of the Likhanāvalī was certainly made of silver, since it says that the principal, 15 silver *taṅka*-s, and the interest, three *śivaṅka*-s, are in total 18 silver *taṅka*-s. In the present deed, then, we have *śivaṅka* which, unlike the Nepalese *śivakāṅka*, was made of silver and was equal in rate to the *taṅka*. Since we know that Śivadeva also introduced a *dramma* made of silver (*Petech* 1984:198-199) with no special name, it is likely that in later times this coin continued to be in circulation under the name of *śivaṅka* as the counterpart to the gold coin.

Rāutta Kumanū, the venerable Gaurī of Valiāsa, the venerable Narahari of Phanan-daha[99] and Karmakāra Narapati of Ñothao.

<div align="center">Finis.</div>

The fee to be paid by both [parties] for having [the deed] written is *paṇa*-s 3½.[100]
Approval of the venerable Mahīdhara.

Deed No. 5

Size, 32.2 x 4.1 cm. Text on one side only. Not enough space left free for the hole meant for a string. Condition, fairly bad: right-hand end broken off, with loss of one *akṣara* in four lines; for other damages, see the facsimile. Two *akṣara*-s near the end of the fifth line are moth-eaten, though they can be read.

Handwriting, difficult: I have been unable to decipher a few *akṣara*-s; for others, I only have tentative readings to offer.

Date. Friday, the 12th of the waxing moon of Māgha in LS 394. The king again is mentioned only by his personal title Kaṃsanārāyaṇa, without mentioning his personal name. There is a MS. of the *Devīmāhātmya* in the National Archives in Kathmandu (no. I. 1534), dated Wednesday, the 3rd of the waning moon of Pauṣa, LS 392, which was copied during the reign of the same Kaṃsanārāyaṇa,[101] and in which, as in the present deed, the king's personal name is not given. Similarly, it is to be noted that there is an inscription in the village of Bhagirathpur in Madhubani, dated LS 394, which records the erection of a temple by King Kaṃsanārāyaṇa's mother.[102] We know from a contemporary source that Lakṣmīnātha, the son and successor of Rāmabhadra, bore this title.[103] He shone with all the royal insignia received through the favour and boon of Suratrāṇa Ibarāhīma Sāha, the splendour of the west (*pratīcīdīdhiti*), as the deed states. This Ibarāhīma Sāha is Sikandar's son Ibrāhīm Lodī, who ascended the throne following his father's death in 1517.[104]

Summary of Contents. The present deed certifies the purchase of a female Śūdra, again by Sadupādhyāya Rūpadhara Mahāśaya. Though it is not made explicit whether the slave offered herself for sale or was sold by somebody else who owned her, I am inclined to the first alternative, as the name of the slave and that of the person who approves the deed is one and the same. The name of the female Śūdra oddly reads as *Amītiśvadī*. Her

[99] The place-name Phanandaha occurs in a similar deed from Mithilā dated Thursday, the 3rd of the waning moon of Caitra, LS 620, Śaka 1651 and [Faslī] San 1136 (see *Sircar* 1942:87, 89-91). In the Kulapañjī, as in the deed just mentioned, we come across both the place-names in the spellings Phanadaha (see *P. Jha* 1977:90) or Phandaha (see ibid.:172) and Baliyāsa (see loc. cit.).
[100] It is to be noted that, unlike in the present deed, the sentence concerning the payment of the fee for writing elsewhere precedes the names of witnesses, as in deeds 3 (ll. 5-6) and 5 (l. 6). However, *Vidyāpati's* specimens in all but one case (doc. 57) place the sentence referring to the fee after the naming of the witnesses (docs. 55, 56, 58-60).
[101] For the post-colophon statement, see *Śāstri* 1905:63.
[102] For the inscription, see *Choudhary* 1958:126-127.
[103] *P. Jha* 1977:134.
[104] *Hameed-ud-Din* 1967:148.

complexion was dark, and I have tentatively read her age as nine. She sold herself because of 'an urgent need to protect and sustain herself (*ātmarakṣābharaṇacādyena*)'.

'The same deed is also a deed of liability' (*bharaṇapatram apīdam eva*), i.e. the slave's material needs are to be met. Vidyāpati, in two models designed for a similar purpose, employs this kind of phrasing.[105] The inclusion of this point in Vidyāpati's models and in the present deed leaves us with two alternatives: either the models and the present deeds were more specific in comparison with other deeds, and this is why they included the extra point, or else a deed concerning the purchase of a slave did not necessarily include the formal statement of liability, for which a separate deed was usually drawn up. The total absence of such separate deeds urges acceptance of the first alternative. In order to support this, I may point out a specimen of a similar deed contained in the *Lekhapaddhati*, which sets the condition of supporting a slave girl, who was bought for 504 *dramma*-s, 'by providing her all things, such as food and clothes, without being requested, in accordance with the custom, place and time, and in consideration of the means and positions of her owner' (*dāsyā vyavahāradeśakālānurūpaṃ vibhavānumānena bhojanācchadanādikaṃ sarvam aprārthitaṃ dātavyam*).[106]

At this juncture I shall try to identify the buyer who was active for three decades in purchasing slaves. There is a MS. of Halāyudha Miśra's *Brāhmaṇasarvasva* in the National Archives, Kathmandu (no. III. 390) which was copied in Maithili characters by a certain Rūpadhara. The scribe tells us that he copied the MS. in LS 341 while studying with Sadupādhyāya Vidyāpati Mahāśaya, to whom his disciple adds many more epithets.[107]

Some historians regard Rūpadhara's teacher and Vidyāpati, the well-known poet of 14th-century Tirhut, as one and the same person,[108] while others do not attach much importance to the statement that is found in the MS. of the *Brāhmaṇasarvasva*.[109] Though I do not want enter into this controversy, it may be recalled that the *tappā* where the poet Vidyāpati lived was the same as the *tappā* where the Rūpadhara of our deeds resided.

Though the names of both the *tappā* and the *grāma* where the transaction took place are the same in all five documents, it is worthwhile to mention that these place-names in most of the cases are spelt slightly differently. This bespeaks the scribes' lack of care in spelling non-Sanskritic words which were pronounced with clear signs of rhotacism or *yaśruti*.

<div align="center">Text</div>

1.   siddhiḥ   ‖   paramabhaṭṭāraketyādirājāvalīpūrvvakagatalakṣmaṇasenādevīa-
vedaraṃdhratṛśatatamābde māgha[110]śukladvādaśyāṃ śukravāre edine evaṃ māsa-

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[105] Docs. 56, 57 and Doc. 55: *bharaṇapatram apīdam eva yojyam*, i.e. 'This is also to be used as a deed of liability'.
[106] Lekhapaddhati:44.
[107] Śāstri 1915:84.
[108] E.g. ibid. Index:18. *Chaudhari* 1976:15. Shivaprasad Simha's *Vidyāpati*, as quoted in *Bhati and Joshi* 1963:5.
[109] E.g. *Bhati and Joshi* 1963:6.
[110] *māgha* both times (ll. 1, 2) is written by a different hand over the effacement on the *akṣaras*

pakṣadivasānukra(ma)-

2.   kāle bhyalikṣamāne yatrāṅkenāpi sarmmata[111] 394 māghaśudi 12 śukre punaḥ para < ma > bhaṭṭārakaparamerśvarāsvapatigajapatinarapatirājatrayādhipatipraticidīdhartisurartrā-

3.   naśrīmadibarāhīmasāhaprasādavaralabdhasamastaprakriyāvirājamā < na > ripurā(jakaṃsan)ārāyaṇaśivabharktiparāyaṇamahārā < jā > dhirājaśrīmatkaṃsanārāyaṇadevasambhujyamānāyānāṃ tirabhuktau

4.   jarayīlatapāpratibarddhapajuārigrāme   saduśrīrūpadharamahāśayāḥ   śūdrīkrayaṇārthaṃ svadhanaṃ pra < yu > jyate dhanagrāhako py etatsakāśā nāmnā mataḥ kenāpi ātmarakṣābharaṇacādye-

5.   na   amītilīśvadīnāmānaṃ   śyāmavarṇṇa   varṣa   [navame]   va < ya > skā nānāmadhyasthakṛtamūlyam ādāyāca[112] nāmekaṃ[113] ācandrārkkāvadhinā kṛtvā amiṣu dhaniṣu vikrītavāna yatra vikrī < ta > prā-

6.   ṇi 1 mūlyaṃ ṭaṃ 1 gotrāgotranivāra < ka > ś ca dharmma eva i(t)i (l)i(khāpanasamubhaya)deyapa 1. atrārthe sākṣi upādhyāyaśrīpuruṣottamaüśrībālaka — — uśrīanumatiojhā x

In the left-hand margin, written vertically

    amītiśvadīmataṃ

In the same margin, written in the same way to the left of a vertical line

1.   kṛtā bhūtāś ca bharaṇapa -

2.   tram apīdam eva iti x

3.   x x x x x

Translation

Success. In the three hundredth year [greater by] nine and four, [i.e. ninety-four] of the past era of Lakṣmaṇasenadeva, [whose name is] preceded by the royal titles *paramabhaṭṭāraka* etc., on the twelfth of the waxing moon of Māgha, on Friday, on this day, the date thus being written in due order of the month, fortnight and day, where [the date] also in figures [is] in the era LS 394, in the waxing moon of Māgha, on the 12th, on Friday;

    again, in Tīrabhukti, which is protected by *Mahārājādhirāja* the prosperous Kaṃsanārāyaṇadeva, the *ripurājakaṃsanārāyaṇa*, who is engaged in devotion to Śiva and is shining with all the insignia received through the favour and boon of the Sultān the prosperous Ibarāhīma Sāha, the *paramabhaṭṭāraka*, *parameśvara*, *aśvapati*, *gajapati*, *nara-*

Footnote from p. 176, continued
originally written.
[111] We come across in this deed here and there (in l. 2 *paramerśvarā*, *didharti* and *surartrā*; in l. 3 *bharkti* and in l. 4 *pratibarddha*) a superfluous *repha*, which in my opinion is not really a *repha* but a special ornamentation.
[112] In all likelihood, no sooner had the scribe written *ādāyācandrārkkā* than he realised that he had omitted the price, and started erasing those *akṣara*-s from right to left in order to replace them with the words denoting the price, though he forgot to erase the medial *ā* and *ca*. In writing the new *akṣara*-s over the effacement, he again quickly committed a mistake, and this unwanted *akṣara*, which looks like either *a* or *ma* and follows *ca*, is cancelled by two strokes.
[113] *nāme* is written over the effacement.

pati, rājatrayādhipati and the splendour of the west; in the village of Pajuāri,[114] which is connected with the *tapā* of Jarayīla, Sadupādhyāya the venerable Rūpadhara Mahāśaya invests his own money for the sake of the purchase of a female Śūdra. The person who receives the money from him, for her part, is by name...,[115] who having taken one *nām*,[116] which was fixed by several intermediaries, with an urgent need to protect and sustain herself, sold in perpetuity [lit., 'ending with the moon and the sun'] to that transferee [her own person] named Amītiśvadi,[117] of dark complexion and nine years of age. Hence 1 person [lit. 'creature'] has been sold, the price being 1 *ṭaṅka*. Also the *gotrāgotranivaraka* is only dharma.

<div align="center">Finis.</div>

The fee to be paid by both [parties] for having [the deed] written is *paṇa* 1. In these dealings [the following] are the *kṛta*-witnesses: Upādhyāya the venerable Puruṣottama, Upādhyāya the venerable Bālaka..., Upādhyāya the venerable Anumati Ojhā. This is also a deed of liability.

<div align="center">Finis.</div>

Approval of Amītiśvadī.

<div align="center"># Deed No. 6</div>

Size, 33.5 x 4.3 cm. Text on one side only. Condition, fair. A few *akṣara*-s defaced; some damage due to insects.

Date. Thursday, the 3rd of the waning moon of Āśvina in LS 432, when Masanandelī (i.e. masnad-alī[118]) Sulemāna was ruling over Tīrabhukti. Lakṣmīnātha was defeated andkilled by Sultān Nusrat Shāh, the son and successor of Alā-ud-dīn Husain Shāh of Bengal, in 1527. In consequence of this, the Oinwāra dynasty came to an end and anarchy prevailed in Tirhut.[119] This Sulemāna is none other than Sulaimān Khān Kar-

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[114] The *r* sound in the name of the village is certainly missing: all the four deeds spell the name of the same village with the *r* sound.

[115] The sense demands that a name be supplied in the deed, but there is none.

[116] I do not understand what *nām* which is combined with *eka* means. It occurs not only in this deed but also in the next one (1. 5). As the present deed later replaces it with *ṭam*, i.e. *ṭaṅka*, it may be concluded that it was a type of currency equivalent to a *ṭaṅka* in worth. In the next deed, however, *nām* is replaced not by *ṭam* but *go* (1. 6), the meaning of which is similarly unknown to me. It is worthwhile to mention that both times this unidentified coin, i.e. *nām*, is written over an effacement.

[117] Though the name of the self-seller at this point reads as *amītiliśvadi*, I omit the *li* on the strength of the marginal approval made either by herself or on her behalf, in which the name is spelt without *li*.

[118] No doubt, *masanandelī*, which is prefixed to the name of Sulaimān in the present document is a corrupt form of *masnad-alī*, which is prefixed to the name of Sulaimān's brother Tāj Khān, the then governor of Bengal, in an inscription dating to 1559-60 which records the erection of a mosque by the latter (*Diwakar* 1959:484). The Arabic word *masnad* means 'cushion' but has the connotation of 'throne', as does its Indo-Aryan counterpart *gaddī*. As Daryā Khān Nuhānī, a powerful governor of Bihar under the Lodīs, also had assumed the same title (*Diwakar* 1959:398), in all probability it was a common one at the time.

[119] *Majumdar* 1967:408-409. *Sharma* 1979:297-298. *Thakur* 1980:211. The date of the killing of

rānī, who became governor of southern Bihar in 1545.[120] During the period when the present deed was executed, Sulaimān, together with his brother Tāj, had already control over Bengal and Bihar and was the virtual ruler of that vast tract of land.[121]

Summary of Contents. The deed confirms the self-sale of a Śūdra 40 years of age belonging to the Dhānuṣka[122] caste along with his twenty-five-year-old wife and their child, for 'protection and self-sustenance (*rakṣātmabharaṇacādyena)*'. The name of the couple are Vīrabhāla and Anumati, both purely Sanskritic and prefixed with a *śrī*.[123] They are of dark complexion. The buyer also was a Sadupādhyāya, a *jyotirvid*, i.e. astronomer/astrologer, named Gopāla. The deed was witnessed by four Brahmins, including three Sadupādhyāya-s, and was written by a Brahmin with the consent of both parties. It was approved by both the husband and wife who sold themselves.

Text

1.   siddhiḥ paramabhaṭṭāraketyādirājāvalīpūrvvagatalakṣmaṇasenadevīyadvātriṅśad-
adhikacatuḥśatābde aśvinakṛṣṇatritīyāyāṃ guruvārānvitāyā[124]

2.   ya tithau yevaṃ māsapakṣatithidivasānukrameṇa kāle bhilikhyamāne yatrāṅkenāpi samvāl lasaṃ 432 masanandelīśrīsulemānasambhujyamānāyāṃ tīrabhuktau

3.   verivanagrāme   sadupādhyāyaśrīgopālajyo < ti > rvidaḥ   śūdrakrayaṇārthaṃ svadhanaṃ prayuñjate dhanagrāhako py etatsakāśān nāmnā mato dhānuṣkajātīyaśrīvī-

4.   rabhālaḥ   śyāmavarṇṇaḥ[125] samuddeśitacatvāriṅśadvarṣavayaskaḥ   ātmānaṃ svapatnīṃ śrīanumatināmnīṃ samuddeśitapañcaviṃśativarṣavayaskāṃ śyāmavarṇṇāṃ sa-

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Footnote from p. 178, continued
Lakṣmīnātha is stated in a Sanskrit verse as *aṅkābdhivedaśaśisammitaśākavarṣe bhādre site pratipadi kṣitisūnuvāre* (as quoted in *Sharma* 1979:298), i.e. 'on Tuesday, the 1st of the waxing moon of Bhādra in the Śaka year 1449', which corresponds to [1449 + 78 =] 1527 in the Christian reckoning, not the 1526 of the historians mentioned above.

[120] *Diwakar* 1959:484.

[121] *Sarkār* 1972:181. *Diwakar* 1959:484-485.

[122] *Dhānuṣka*, literally meaning 'archer'; they are these days called *Dhānuk* or *Dhānukh*, both of which surely derive from *Dhānuṣka*. An interesting observation was made by Buchanan (*Martin* 1976:166) in the early years of the 19th century, according to which, 'All the Dhanuks at one time were probably slaves... A great many of the Dhanuks are still slaves, but some annually procure their liberty by the inability of their masters to maintain them, and by their unwillingness to sell their fellow creatures'. For *Dhānuk/Dhānukh*, see *Martin* 1976:166-167, *Sherring* 1974:404-405 and *Crooke* 1974:271-276. Note also the remark made by *Sircar* (1942:88) that 'persons belonging to the Āmāt, Dhānuk and Kevaṭ castes even now serve respectable people as khāvās or personal attendant'.

[123] One of *Vidyāpati's* paradigms similarly adds this prefix to the name of the father of a slave girl belonging to the Kaivarta, i.e. Kevaṭ caste, whom her owner, a Kāyastha with a *śrī*, is planning to sell to a boy of the same Kaivarta caste, taking from him the bridal price. The same model similarly adds *śrī* to the names of the slave girl's prospective father-in-law and husband (doc. 60).

[124] There is a sign which looks like ~ after the last *akṣara*, and it most probably indicates the connection of this *akṣara* with the first *akṣara* in the next line.

[125] *śyāmavarṇṇaḥ* is written over the effacement of the *akṣara*-s originally written.

5.   sutaṃ ra[126]kṣātmabharaṇacādyena svayaṃkṛta — kar ṇāmekāṃ ādā[127]yāmīṣu
dhaniṣu vikritavān atrārthe sākṣiṇaḥ saduśrīratipatisaduśrīdāmodarasaduśrībhavā-
6.   nīnāthamahāśayāḥ kṛtā bhūtāś ceti ‖ yatra vikrītaprāṇi 3 mūlyasaṅgṛhītago 1
likhitam idam ubhayānumatyā śrīvāsudevaśarmmabhir iti ‖ śrīgadādharaśarmmā   x
7.   raḥ sākṣīti ‖
In the left-hand margin, written vertically to left of the line slanting upward
śrīvīrabhālamatam adaḥ
        In the same margin, written in the same way to the left of a serpentine line
śrīanuma[t]i x x x

                                    Translation

Success. In the four hundredth year greater by thirty-two of the past era of
Lakṣmaṇasenadeva, [whose name is] preceded by the royal titles *paramabhaṭṭāraka* etc.,
on the third of the waning moon of Āśvina, on Thursday [lit. 'on a lunar day
accompained by a Thursday'], the date thus being written in due order of the month,
fortnight, lunar day and weekday, where [the date] also in figures [is] in the era LS 432;
in Tīrabhukti, which is protected by *Masnad-alī* the venerable Sulemāna, in the village
of Verivana, Sadupādhyāya the venerable Gopāla Jyotirvid [astronomer/astrologer]
invests his own money for the sake of the purchase of a male Śūdra. The person who
receives the money from him, for his part, is by name the venerable Vīrabhāla,
belonging to the caste of Dhānuṣka, of dark complexion, and ascertained to be forty
years of age, who, having taken one *nām*,... fixed by himself, sold himself and his own
wife, named the venerable Anumati, ascertained to be twenty-five years of age, of dark
complexion, together with their child[128] to that transferee, out of an urgent need to
protect and sustain themselves.[129] In these dealings [the following] are the
kṛta-witnesses: Sadupādhyāya the venerable Ratipati, Sadupādhyāya the venerable
Dāmodara, Sadupādhyāya the venerable Bhavānīnātha Mahāśaya.
                                    Finis.
Hence 3 persons [lit., 'creatures'] have been sold, the price altogether being 1 *go*. This
is written by the venerable Vāsudeva Śarman with the consent of both [parties]. Finis.
The witness is the venerable Gadādhara Śarman...
                                    Finis.
This is the approval of the venerable Vīrabhāla.
The venerable Anumati...

[126] A conjunct *akṣara* with a *repha* stands between *ra* and *kṣā*. This I cannot read; it is obviously
out of place, however.
[127] Five *akṣara*-s which precede *yāmī* are written over the effacement of the originally written
akṣara-s.
[128] In the original, *sasutāṃ* which may mean both 'together with a son' or 'together with a
daughter'.
[129] In the original, *rakṣātmabharaṇacādyena*. Cf. the previous deed (ll. 4-5), which correctly reads
as *ātmarakṣābharaṇacādyena*.

The Tirhut Deeds and Classical Norms

Since the deeds closely follow the patterns as given by Vidyāpati in his *Likhanāvalī*, it is apparent that scribes used some sort of compendium of formulas and precedents for work. Given that a deed's validity depends upon the inclusion of particulars prescribed in standard law books, it is interesting to compare them with classical norms.[130]

At the very beginning let me stress two fundamental points which are in conformity with the rules laid down by the law-givers. All the slaves are exclusively *Śūdra*, the only *varṇa* from which the *Manusmṛti* recognises slaves as coming,[131] and all have passed the age of eight, which was regarded by the *Kauṭalīya Arthaśāstra* as the minimum age for the legitimacy of the status of slave.[132]

Of the 15 kinds of slaves enumerated in the *Nāradasmṛti*,[133] which elaborately deals with the institution of slavery, our deeds show examples of three types, namely, *krītaḥ*, i.e. 'one who was purchased', *svāminahitaḥ*, i.e. 'one who was pledged by his master' and lastly *ātmano vikretā*, i.e. 'one who sells himself'.[134] Interestingly, by the phrase 'one who was purchased', Nārada implies the meaning of 'one who was sold by some-body else to whom he belonged': he differentiates this category of slave from the slave 'who sells himself'. Under the type of slave 'who was purchased' come those for whose sale the second and fourth deeds were transacted.

The fourth deed is a transaction involving a man who had been previously pledged by his master. To be specific, his status before he was sold was that of a bond-servant who was hired out by his owner to somebody else.

Four deeds, namely, 1, 3, 5 and 6, are examples of transactions made for a slave who sells himself. Among these four deeds, the first one was transacted not only for the self-sale of a twenty-year-old woman but also for the sale of her son. Similarly, the sixth deed certifies the self-sale of a forty-year-old male and the sale of his twenty-five-year-old wife together with their child. There is a rule in the *Kauṭalīya Arthaśāstra* according to which the progeny of a self-seller is Ārya,[135] for whom, in the opinion of the same text, 'there shall be no slavery... in any circumstances whatsoever'.[136] In other words, the offspring of those who sell themselves are not necessarily considered to be sold along with them. That is why it seems that these deeds specifically state the sale of the offspring of a self-seller. However, as a counterexample of the rule concerning the minimum age for being a slave, one may refer to deed 1, which certifies the sale of a twenty-year-old mother with her son, who certainly had not attained the age of

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[130] Unless otherwise specified, my source of classical texts is the Dharmakośa (Joshi 1937 and 1938).
[131] Dharmakośa 1,2:821 (col.1, verse 1). It is worthwhile to mention, though, *Kane's* interpretation that 'the śūdra who thus served a *dvijāti* as a duty was not his slave.' (*Kane* 1974:182).
[132] Dharmakośa 1,2: 817 (col.1, ll. 31-34).
[133] *Ibid.*:829 (col.2, verse 2), 830 (col.1, verses 1-2). See also *Kane* 1974:184-185.
[134] The translations of the terms for the types of slaves are from *Lariviere's* translation 1989:111.
[135] Dharmakośa 1,2:817 (col. 1, ll. 23-24).
[136] Translation quoted from *Kangle* 1972:235.

eight.[137] But a comparison of the same deed with deed 6, which records the self-sale of a forty-year-old man along with his twenty-five-year-old wife and a child, and with deed 2, which records the sale of a twenty-eight-year-old mother and her daughter, reveals that in the former case the deed, in a formal sense, was exclusively meant for the purchase of the mother, not her child. To be specific, in sharp contrast with those deeds which I have just referred to, deed 1 does not count the child as a sold person and merely records the sale of the mother and the price paid.

Our deeds, whenever they enumerate the duty of a slave, stress the task of removing leftover food, though they omit other details.[138] This tallies with, e.g., the *Manvarthavivrti*, Nārāyaṇasarvajña's commentary on the *Manusmṛti*, which defines *dāsya*, i.e. 'the job to be done by a slave' as *malocchiṣṭāpanayanādikarma'*, i.e. 'the job of removing filth and the leftover food, etc.'[139]

At this juncture it may be recalled that the *Nāradasmṛti* enumerates the job to be done by a *dāsa*, i.e. 'slave', and distinguishes between him[140] and four other types of domestic helpers, among them the *bhṛtaka*, i.e. 'hired servant'.[141] The same text labels the job of a slave as *aśubhakarman*, i.e. 'impure work', in contradistinction to *śubhakarman*, i.e. 'pure work', which is assigned to hired servants and others.[142] Under the category of 'impure work' comes the job of removing the remains of food,[143] which, as said already, has been emphasised in our deeds. However, the *Nāradasmṛti* makes no mention of ploughing, which some of our deeds specify as the work of male slaves. Farming is obviously regarded as 'pure work' by the *Nāradasmṛti*, as the text includes farmers among hired servants.[144] Similarly, Bṛhaspati lists a ploughman ('*sīravāhaka*') among the hired servants.[145] Our deeds in this case are in conformity with Vidyāpati's specimen, which includes ploughing and the removal of the remains of food among the jobs to be done by slaves.[146] Unlike the legal texts[147] and the Gu-

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[137] The *Likhanāvalī* closely follows this rule, as illustrated in doc. 55, which records the sale of a whole family, the youngest member being eight years old.

[138] Deeds 1, 3 and 4 provide us with a specification of the job of a slave. Of them, the first deed concerns a female slave, and her duty is defined as 'the entire job of a female slave, such as the removal of leftover food.' The third and fourth deeds concern male slaves and they state respectively that 'many kinds of work, such as ploughing and the removal of leftover food' and 'such things as ploughing and the removal of leftover food.'

[139] Dharmakośa 1,2:820 (col. 1, commentary 3).

[140] *Ibid.*:829 (col. 1, verses 2-4). See also *Kane* 1974:184.

[141] Dharmakośa 1,2:825 (col. 1, verses 1-2). See also *Kane loc. cit.*

[142] Dharmakośa 1,2:829 (col. 1, verses 1-2). See also *Kane loc. cit.* Similarly, Medhātithi, a commentator on the *Manusmṛti*, following Nārada, differentiates the duty of a slave from that of a servant. He defines slavery as 'performing base work even for an unknown person' and 'non-opposition towards all the work which he/she is asked to do.' Then he defines *paricaryā*, i.e. 'attendance [by a servant]' as 'the duty of shampooing the [master's] body, guarding (his) wife and property and the like' (*Joshi op. cit.*:821 (col. 2, commentary 1 on verse 1)).

[143] Dharmakośa 1,2:829 (col. 1, verse 3).

[144] *Ibid.*:828 (col. 1, verse 3; col. 2, verse 1).

[145] *Ibid.*:835 (col. 1, verse 3).

[146] *Likhanāvalī* doc. 55.

[147] Dharmakośa 1,2:820 (col. 1, commentary 3 under Manu), 829 (col. 1, verse 3 under Nārada), 836 (col. 2, verse 2 under Kātyāyana). — The *Kauṭalīya Arthaśāstra* forbids forcing a slave who has been pledged out to someone else to collect faeces, urine, leftover food and some other sub-

jarati specimens of deeds concerning slaves collected in the *Lekhapaddhati*,[148] the deeds from Tirhut — both Vidyāpati's specimens and the present ones — do not enumerate the job of collecting and disposing of human waste products among their duties.

Broadly speaking, legal texts divide *lekhyas*, i.e. 'deeds', into two categories, namely *rājakīya*, i.e. 'royal', and *jānapada* or *laukika*, i.e. 'private'.[149] Since our deeds are neither signed by a king nor bear the royal seal, which are prerequisites for being a *rājakīya lekhya*,[150] they naturally fall under the category of *jānapada*. The *jānapada lekhya* is again divided into various types,[151] and our deeds certainly come under the category of *dāsalekhya*, i.e. 'bond of slavery'.[152]

Though our deeds are *jānapadas*, they not only state the name of the reigning king with his titles but also give the name of his overlord, citing the latter's full titles. The reference to rulers in our deeds is in conformity with the *Dharmaśāstra*. However, they do not go beyond naming the current ruler, though the rules say a document ought to be provided with the sequence of the royal lineage (*rājavaṃśakramayutam*).[153] The specimens to be found in Vidyāpati's *Likhanāvalī*, be it said, also make no mention of a ruler's forefathers.[154] This absence of elaboration in our deeds perhaps comes under

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Footnote from p. 182, continued

stances (*ibid.*:817, col. 1, ll. 14-15). This implies that if a person has the status of a normal slave, he or she is expected to do all these things.

[148] *Lekhapaddhati*:44, 45-46.

[149] Dharmakośa 1,1:348 (col. 1, verse 1 under Vasiṣṭha), 373 (col. 2, verse 1 under Prajāpati), 380 (col. 1, verse 1 under Saṃgrahakāra). Vasiṣṭha employs the word *laukika*, whereas Prajāpati and Saṃgrahakāra have *jānapada*. *Laukika* also occurs in Bṛhaspati in the same sense (*ibid.*:363, col. 2, verse 4). The *Smṛticandrikā* paraphrases Vasiṣṭha's *laukika* as *jānapada* (*ibid.*:348 (col. 1, l. 3)). It is to be noted that in one place the *Mitākṣarā* divides the deeds into *śāsana* and *jānapada* (*ibid.*:351, col. 1, commentary 2) and in another, into *śāsana* and *cīraka* (*ibid.*:213 (col. 2, ll. 1-2)). In other words, Vijñāneśvara replaces *rājakīya* by *śāsana* and *laukika* / *jānapada* by *cīraka*. This is in accordance with Prajāpati (*ibid.*:373, col. 2, verse 1); but according to Vasiṣṭha (*ibid.*:348, col. 1, verses 4-5) and Vyāsa (*ibid.*:374, col. 2, verses 1-2), *cīraka* is only one of the varieties of *laukika* deeds. There are still other traditions which categorise documents under different heads with different nomenclatures. For these, see *ibid.*:348-349 (under Viṣṇu), 356 (col. 1, verse 1 under Nārada), 363 (col. 2, verse 3 under Bṛhaspati) and also Kane 1973:308-309.

[150] Dharmakośa 1,1:348 (col. 1, verse 2 under Vasiṣṭha), 356 (col. 2, verse 1 under Nārada), 368 (col. 1, verse 4 under Kātyāyana), 373 (col. 2, verse 2 under Prajāpati), 376 (col. 1, verse 1 under Vyāsa), 380 (col. 2, verse 1 under Saṃgrahakāra).

[151] For the different traditions concerning the types of *jānapada lekhya* with different nomenclatures, see *ibid.*:348 (col. 1, verses 4-5 under Vasiṣṭha), 363 (col. 2, verse 4 under Bṛhaspati), 364 (col. 1, verses 1-5; col. 2, verses 1-2 under Bṛhaspati), and 374 (col. 2, verses 1-2 under Vyāsa), and also Kane 1973:309-311.

[152] A verse quoted under Bṛhaspati in Dharmakośa 1,1:364 (col. 2, verse 1) defines *dāsapattra*, i.e. 'bond of slavery' as: *vastrānnahīnaḥ kāntāre likhitaṃ kurute tu yat | karmāṇi te kariṣyāmi dāsapatraṃ tad ucyate ||* 'That is called a *dāsapattra* which [a person] bereft of clothes and food commits to writing in the wilderness, stating that 'I shall do your work'.' Even if this definition of *dāsapattra* is correct, it does not fit our context, where the suitable term seems to be *dāsalekhya*, which has been defined simply as: *dāsārthaṃ dāsalekhyakam |* (quoted *ibid.*:378 (col. 2, verse 4 under Smṛtyantara)). '*Dāsalekhya* is meant for [the sale of] a slave'.

[153] *Ibid.*:376 (col. 2, verse 1 under Vyāsa).

[154] Doc. 55 *et seq.*

the scope of a *deśācāra*, i.e. 'a local custom'.[155] In passing, it is interesting to observe that Nepalese deeds, even *rājaśāsana*s, generally do not cite the pedigree of the king.[156]

However, our deeds closely follow the rule concerning dating. As this rule says, a document should be dated according to year, month, fortnight and (lunar) day.[157] Moreover, these deeds include the weekday,[158] the introduction of which, needless to say, is comparatively late in Indic chronometry.[159]

The present deeds place the purchaser's name first before naming the seller. This again is in agreement with the Dharmaśāstric norms governing all deeds of sale.[160] In passing, it may be interesting to note that Newar deeds of sale do not follow this rule consistently[161] and tend, in fact, to be phrased from the seller's standpoint. If I may be permitted to split hairs, I would say that the present deeds certify purchase, whereas those of Newars certify sale. Furthermore, the prominence given to the buyer in the present deeds is reflected in what these kinds of deeds are traditionally called: either *krayapattra* or *krayalekhya*, both meaning 'a deed of purchase'.[162]

Though our deeds give the caste names of both the parties involved together with their personal names, they make no mention of the fathers' names of either the buyer or seller, which, according to the Dharmaśāstra, is necessary in a deed.[163] This deviation in our deeds in all likelihood stems from *deśācāra*, as the specimens offered by Vidyāpati in his *Likhanāvalī* do not record the fathers' names either.[164]

Curiously enough, not all the six deeds but only nos. 3 and 6 contain the name of the scribe who drew them up and tell us that it was written with the consent of both par-

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[155] The essential points in a deed, according to Bṛhaspati (Dharmakośa 1,1:364, col. 2, verse 3) and Kātyāyana (*ibid.*:367, col. 2, verse 3), are its conformity to *deśācāra* and the inclusion of the complete date and the signatures of the transferor, witnesses, and scribe.

[156] E.g. *Dh. Vajrācārya* 1973.

[157] Dharmakośa 1,1:376 (col. 2, verses 1-2 under Vyāsa) concerns dating in a *jānapada lekhya*.

[158] Vijñāneśvara in his *Mitākṣarā*, while commenting upon *Yājñavalkyasmṛti* (2.85) which speaks about dating, paraphrases *ahas*, i.e. 'day', as *tithiḥ pratipadādiḥ*, i.e. 'a lunar day is *pratipad* etc.' Interestingly enough, Vijñāneśvara's comment upon the root text's *ādi*, i.e. 'etc.', includes *vāra*, i.e. 'a weekday' (*Yājñavalkyasmṛti* ed. by Moghe 1892:160, Dharmakośa 1,1:351 (col. 2, commentary 2 on verse 1 under Yājñavalkya)), which is relegated in one standard edition to a footnote and replaced by (*ā*)*cāra*, i.e. 'custom' (*Yājñavalkyasmṛti* ed. by Panshikar 1909:174). It may be recalled that two of our deeds, i.e. 4 and 6, distinguish terminologically between *tithi* and *divasa*, whereas other deeds use *divasa* in reference to both lunar days and weekdays.

[159] A weekday occurs for the first time in an Indian document in 484 (*Ketkar* 1923:50-52) and in a Nepalese document in 608 (*D. Pant* 2034 [V.S.]:273-275, *N. Pant* 2043 [V.S.]:11-19).

[160] Dharmakośa 1,1:350 (col. 2, verse 1 under Yājñavalkya) and 351 (the commentaries thereon). See also *ibid.*:376 (col. 2, verse 4 under Vyāsa) and Kane 1973:309.

[161] E.g. *Kölver and Śākya* 1985:103-104, where the seller's name comes first, whereas in *ibid.*:111-113 the name of the buyer comes before that of the seller.

[162] Dharmakośa 1,1:364 (col. 1, verse 3 under Bṛhaspati), 373 (col. 2, verse 2 under Pitāmaha), 379 (col. 2, verses 9-10 under Śukranīti). There were still other terms, i.e. *krayacīrika* (*Altekar* 1952:246) and *krayaśāsanā* (*Sircar* 1958:47, 49 and *id.* 1974:66-75), current in ancient India to denote a deed of purchase. In spite of the fact that Newar deeds focused on the seller, they were still known as *krayapattra*-s. For the usage of the term in deeds, see e.g. *Kölver and Śākya* 1985:121.

[163] Dharmakośa 1,1:351 (col. 2, verse 1 and commentary 2 under Yājñavalkya), 376 (col. 2, verse 4 under Vyāsa).

[164] Doc. 55 *et seq.*

ties. The former one records the fee to be paid jointly by both the buyer and the seller for having the deed written, whereas the latter omits the amount. Two other deeds, namely 4 and 5, state the fee to be paid jointly by both parties[165] for having the deed written, though they refrain from naming the scribe. Though the remaining two deeds, the first two presented in this paper, do not mention the fact that they were drawn up by a scribe, they do not seem to be written by one of the parties himself, and resultantly do not come under the category of *svahastakṛta*, i.e. 'written by one's own hand'. This category of deed, as we know, does not have to be witnessed in contrast to *anyakṛta*, i.e. 'written by another person',[166] and both these deeds are witnessed by several persons, as are the deeds drawn up by professional scribes.

Paradigms in Vidyāpati's *Likhanāvalī* teach the necessity to include both the name of the scribe and the fee to be paid jointly by both parties to him.[167] The Dharmaśāstric rule in this regard states that a scribe should sign his own name at the conclusion of a deed and add words to the effect that 'it is written by me, whose name is such and such, the son of such and such a man, having been requested by both parties to do so'.[168] Needless to say, again neither Vidyāpati's patterns instruct us to include, nor do our deeds give, the name of the scribe's father.

All our deeds contain in the margin an approval of the seller or of somebody else. Deed 4 was approved by Mahīdhara, who in that transaction sells a slave belonging to him. Similarly, three other deeds, namely 3, 5 and 6, include approvals made by the person who sold himself, and in the last case also the approval of a wife who was sold by her husband along with himself. The remaining two, namely 1 and 2, were approved by a person whose name is given as *Mahī*, who, as has been said already, is most probably the same Mahīdhara who was the seller of a slave in deed 4. All deeds except these two employ the word *mata* in its nominative singular form along with the name of the person who approved the deed.[169] Curiously enough, Vidyāpati's specimens do not guide us in the use of such approval. However, the Dharmaśāstric rule is that the debtor should sign the deed and give his father's name;[170] when the debtor is illiterate, his approval is to be written by somebody else in the presence of all witnesses.[171] This rule is treated variously in our deeds. In the case of deed 1, one may argue that the illiteracy of the Śūdra woman who sells herself along with her own son necessitated the

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[165] It is to be noted that some *akṣara*-s exactly before *deyapa 1*, i.e. 'fee *paṇa* 1', are broken in deed 5. I have restored the lacuna on the basis of similar deeds presented here.

[166] For the *svahastakṛta* and *anyakṛta* deeds, see Dharmakośa 1,1:349 (col. 1, l. 5 under Viṣṇu), 351 (col. 1, commentary 2 under Yājñavalkya), 353 (col. 2, verse 2 under Yājñavalkya), 356 (col. 1, verse 1 under Nārada; col. 2 the commentaries thereon), 367 (col. 2, verse 1 under Kātyāyana), and also *Kane* 1973:309.

[167] Docs. 55-56.

[168] Dharmakośa 1,1:353 (col. 2, verse 1 under Yājñavalkya), 376 (col. 2, verse 5 under Vyāsa).

[169] In spite of the fact that three *akṣaras* in the approval in margin of a female slave are missing after her name in deed 6, one may argue on the strength of her husband's attestation in the same deed that the vanished *akṣaras* were either *matam* or contained a similar expression.

[170] *Ibid.*:352 (col. 1, verse 1 under Yājñavalkya).

[171] *Ibid.*:353 (col. 1, verse 1 under Yājñavalkya), 357 (col. 1, verse 6 under Nārada), 376 (col. 2, verses 6-7 under Vyāsa).

approval by somebody else on her behalf, though we have examples in which the slaves themselves approve our deeds. I am unable to explain the sale of a female Śūdra and her daughter in deed 2, in which the approval comes from somebody else, in spite of the seller himself being a Sadupādhyāya. However, I may point out in this regard the specimens of deeds accumulated in the *Lekhapaddhati* which, unlike our deeds, incorporate both approvals and witnesses (*sākṣin*) into the body of the text.[172] At first it is to be noted that the person who approved the deed was supposed to write the approval in his own hand.[173] A study of the specimens reveals the fact that the persons who approve deeds are not always debtors, sellers or persons offering some pledge. To be specific, those who attest their approvals may either be debtors,[174] persons who put something in pledge,[175] persons who have just repaid a debt,[176] sellers of a slave[177] or self-sellers,[178] persons standing surety for debtors or guarantors against a pledge,[179]persons who are entitled to a share in family property,[180] former litigants who settle their differences[181] or influential or responsible persons in the locality where the transaction took place.[182] In view of all of these,[183] I am tempted to see in Mahī of deed 2, i.e. Mahīdhara Mahāśaya, a close relative of the seller Ratnākara Mahāśaya, and one entitled to a claim to a share in the property which Ratnākara sold. The approval from Mahīdhara thus in all probability was included in the deed in order to nullify his claim over the property that was sold by Ratnākara.

The deeds presented here, following the Dharmaśāstric rule, bear the names of witnesses. However, these distinctly vary in number: half of them (nos. 1, 2 and 6) are witnessed by four persons, two (nos. 3 and 5) bear three witnesses and the remaining one (no. 4) contains the names of eight witnesses. Interestingly enough, the patterns in the *Likhanāvalī* do not display a set number of witnesses, though they use the plural all except for a single case of the dual.[184] The rule for a *jānapada lekhya* stipulates two witnesses;[185] needless to say, it has not been followed in our deeds. The *Śāstras*, as we know, generally do not approve of only one[186] witness, and rarely do they allow

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[172] *Lekhapaddhati*:19-56, *passim*.
[173] *Ibid.*
[174] *Ibid.*:33, 34-35, 55.
[175] *Ibid.*:19-21, 37-38, 39-41, 42.
[176] *Ibid.*:55-56.
[177] *Ibid.*:44.
[178] *Ibid.*:45-47.
[179] *Ibid.*:19-21, 33, 34-35, 37-38, 39-41, 42, 55-56.
[180] *Ibid.*:43, 47-49.
[181] *Ibid.*:50-51.
[182] *Ibid.*:44, 47-49, 49-50, 50-51.
[183] Apart from the items mentioned above, there is still one other variety in the *Lekhapaddhati*, namely *dāvāpita*, which calls for a *mata* (*ibid.*:39, 49). In the former case, the printed text reads *dāpita*, which seems to be a misprint, since there are several instances in which the word reads as *dāvāpita* (*ibid.*:7, 9, 12, 34-35 etc.). Though I do not understand the meaning, in the Glossary of the edition of the *Lekhapaddhati*, *dāvāpita* has been explained as 'cf. Sanskrit *dāpita*' (*ibid.*:99).
[184] Doc. 56.
[185] Dharmakośa 1,1:376 (col. 2, verse 7 under Vyāsa).
[186] *Ibid.*: 245 (col. 1, l. 6 under *kīdṛśā asākṣiṇaḥ* in Viṣṇu), 247 (col. 2 under *eko na sākṣī* in Śaṅkhalikhitau), 248 (col. 2, ll. 1-3 under *kīdṛśāḥ kati ca sākṣiṇaḥ kartavyāḥ* in Kauṭilīya Artha-

merely two[187], in all kinds of cases recommending the attestation by no less than three.[188] Some schools, moreover, set the maximum number of witnesses at nine.[189]

In conformity with the *Likhanāvalī*, our deeds do not mention the name of a witness's father, which some of the schools ordain.[190] Only deed no. 4 provides the witnesses' places of origin, which, according to one school, is necessary in naming the witness.[191]

The *Dharmaśāstra*s group the witnesses broadly into two categories, namely *kṛta* (literally, 'made') and *akṛta* (lit., 'not made'). Under the first group come all those witnesses whose names are entered into the deed. The second group consists of those of who, though not mentioned in the deed, could be called to testify for verification purposes.[192] Such being the case, all the witnesses of our deed are accurately described as *kṛta*. This also is in accordance with the models given in the *Likhanāvalī*.[193]

Footnote from p. 186, continued

śāstra), 256 (col. 1, verse 1 under Manu), 325 (col. 2, verse 1 under Bṛhaspati), 347 (col. 1 under Anirdiṣṭakartṛvacana and col. 2, verse 1 under Saṃgrahakāra). However, the law-givers allow a single witness if he is accepted by both parties and/or his integrity is unquestioned (*ibid.*:244 (col. 2, ll. 3-4 under *kīdṛśāḥ sākṣitvaṃ arhanti* in Viṣṇu), 247 (col. 2, ll. 10-11 under *kīdṛśāḥ sākṣitvaṃ arhanti* in Śaṅkhalikhitau), 257 (col. 2, verse 1 under Manu), 284 (col. 2, verse 1 under Yājñavalkya), 312 (col. 2, verse 1 under Nārada), 344 (col. 1, verse 3 under Vyāsa), 347 (col. 2, verse 1 under Saṃgrahakāra). Though Bṛhaspati accepts a single witness as other law-givers do, the person whom he regards as qualified to witness is in most of the cases a ruler or an administrator of some sort (*ibid.*:326 col. 1, verse 2). See also Kane 1973:331-332.

[187] The *Kauṭalīya Arthaśāstra* permits two witnesses in the case of debt, provided that both are approved by both parties (Joshi 1937:248, col. 2, ll. 1-3 under *kīdṛśāḥ kati ca sākṣinaḥ kartavyāḥ*). Bṛhaspati takes a deed witnessed even by two Vedic scholars as valid (*ibid.*:325, col. 2, verse 1). See also *ibid.*:347 (col. 2, the *Sarasvatīvilāsa* on verse 1 under Saṃgrahakāra) and Kane 1973:331.

[188] Dharmakośa 1,1:247 (col. 2, ll. 5-9 under *kīdṛśāḥ sākṣitvam arhanti* in Śaṅkhalikhitau), 248 (col. 2, ll. 1-3 under *kīdṛśāḥ kati ca sākṣinaḥ kartavyāḥ* in Kauṭilīya Arthaśāstra), 254 (col. 2, verse 1 under Manu), 282 (col. 1, verse 2 under Yājñavalkya), 298 (col. 2, verse 1 under Nārada), 347 (col. 2, verse 1 under Saṃgrahakāra). See also *Kane* 1973:331.

[189] Dharmakośa 1,1:247 (col. 2, ll. 5-9 under *kīdṛśāḥ sākṣitvam arhanti* in Śaṅkhalikhitau), 298 (col. 2, *Vyavahāramātṛkā* on verse 1 under Nārada), 325 (col. 2, verse 1 under Bṛhaspati). See also *Kane* 1973:331.

[190] Dharmakośa 1,1:323 (col. 2, verse 3 under Bṛhaspati), 352 (col. 1, verse 2 under Yājñavalkya).

[191] *Ibid.*:323 (col. 2, verse 3 under Bṛhaspati).

[192] Nārada subdivides *kṛta*-witnesses into five types, of which the prominent one 'is entered into the deed', and *akṛta* into six (*ibid.*:297-298). Prajāpati distinguishes between two kinds: *kṛta* and *akṛta* 'entered into the deed' and 'the other [type]' respectively (*ibid.*:343, col. 1, verse 1). See also *Kane* 1973:339-340.

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V. Interpretationen

Chitrarekha Gupta

Women, Law and the State
in Classical India

1

Women in ancient India have become a subject of historical analysis since 1867 when
C. *Bader* wrote on the subject in French[1]. What we like to emphasise is that *Bader* was
not only a foreigner, she was a woman as well. But the Indians who from the 19th
century became interested in the subject were all men, because, for lack of educational
background the vast mass of historical documents through which they could look at
their past, remained shielded from women. There were few exceptions like *Taru Dutt*,
who became interested in translating *Bader*'s book into English. Men like *Rammohan
Roy* and *Iswarchandra Vidyasagar* took up the cause of suffering womanhood. They
organised social movements against the evil practices crippling their country. It was
through their endeavours that the British rulers could stop the custom of *Sati* in 1829,
and could promulgate the law recognizing remarriage of widows in 1856. These
movements emphasised the relationship between social changes, the law and the state.
    Nevertheless, the contemporary problems of the women of India (such as the
persistence of dowries, the suicides, the burning of women unmarried, married or
widows, the general disdain for the girl-child — all this in spite of legal protection)
demand a re-appraisal of the relationship between social norms, rooted in tradition on
the one hand, and the laws promulgated by the state and executed by its administrative
machinery on the other. So the present paper ventures to look at women of the
Classical period of India's history, because it looms large in our vision[2], against the
background of changing political and socio-economic features of the times of their
origin.

Exclusive studies on women of ancient India are at present quite a few in number. Some
of these deal with the Vedic literature[3], and all of them come more or less to the same

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[1] C. *Bader*, Women In Ancient India, transl. M.E.R. Martin. Reprint. Varanasi 1964.
[2] As *K. M. Munshi* wrote: 'Rightly called the 'Classical Age' of India, this period saw a
springtime efflorescence in all spheres of life. The creative urge of the time has contributed both
character and richness to the evolution of the national mind in every succeeding century.' (The
History and Culture of the Indian People, vol.3, foreword, p. vii).
[3] *B. S. Upadhyaya*, Women in Rg-Veda, Delhi 1974; *Sakuntala Rao Shastri*, Women in Vedic Age,
Bombay 1960.

conclusion, viz., that the position of women was fairly good in the period[4] which they call 'Vedic Age', 'Vedic India'[5].

Some other monographs view the women of the historic period through different lenses such as the Smṛtis[6], Epics[7], Sanskrit Dramas[8] and even Folk-lore[9]. Though most scholars, like *Pinkham*[10], depended on Brahmanical literature for their image of women[11], a few have examined the problem under a Buddhist perspective[12]. Except for a few articles, no comprehensive work on women in Jain canonical literature is known to me. The satīs[13] and the courtesans[14], though living in diametrically opposite poles of social acceptance, received their due attentions from scholars. Most of the studies are, however, of a general nature. The most renowned and representative work of this type is that of *Altekar*[15].

In recent years a group of feminists have come forward to take up women's history[16]. Feminists believe that interpretations of anthropological and historical documents in the hands of male chauvinists have also hampered women's progress[17].

The changed perspective demands that information regarding women of the past, however great they might appear to some[18], should no longer be picked and stringed. The whole subject of women's problem has to be viewed in terms of social ideology and positions of men vis-à-vis women in a particular age. It is time to suggest that there was no common concept of 'ideal womanhood' for the whole length of India's past from the prehistoric time to the Classical Age, and even the patriarchs had to change their 'models' from time to time to suit the needs of changing societies. This will focus on the role appreciation of individuals living within the protection of the state. The present paper aims to study the epigraphic documents, both royal and private, of the Gupta

[4] For views different from those usually recognized, see *H. C. Satyarthi*, Some Aspects of Women's Economic Position In The Rg-Veda, in: Journal and Proceedings of the Indian History Congress 1979, pp. 121-124; *Suvira Jaiswal*, Women in Early India, Problems And Perspectives, *ibid.* 1981, pp. 54-58.

[5] Gradual emphasis on archaeological materials for the study of history suggests that such designations are a misnomer.

[6] *R. M. Das*, Women in Manu and his Seven Commentaries, Varanasi 1962.

[7] *Shakambhari Jayal*, Status of Women in the Epics, Delhi 1966.

[8] *Ratnamayidevi Dikshit*, Women in Sanskrit Dramas, Delhi 1946.

[9] *Sankar Sen Gupta* (ed.), Women in Indian Folk-Lore, Calcutta 1967; *J. C. Jain*, Women in Ancient Indian Tales. Bombay 1987.

[10] *N. W. Pinkham*, Women in the Sacred Scriptures of Hinduism. 1941.

[11] *I. Julia Leslie*, The Perfect Wife, Delhi 1989.

[12] *I. B. Horner*, Women under Primitive Buddhism, Reprint, Delhi 1975; *D. Y. Paul*, Women in Buddhism: Images of the Feminine in Mahayana Tradition, Berkeley 1979.

[13] *E. Thompson*, Suttee, London 1928.

[14] *Moti Chandra*, The World Of Courtesans, Delhi 1973; *S. C. Kersenboom-Story*, Nityasumarigalī, Delhi 1987; *Santosh Chatterjee*, Devadāsī, Calcutta 1945.

[15] *A. S. Altekar*, The Position of Women In Hindu Civilization, Reprint Delhi 1983.

[16] *Uma Chakravarti* and *Kumkum Roy*, In Search of our Past - a review of the limitations and possibilities of the historiography of women in Early India, in: Economic And Political Weekly, 23/18 (April 30, 1988).

[17] *Sally Slocum*, Women the Gatherer: Male Bias in Anthropology, in: Towards an Anthropology of Women, ed. *Rayana R. Reiter*. 1975, pp. 36-50.

[18] *Swami Madhavananda* and *R. C. Majumdar* (ed.), Great Women of India, Mayavati 1982.

period, in search of ideological norms of the age as propagated by the state, and to place women along with their male counterparts as individuals destined to play their parts in a given social context.

2

The process of state formation started in India around the middle of the first millennium B. C.[19] The basic economic ingredient behind state formation is surplus production, which is also the most important operative force for the development of urban centres. The Maurya empire gave an impetus to both urbanisation and secondary state formations by extending its imperial arms through inclusion of new lands within the state apparatus, and by extension of the spheres of economic transactions. The downfall of the Mauryas led to the rise of a number of small states in Northern India, which were again largely incorporated within the Kuṣāṇa empire. Urban development also reached its zenith during this period. But with the fall of the Indo-Roman trade, urban centres began to decline. Depending on qualitative and quantitative analysis of archaeological materials found in various excavated sites, it has been shown that there were two phases of urban decline. Some centres declined immediately after the Kuṣāṇas and synchronised with the rise of the Gupta power in Northern India, while others declined around the 6th century A. D. and thus synchronized with the downfall of the Gupta empire[20]. Thus, the 'Classical Age' or the so-called 'Golden period' of Indian history was actually 'the concluding phase of the economic momentum which began in the preceding period'[21].

When the Guptas came to power, in order to strengthen their political power structure, they badly needed political control over the small kingdoms, both of the monarchical and *ganasaṅgha* types, which thrived on the ruins of the Kuṣāṇa empire.

This was also an economic necessity. In the changed economic scenario, commodity production had to be replaced by extension of settlements in agriculturally viable areas to secure surplus production to maintain the state machinery.

They also required some common ideology to permeate the socio-religious life of the maximum number of their subjects. The tension between the urban and rural modes of living could be easily released now in the changing economic context by preferring the latter. The Brahmanical law makers, who adhered to the rural model as opposed to the Buddhists[22], received the preference of the state. Manu provided the ideal, which enjoyed a widespread social acceptance and was not in conflict with the political or socio-economic needs of the state. Though Manu had not been mentioned directly by any Gupta ruler, the fact that his ideology emcompassed the state and the society during this period is suggested by the contents of the Gupta epigraphic records. The Haraha

[19] *Romila Thapar*, From Lineage to State, Delhi 1984; *R. S. Sharma*, Origin of the State In India, Bombay 1989.
[20] *Idem*, Urban Decay in India (c-300 - c-1000), Delhi 1987, pp. 180-182.
[21] Romila *Thapar*, A History of India, vol.1, Harmondsworth 1968, p. 147.
[22] *A. Ghosh*, The City in Early Historical India, Simla 1973, pp. 53-56; *R. N. Nandi*, Client, Ritual And Conflict In Early Brahmanical Order, in: Indian Historical Review, vol.6, p. 68.

inscription of the Maukharī king Īśānavarman (553-4 A. D.) eulogised his ancestor Harivarman for perpetuating 'the moral laws of the world, on the path of virtue and discrimination like Manu'[23], who, however, may be equated with Manu Svayambhu, the first king and systematiser of rules of behaviour. The role of ideology in political and social formations of the Gupta period can be studied with this background in view.

The king, who was the pivot of state authority, had been invested with Divine power from the time of the Mauryas, if not earlier still, but during the Gupta period the concept reached a particular height. Aśoka focused on his divine connection by calling himself 'beloved of the gods'. The Kuṣāṇa *devakulas*, even if not accepted as temples enshrining god-like kings, speak of an intimate relationship between the goddess Śrī and prosperity of the king and his kingdom[24]. The Gupta emperor Samudragupta was equal to Dhanada, Varuṇa, Indra and Antaka in being master of the four quarters[25]. At he same time the cult of *bhakti* was emphasised by propagating that like the Supreme Being the king was also appreciative of devotion[26]. A combination of the divine and the *bhakta* is manifested in Candragupta (II), who was *paramabhāgavata*[27] and received his royal strength from *Cakrapuruṣa*, endowed with the character of Viṣṇu[28].

The king was also the hero *par excellence*. Samudragupta looked more charming because of the scar marks caused by various weapons[29]. Candragupta (II) fought his enemies with his breast, and the account of his glory was written by the sword on his arms[30]. To conquer the various kingdoms and to keep them under control, the state needed the propagation of this ideology of heroism. Seemingly, the ideology of a hero was in opposition to the *gārhasthya-dharma* of a householder, where conjugal union was homologised to the act of sacrifice[31]. A man was enjoined by the Brahmanical law-makers to marry a well-bred wife belonging to his own caste to carry on their united duty of the second *āśrama*[32]. Man desired *kula-vadhuḥ vratinī niviṣṭā*, a virtuous and faithful wife as Samudragupta received and it was only then, like the emperor, one could enjoy a home possessed of riches in the company of sons and grandsons[33]. Ṣaṣṭhidatta received his son Varāhadāsa, according to an inscription of Yaśodharman of Manadasor, from a wife who belonged to a good family (*kulajāt kalatrāt*)[34].

Good birth, however, could not be the only criterion for a happy home. If the wife was not radiant with beauty, she would not attract her husband, and if she had no attraction for him, no children would be born[35]. This verse, quoted from Manu, ap-

[23] D. C. Sircar, Select Inscriptions, vol.1, Calcutta 1965, p. 388; Epigraphia India, vol.14, p. 119.
[24] G. Fussman, The Mātṛdevakula: A new approach to its understanding, in: Mathura ed. D. M. Srinivasan, New Delhi 1989, pp. 193-199.
[25] D. C. Sircar, op. cit., p. 267.
[26] Ibid,. p. 266.
[27] Ibid., p. 321; A. S. Altekar, The Coinage of the Gupta Empire, Benares 1957, pp. 141, 153.
[28] A. S. Altekar, op. cit., p. 146.
[29] D. C. Sircar, op. cit., p. 249.
[30] Ibid., p. 283.
[31] P. K. Agarwala, Mithuna, Delhi 1983, pp. 24-25.
[32] Manusmṛti 3.4,12.
[33] D. C. Sircar, op. cit., p. 269.
[34] Ibid., p. 414.
[35] Manusmṛti 3.61.

peared only after four couplets from the famous and often quoted verse speaking of divine pleasure in seeing the women honoured in a house[36].

In this ideological setup it is not surprising that descriptions of feminine beauty would be commonly found in inscriptions of the Gupta period onwards. The clear skin of a young woman of tender age became object of comparison for that of a king[37]. Epigraphical records speak of them as full-bodied, lovely, with plump thighs, breasts and hips, and held in close embrace by young men[38]. Even conventional descriptions of a kingdom and its boundaries were given in terms of women and their feminine physical features. Thus, Kumāragupta was said to have ruled over the earth whose pendulous marriage string was the border of the four oceans, whose large breasts were the Sumeru and the Kailāsa mountains, and whose laughter was the full-blown flowers showered forth from the borders of the wood[39]. A city which was enclosed by two rivers was compared to the body of Smara, the God of Love, embraced by his two wives, Prīti and Rati, possessing heaving breasts[40].

Now, the idyllic bliss of home and hearth with loving, beautiful and caring wives was not easy to forego for the ideology of heroism. The renunciation school also faced this difficulty. If we recall the *Saundarananda-Kāvya* of Aśvaghoṣa, who flourished in the age of the Kuṣāṇas, it can be realised that a prosperous urban life with all its attractions, obstructed the way of persons like Nanda when they meditated about renouncing their householders' lives[41].

The Gupta state ventured to popularise the ideology of heroism along with that of *gārhasthyadharma*, and blended the two quite harmoniously. It was said that if a person sacrificed his earthly enjoyments at home for the sake of the state, he was sure to go to heaven and receive special favour from the beautiful *apsarās* there. The ideology of heroism was upheld by the law-makers like Manu[42], Yājñavalkya[43], Viṣṇu[44] and others. The dramas meant for a general audience and the *kāvyas* written for the intellectual elites taught the same idea. Purūravas saved heaven and the heavenly nymph Urvaśī from the demons. In this way, Kālidāsa says, he had gained the right to her love. As the hero dying in the battle-field instantly went to heaven, the *Raghuvaṃśa* depicted a hero who could see his own skeleton still dancing in the battle-field while he enjoyed the company of an *apsarā*[45]. Another verse narrates the quarrel between the heavenly damsels over the possessions of heroes[46]. The *Mahābhārata* strongly eulogised the hero[47].

[36] *Manusmṛti* 3.56.
[37] *J. F. Fleet*, Corpus Inscriptionum Indicarum 3, Varanasi 1963, pp. 75, 78.
[38] *Ibid.*, pp. 83, 87.
[39] *Ibid.*, pp. 82, 86.
[40] *Ibid.*, pp. 81-82, 85.
[41] Aśvaghoṣa, Saundarānanda Kāvya, tr. *E. H. Johnston*, Reprint Delhi 1975.
[42] *Manusmṛti* 5.98.
[43] *Yājñavalkyasmṛti* 1.323-24.
[44] *Viṣṇusmṛti* 3.44.
[45] *Raghuvaṃśa*, 7.51.
[46] *Ibid.*, 7.53.
[47] *P. Filliozat*, The After-Death Destiny of the Hero according to the Mahābhārata, in: Memorial Stones, ed. *S. Settar* and *G. D. Sontheimer*, Dharwar 1982, pp. 3-8.

The ideal of heroism received its visual expression in Gupta art[48]. Royal records also speak of this concept. The kings won the love of beautiful ladies by their show of masculine strength and bravery. As the inscription tells us, Rājādhirāja Skandagupta's breast was embraced by Lakṣmī because he developed heroism by the strength of his own arms[49]. Another inscription goes on to say that when the Later Gupta king Dāmodaragupta died in war, it was as if he fainted for a while, and then he went to heaven, where he awoke to the lotus touch of delicate female hands[50].

Women, who under tribal social situations did fight along with men[51], but had lost their martial qualities through social transformation and state formation processes, could support the state by being worthy mothers of brave warriors. Mothers were taught by such stories as that of the *Vidulopākhyāna* of the Mahābhārata to disown sons who would run away from the battle-fields[52]. Skandagupta was greeted by his mother when he gave her the news of his victory in war, just as Kṛṣṇa and his mother Devakī[53].

A brave young man would not marry a girl by paying the bride-price. For him, his valour would stand in its place. In other words, maidens should be proud to be *vīryaśulkā*. Samudragupta married a virtuous and faithful wife by paying for her his *pauruṣa* and *parākrama* — manliness and prowess[54]; Candragupta (II) bought the earth by his bravery, the inscription says, and it was considered to be the best kind of wealth, and it also imposed slavery on other princes[55].

The stories of the *svayaṃvaras* of Epic heroines were meant to infuse respect for the heroes. Lakṣmī took into consideration the virtues and faults of everybody and selected Skandagupta as her husband by discarding all other claimants who did not come up to the standard[56]. We are reminded at once of Indumatī's *svayaṃvara* as narrated by Kālidāsa[57]. Lakṣmī's *svayaṃvara* became a conventional poetic imagery. Mahārāja Mātṛviṣṇu is said to have been selected by the goddess of sovereignty herself, 'as if by a maiden choosing him of her own accord.'[58] But the one story of Ambā told in the Mahābhārata is enough to suggest that women were pawns in men's games of hero-ism[59]. *Svayaṃvaras* were sheer mockery for women's freedom to choose their own husbands.

[48] *F.M. Ashar,* Historical and Political Allegory in Gupta Art, Essays on Gupta Culture, ed. *B. L. Smith,* Delhi 1983, pp. 53-66; *B. S. Miller,* A Dynasty of Patrons: The Representation of Gupta Royalty in Coins and Literature, The Powers of Art - Patronage in Indian Culture, ed. *B. S. Miller,* Delhi 1992, pp. 54-62.

[49] *D. C. Sircar, op. cit.,* p. 308.

[50] *J. F. Fleet,* Corpus Inscriptionum Indicarum 3, Varanasi 1963, p. 203.

[51] *B. S. Upadhyaya, op. cit.* p. 149, 186-188. *Kosambi* has shown that Mother goddesses were originally conceived as demon-killers. Due to the transition from mother-right to patriarchal life, the original mother cults of many tribal groups became insignificant, though they were allowed to exist on a subordinate level. Cf. *D. D. Kosambi,* Myth and Reality, Bombay 1962, p. 28.

[52] The Mahābhārata, V, 133-136.

[53] *D. C. Sircar, op. cit.,* p. 323.

[54] *Ibid.,* p. 269.

[55] *Ibid.,* p. 281.

[56] *Ibid.,* p. 309.

[57] *Raghuvaṃśa,* Canto V.

[58] *J. F. Fleet,* Corpus Inscriptionum Indicarum 3, p. 160.

[59] Mahābhārata, I, 102.

Conceptually, it was only a hero who could protect his wife in the face of all odds. Kumāragupta (I) protected the earth, holding her with his mighty arms, as if she were his chaste and lawful wife[60]. Thus the duty of a hero in the context of the state was interchangeable with that of a husband in the social context.

Similarly, the ideology of divine kingship also permeated deep into the private life of each patriarch living within the mechanism of the state. To a woman, her husband, the ideal hero, was a god on earth and so she required no other god, no other ritual to attain heaven: attending him was sufficient[61]. The concept may be visualised from the inscription of Queen Nāyanikā, where she described her husband as giver of boons, riches, pleasure and son[62].

The concept of *sati* strings together all the ideologies of contemporary state and society. Satī, the daughter of Dakṣa, venerated her husband so much so that she could not even bear her husband Śiva being slandered, and so she gave up her life. She was, however, reborn as Pārvatī and was destined not only to be the wife of Śiva again, but also to be the mother of Kārtikeya, the great hero, whose birth was a necessity to save heaven. This ideology in the hands of Kālidāsa becomes encapsulated in a romantic narration in verse[63].

That the state did not oppose the ideology of *sati* is proved by the fact that the first epigraphic record eulogising the custom appears in a semi-official record of the Gupta period. Goparāja, the chieftain of Bhānugupta (6th century A. D.) died in battle, perhaps against the Hūṇas, and his devoted, attached, beloved and beautiful wife clinging to him ascended her husband's funeral pyre[64]. The adjectives were obviously added to sing her glory. But since women were to play the second fiddle in achieving the political goals of the state, the *sati* remains unmentioned in the inscription.

Whether we speak of a hero or of a *sati*, it was the ideology of sacrifice which was stressed. This might have been a political as well as an economic necessity. A developing state needs manpower to carry on its multifarious activities. But when the state itself is under economic pressure, the non-producing sectors may appear as burdens to the state. With the death of a hero, his wife became non-productive, because the contemporary concept of chastity did not encourage re-marriage of widows[65] or the levirate[66]. If the historicity of the theme of *Devicandragupta* is accepted, the Gupta state was to give sanction to the remarriage of widows, but the general trend of society opposed the idea.

It was also the period when the ideology of religious suicide was propagated. Kautilya opposed waste of manpower by suicides of any sort[67], but the writers of the Dharma-śāstras and Purāṇas eulogised religious suicide and recommended various modes to perform it.[68] If the ideology of *sati* was suitable for women, that of religious suicide fitted well with the men. When Indumatī died, Aja lamented the death of his *gṛhiṇī*,

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[60] Epigraphia India 26, p. 117.
[61] *Manusmṛti* 5.154-155.
[62] D. C. Sircar, *op. cit.*, p. 194.
[63] Kālidāsa, Kumārasambhava, *passim*.
[64] J. F. Fleet, *op. cit.*, pp. 92-93.
[65] *Manusmṛti* 9.65.
[66] *Manusmṛti* 5.162; 9.60.
[67] Kauṭilya's Arthaśāstra, ed. *R. P. Kangle*, Reprint, Delhi 1988, IV,7,25-26.
[68] *Upendra Thakur*, The History of Suicide in India, Delhi 1963, pp. 79ff.

saciva, sakhī and *śiṣyā* (wife, councillor, friend and pupil), but he could not die with her because it would have been a matter of great disgrace for him[69]. Thus, a hero was taught to ignore the sentimentality of love, for love was considered to be nothing but weakness[70]. So, Aja lived on, and then gave up his life through religious suicide[71].
Among the actual rulers of the contemporary phase, the Later Gupta king Kumāragupta endorsed this ideology and ended his life at Prayāga by entering the pyre[72].

To revert to women: the widows who survived their husbands and did not become *satī*s led a miserable life of bare existence. They were ordained to emaciate their bodies by living on fruits and roots[73]. The court poets of the Gupta period took sadistic pleasure in describing the pangs of widowhood caused by their patrons to the wives of their enemies[74]. A king took delight in recording that the noise of his twanging arrows taught the wives of his enemies the sorrows of widowhood[75]. Widows were forbidden to decorate themselves and an inscription records that the king became the cause of tearing out of the parted hair of the women of his enemies[76]. They were deprived of beauty as they had no ornaments to wear[77].

Side by side inscriptions provide pictures of adorned maidens and beloved wives in the company of their lovers and husbands. Ladies endowed with youth and beauty went to meet their lovers wearing coloured silken clothes and necklaces. They beautified themselves with flowers and chewed betel-leaves[78]. These were all denied to widows.

Beautiful, loved wives were kept happy by their husbands, Manu tells us, by gifts of ornaments, clothes and dainty food[79]. In the Gupta records there is no touch of the Maitreyī of the Upaniṣads who refused everything that did not lead to immortality. On the contrary the court poets could visualise a city adorned with tanks and wells, temples and pleasure-gardens etc. as comparable to a wife decorated by ornaments[80] presented by her husband. They could imagine rivalry between co-wives as to who would gain the love of their husband. Kīrtti and Lakṣmī were two wives of king Ādityasena. Kīrtti became jealous of the king's love for Lakṣmī and with a sad heart went to the other side of the ocean to dwell there[81]. Kālidāsa who paints the picture of such rivalries among co-wives in his *Mālavikāgnimitra*, however, shows that a devoted wife never stood in the way of any enjoyment of her husband.

Thus, women of the Classical age are generally depicted as devoid of institutionalised

[69] *Raghuvamśa* 7.72.
[70] *E. W. Hopkins,* The Social and Military Position of the Ruling Caste in ancient India as represented by the Sanskrit Epic, in: Journal of the American Oriental Society, vol.13; sections reprinted in: Journal of Ancient Indian History 2 (1968-69), p. 366.
[71] *Raghuvamśa,* 7.95.
[72] *J. F. Fleet, op. cit.,* p. 203.
[73] *Manusmṛti* 5.157.
[74] *J. F. Fleet, op. cit.,* pp. 83, 86.
[75] *Ibid.,* pp. 225, 226.
[76] *Ibid.,* p. 193.
[77] *Ibid.,* pp. 74-75.
[78] *Ibid.,* pp. 82, 85.
[79] *Manusmṛti* 3.55.
[80] *J. F. Fleet, op. cit.,* pp. 75, 78.
[81] *Ibid.,* pp. 204, 208.

education and destined to early marriage, as mere objects of enjoyment. They existed as producers of sons who could save the patriarchs from the hell of a particular type and could help a man to discharge his debts towards his ancestors. At the same time he could save the state from those who posed some threat to its existence. So the birth of a son was a cause for great revelry.

Motherhood was eulogised in inscriptions from the time of Aśoka. He gave importance to motherhood when he wrote: *sādhu mātari ca pitari ca susūsā*[82]. His wife Cāruvākī introduced herself not only as a queen, but also as a mother of Tīvara[83], because of the honoured position of a son-bearing mother in the society. This view is also attested from the Gupta period. Dhruvasvāminī in the Basarh seal introduced herself as *mahārājādhirāja* Candragupta's wife and *mahārāja* Govindagupta's mother[84].

The phraseology used in the genealogy portions of the Gupta inscriptions and seals, when studied along with the laws of Manu, reveals an important development in the concept of motherhood. Let us quote some portion of the genealogical table from the Bhitari pillar inscription of Skandagupta to illustrate the point[85]:

Mahārājādhirāja-Śrī-Samudraguptasya putras=tat-parigṛhīto Mahādevyān=Dattadevyām =utpannah [. . . .] mahārājādhirāja-Śrī-Candraguptas=tasya putras=tat-pādānuddhyāto mahādevyāṃ Dhruvadevyām=utpannah, [. . . .] mahārājādhirāja-Śrī-Kumāragupta.

Thus Candragupta (II) was the son of Samudragupta, born of Dattadevī. Kumaragupta (I) was the son of Candragupta (II), born of Dhruvadevī.

The exact implications of the expressions become clear when we read in Manu that in procreation, woman was the soil and man was the seed. On comparing the importance of the seed and soil, the seed was declared to be more important, because all living beings received the characteristic of the seed[86]. To the primarily agricultural people of the country, Manu had to clarify the point by saying: 'The rice (called) *vrīhi* and (that called) *śāli*, *mudga*-beans, sesamum, *māṣa*-beans, barley, leeks, and sugar-cane (all) spring up according to their seed'[87]. Thus, in the field of procreation also the accepted law of the state endeavoured to minimise the role of women in contemporary society.

By imposing ideologies of chivalry on men and chastity, devotion etc. on women, the society and the state denied to the woman her social role as an individual. The fact that women had no separate entity as individuals can also be shown from *Thaplyal's* study of Indian seals[88]. A seal, which is a mark of identity for a person, is conspicuously absent in cases of ordinary women. Seals of four queens have so far been found. With the exception of *mahādevī* Rudramatī, all other queens were introduced through their male relations. This was because a woman was never completely on her own.

Under the circumstances how can we imagine roles of women as wielders of state power? Queen Nāyanikā is supposed to have acted as regent during the minority of her

[82] D. C. Sircar, op. cit., p. 19.
[83] Ibid., p. 69.
[84] Archaeological Survey of India, Annual Report (1903-04), p. 107.
[85] D. C. Sircar, op. cit., p. 321.
[86] Manusmṛti 9.35.
[87] Manusmṛti 9.39.
[88] K. K. Thaplyal, Studies in Ancient Indian Seals, Lucknow 1972, pp. 51-52, 295.

sons[89]. But a more detailed account of rule by a dowager queen is provided by the case of Prabhāvatīguptā, the daughter of Chandragupta (II) and Kuveranāgā. She was married to Rudrasena (II), and after her husband's death she acted as regent on behalf of her minor sons[90]. Two things attract us in the charter issued by Prabhāvatīguptā during the time of her rule. First, the queen's seal attached to this charter did not bear her personal name. She was represented as a mother, executing royal duty on behalf of her son. Secondly, she gave more emphasis to her paternal relationship. In spite of being the Vākāṭaka queen, she did not even refer to her father-in-law, whereas she gave a detailed genealogy of the Guptas up to her father. So she could rule because of her father's backing. Candragupta (II), to serve his own imperial interest as well as the interests of his minor grandsons, upheld the claim of Prabhāvatīguptā, perhaps against a claimant of the collateral branch of the Vākāṭakas. No comment on the rule of a queen can be found in Manu, but the Purāṇas and the Epics vehemently opposed rule by a woman. The *Garudapurāṇa* enjoined a person not to live in a country ruled by a woman or by a minor[91]. *Hopkins* was perfectly right when he wrote: 'Queens are as independent rulers comparable with slaves in like capacity, alluded to, but disparagingly, as rulers very undesirable'[92]. He quotes a passage from the Epic which says, 'when a woman is the ruler, men sink like stone-boats'[93].

The Candragupta-Kumāradevī type of coins[94] and Samudragupta's claim of being *Licchavi-dauhitra*[95] were designed to fulfil Gupta imperial ambition in one way or another and had nothing to do with the uplift of status of women in society. The *Mārkaṇḍeyapurāṇa* denounced a man who claimed renown through his mother or maternal relationship[96]. This was a two-edged sword which struck at the root of matrilineal society as well as at a higher social status for a wife compared to that of her husband in a patriarchal society.

Political exigencies of the states sometimes made women's rule imperative, but these were recognized as exceptions, and social norms for women remained the same. To take the case of Prabhāvatīguptā again, in the Rithapur copper-plate inscription issued during the time of her son Pravarasena (II), she was eulogised as the increaser of glory of her paternal and maternal *kulas* and as one whose sons and grandsons were living[97]. Not a single word was uttered about her long and efficient rule. She was a woman and woman for ever.

The expression *ubhayakulālamkārabhūtā* added to the name of Prabhāvatīguptā takes us back to Manu, who repeatedly urged for a woman being consecutively 'protected' by her father, her husband and her son, throughout her entire life-span for fear of her two *kulas* being maligned due to any wrong actions on her part[98]. While commenting on

[89] D. C. Sircar, op. cit., pp. 193f.
[90] Ibid., pp. 436-38.
[91] Garudapurāna, 115.
[92] E. W. Hopkins, op. cit., p. 423.
[93] op. cit.
[94] A. S. Altekar, op. cit., pp. 32-35.
[95] D. C. Sircar, op. cit. p. 267.
[96] Mārkaṇḍeyapurāṇa, 21. 102.
[97] D. C. Sircar, op. cit. pp. 439-442.
[98] Manusmṛti 5.148-149.

these verses of Manu, some historians suggest that the freedom of women was curtailed during the period of foreign rule in India[99]. The bacchanalian scenes in the Kuṣāṇa sculptures[100], the account of Bardesanes that Kuṣāṇa women did not observe chastity[101], and the anxieties expressed in the Purāṇas over the laxity of women caused by foreigners[102] might have induced them to such a view.

At this point, it is necessary to refer to Varāhamihira, who is supposed to have belonged to the Gupta period. Though he was not above his age in his conception of an ideal woman, he at least had an impartial view of the contemporary social situation. The faults of which women were accused of, he pointed out, were equally committed by men. So it was nothing but audacity for men to scorn at women. He admitted that though marital fidelity was equally binding on both men and women they behaved on separate planes. A man forgot his wife as soon as she died, but a woman embraced him even on the funeral pyre. Actually the men accusing the women were like thieves who, in order to put the blame of stealing elsewhere, shouted stop thief[103].

Even when accepting and popularising some general ideologies to maintain the status quo in society, the state had to accept opposite norms up to a certain point, as long as these did not jeopardize the safety of the state by disturbing the stability of society. Prostitution was one such institution which originated with urbanisation and was accepted by the state, though in a way it challenged the ideal of a householder. But in a polygamous social structure it could not be a threat to stability of any type. During the Gupta period also, the beauty and accomplishments of courtesans beckoned the city youth. There were intoxicated women whose dark, red-coloured cheeks were remembered by the court poet while describing the glorious sunrise at the summit of the mountain of dawn[104]. When the lofty trees in the woods became covered with flowers and humming bees, *purāṅganās* came there to enjoy the spring and sang unceasingly[105]. In the parks of cities, one could see women joyfully plucking the fresh sprouts of mango-trees[106]. Some of these descriptions remind us of the life-pattern of a *nāgaraka* in association with lady-companions[107].

Though it cannot be traced in any inscription of Gupta period, there were in temples *devadāsīs*, whom Kālidāsa called by the term *veśyā*[108], a common expression for prostitutes. Modern surveys on *devadāsīs* show that girls were given up to deities by parents with the hope of gaining heaven, getting offspring, and even to earn money to maintain themselves[109]. These might have been the reasons in ancient period also. With the de-

[99] V.P. Thaplyal, Foreign Invasion in Ancient India: Impact on the Life of Women, in: Jornal of Ganganath Jha Kendriya Sanskrit Vidyapith 32, pp. 93-101.

[100] S. Asthana, The Kushana Art of Mathura, in: Kushāna Sculptures From Sanghol, ed. S. P. Gupta, Delhi 1985, pp. 33-34.

[101] B. N. Mukherjee, Revenue, Trade and Society in the Kuṣāṇa Empire, in: The Indian Historical Review 7, pp. 41-42.

[102] R.C. Hazra, Studies in the Purāṇic Records on Hindu Rites and Customs, Dacca 1940, p. 231.

[103] Ajay Mitra Sastri, India as seen in the Bṛhatsaṃhitā of Varāhamihira, Delhi 1969, p. 208.

[104] D. C. Sircar, op. cit., pp. 300-301.

[105] Ibid., pp. 301-302.

[106] Ibid., pp. 413-414.

[107] Vātsyāyana's Kāmasūtra, tr. S. C. Upadhyaya, Bombay, Reprint 1963, 4.39-43, pp. 85-86.

[108] Meghadūta 1.35.

[109] Santosh Chatterjee, op. cit., pp. 55; S. C. Kersenboom-Story, op. cit., p. 195.

cline of urban centres the profession of *gaṇikās* with all their skills in the sixty-four arts must have become restricted. But with the proliferation of temple complexes the institution of *devadāsī* gained ground. In the early medieval period, it became a matter of great social prestige to purchase and to dedicate *devadāsīs* to temples.

It is noteworthy that though *gaṇikās* and *devadāsīs* continued to exist, nunnery as a religious institution began to decline. Wealthy monastic establishments, however, continued to flourish. Profuse number of nuns, who could be seen as rich donors in monasteries of Bharhut, Sanchi, Mathura and other places in the Śuṅga-Kuṣāṇa inscriptions were no more found[110]. Respectable nuns, who mastered the *Tripiṭaka* under the pupilship of renowned monks[111], who could inspire even men to religious activities[112], were no longer to be found in epigraphic records of this age. Stray references to nuns in the Gupta records indicate their marginal role in the contemporary society[113]. This was because nunnery was a real threat to ruralised society, which declined to accept a woman as a recognizable social entity outside the periphery of male-oriented pattern of life. During the time of first upsurge of urban movement in North India, women received the right to become nuns in search of *nirvāṇa*. But by the time when Vātsyāyana, who is supposed to be an enlightened man accustomed with city life, wrote his *Kāmasūtra*, chaste women were enjoined to shun the company of a female renouncer who had donned red garments[114]. Varāhamihira also included female ascetics among women from whom a man should guard his wife[115].

Prostitution was not a danger to the stability of the family concept because it could be easily set aside as 'bad'. But how to look at the nuns and women of religious inclination? We have noted the attitude of the Classical period as reflected in the writings of Vātsyāyana and Varāhamihira. The gradual development of the concept from the Classical to the modern period is worth consideration. The Cālukya queen Mayaṇalla acted as a dowager-queen when her son Siddharāja Jayasiṃha was a minor. During the reign of this Siddharāja (1094-1143 A. D.) the drama *Mudritakumudacandra-prakaraṇa* was written. A part of the drama enacted the discourse between the Śvetām-baras and the Digambaras over the possibility of a woman attaining salvation. Digam-baras rejected the possibility outright, and the Śvetāmbaras imposed the precondition of chastity for their salvation and upheld the characters of Sītā and queen Mayaṇalla as their models[116].

The *Strīdharmapaddhati*, on the other hand, was an eighteenth century work meant for women, and according to its author Tryambaka, she was a perfect wife who did not associate herself with lady renouncers *(pravrājitā)* and nuns *(śramaṇā)*. They were equated to other women of ill repute like the courtesans, women gamblers etc.[117]

[110] *Kumkum Roy*, Women and Men Donors at Sanchi, pp. 211-215; *Chitrarekha Gupta*, 'Rural-Urban Dichotomy' in the concept and status of Women: an examination, in: Position and Status of Women in Ancient India 1, ed. *L.K. Tripathi*, Varanasi 1988, p. 192.
[111] Lüders' List, No. 38, *D. C. Sircar, op. cit.*, pp. 136-137.
[112] Lüders' List, No. 39.
[113] *J. F. Fleet, op. cit.*, p. 273.
[114] *S. C. Upadhyaya, op. cit.*, p. 163.
[115] *Ajay Mitra Sastri, op. cit.*, p. 206, note 2.
[116] *I. J. Leslie, op. cit.*, pp. 271-72.
[117] *Ibid.*, p. 319.

The Brahmanical law-givers also developed some sort of disrespect for women who earned money by their perseverance and toil and worked shoulder to shoulder with men to carry on some works of public interest. I am laying stress on women who came out of their houses to earn their bread and not on those who stayed at home and yet earned some money by spinning, weaving etc. Manu laid down rules of punishment for adultery committed with wives of others. But he categorically pointed out that such a rule was not applicable to the wives of actors and singers and others who depended on the incomes of their wives because such men, covertly or overtly, allowed illicit relations to their wives[118]. That such a general statement originated from aversion regarding their professions becomes clear when brahmanical lawmakers are found to be vocal against them.

Yājñavalkya mentioned that a husband was not bound to repay the debts incurred by his wife. But milkmen, distillers of wine, washermen and hunters etc must pay off the debts of their wives because they earn their livelihood with their help[119]. If the debt was incurred by the husband with his wife's knowledge, then the latter would remain responsible for its repayment. Thus, the number of working women was not negligible, but in the stratified society they remained in the lower rung. In such families women were under legal obligation to deposit the money they earned in the family fund. So Kātyāyana had to note that such incomes would not be included within *strīdhana*[120]. There is not a single inscription in the whole Gupta period which may throw some light on the hopes and aspirations of a working woman.

If women with independent income were despised by law-makers, the Gupta inscriptions show that housewives had some sort of control over property as they were often rich donors in religious establishments — be these Brahmanical, Buddhist or Jain. References to women donors in Gupta inscriptions, however, are much less frequent than those in records of earlier periods[121]:

The much corroded inscription from Gadwa belonging to the reign of Candragupta (II) records the grant of ten *dīnāras* at the local *satra* by a lady whose name cannot be read, but who was the wife of a person living in Pāṭaliputra[122]. The Sanchi inscription records the grant of twelve *dīnāras* at the monastery of Kākanādaboṭa by an *upāsikā* Harisvāminī, the wife of an *upāsaka* called Sanasiddha[123]. One *Vihārasvāminī* Devatā granted an image in a monastery of Mathura in 454-5 A. D. She was most probably the wife of a person who was the superintendent of a monastery[124]. Sāmādhyā, the daughter of Bhaṭṭibhava and wife of Guhamitrapālita, a dealer in stone, dedicated a Jain image in some monastery at Mathura[125].

With the decline of economic prosperity, the numbers of such donative records became fewer than those of earlier periods. Another reason for the decreasing number

[118] *Manusmṛti* 8.362.
[119] *Yājñavalkyasmṛti* 2.49-50.
[120] *Kātyāyana* 736.
[121] *Romila Thapar*, Patronage and Community, in: The Powers of Art ed. *B. S. Miller*, Delhi 1992. pp. 28-29.
[122] *J. F. Fleet, op. cit.*, p. 38.
[123] *Ibid.*, p. 261.
[124] *Ibid.*, p. 263.
[125] Epigraphia Indica 2, p. 210.

of women donors might have been shrinkage of mobility for them with the gradual ruralisation of the society. These women donors too, conforming to social norms, introduced themselves after their male relatives, and in this matter there was virtually no difference between the Brahmanical and heretic sects. These gifts might have been made out of the *strīdhanas* of these donors. But even if so — and women had the exclusive right of property in their *strīdhana* — they had to seek permission from their husbands for making such religious grants.

The Gupta period marks the intensification of property rights in land. Under these circumstances, disputes arose among lawmakers regarding women's right to inheritance. Earlier lawmakers like Baudhāyana declared women as 'useless' and 'incompetent to inherit'. But the Queen's Edict shows that Aśoka's wife Cāruvākī granted immovable properties like mango-groves, gardens, alms-houses etc., and the king ordered his *mahāmātras* to register the gifts in her name. It is difficult to say whether she purchased these out of her *strīdhana* or whether they formed part of her property of the same category. Surely she did not inherit these properties by dint of her legal right to succession. In later period when, with the decline of trade and commerce, much value was attached to immovable property, Kātyāyana and Nārada were found to be of divided opinion on the question of women's right to dispose of immovable property included within their *strīdhana*. While Katyāyana supported the cause of women, Nārada opposed it.

On this background it may be useful to study the copper-plate inscriptions of the Gupta period to get an actual picture of transactions of land. Eleven copper-plate inscriptions of the Guptas have so far been found from Bengal-Bihar region. Of these, only the Paharpur copper-plate inscription of 159 G. E. (= 479 A. D.) associates a lady with a land grant. Nāthaśarman, though a Brāhmaṇa by caste, granted land in favour of a Jain monastery. His wife Rāmī's name was also recorded as donor. This exceptional charter cannot be taken as proof of women's right to dispose of immovable property, because she was not the sole donor. No other copper-plate inscription at our disposal speaks of land grants by women. Though an *argumentum ex silentio* cannot be upheld, this feature cannot but set us thinking.

Had women had proprietory rights in land, one would expect them to be represented in the village council dealing with transactions in land. In the Kalaikuri-Sultanpur and Jagadishpur copper-plate inscriptions, there are long list of *kutumbins* or agriculturist householders, many of whom might have belonged to the *śūdravarṇa*. They are associated with particular land transactions. Of the 79 *kutumbins* who are mentioned in the Kalaikuri inscription (this is not counting the *mahattaras*), and of the 28 names of the same category in the Jagadishpur inscription, there is not a single one which appears to be a feminine name. So even if women possessed some landed properties, these were under the protection of male members of the family. And thus as a community, women were even inferior to the Śūdras, with whom they were often equated in the legal texts, because the Śūdra *kutumbins* at least had the right to be represented in the village councils and could take part in transactions of village lands. The agrarian expansion programme undertaken during this phase did not allow women any right in land, though in agricultural activities they equally shared the responsibility with men.

References may be made here to some *ācāras* in the charter of Viṣṇusena, which is an

important document throwing light on the socio-economic condition of the Gupta period. The first *ācāra* or law was: *aputrakaṃ na grāhyam.* The second was: *ummara bhedo na karaṇīyo rājapuruṣeṇa. D. C. Sircar* associated these two clauses. The first of them noted that royal officials should not confiscate the property of a person without a son, disregarding the claim of other legal heirs. The second suggested that on this account the officers should not harass householders by breaking the doors of their houses. Thus the property of widows having no sons did not revert to the king. Male agnates were pushing their claims and the king had to recognise it. But women of the Gupta period could not claim absolute right on any type of property.

This was again due to the propagation of an ideology pivoting around women and property. *R. S. Sharma* has shown that according to the Epics and the Purāṇas, many of which were written during this phase, the state as an institution originated to protect the private property of its subjects. In the patriarchal society, man was considered the real owner of the property, and men considered women as valuable property to be protected and to be enjoyed. It was, therefore, sex which was valued most, and to exercise full control over the female sex the patriarchal society in collaboration with the state imposed ideals of chastity, devotion etc. on women and those of heroism and manliness on men to control their women — a unique property.

3

The duty of a historian is to analyse documents at his disposal. If the women suffered and continue to suffer, the cause of that suffering has to be placed in historical context of role-appreciation of individuals, both male and female, in a given society. This is flexible, and its flexibility depends on the tussle between state power and dominant groups within the power structure. Ideology for a man has changed since the Gupta age. He is no longer conceived of as a hero, in the literal sense of physical strength, since the state has taken full responsibility for maintaining law and order by the elaborate setup of the machineries of the military and the police. A man is now socially evaluated by his intellectual or financial achievements. But the ideology for women remains, by and large, the same, until now.

Maria Schetelich

Die *maṇḍala*-Theorie im Artha- und Nītiśāstra

Eines der Themen, die unter Indienhistorikern bis heute am intensivsten diskutiert werden, ist das Verhältnis von Kontinuität und Wandel in der Geschichte Indiens. In den letzten Jahrzehnten sind immer wieder theoretische Entwürfe vorgelegt worden, die der Kontinuität von Strukturen über lange Zeiträume hinweg das Wort reden und Modelle oder Theorien in Frage stellen, die für eine Abfolge qualitativ voneinander verschiedener Gesellschaftsformen oder -systeme plädieren. Vor allem Herrschaftsstrukturen oder Formen politischer Machtausübung werden dabei zum Beweis für die Feststellung einer Kontinuität in den politisch-sozialen oder gar gesamtgesellschaftlichen Verhältnissen in Anspruch genommen. Dabei versucht man, aus der Analyse schriftlicher Quellen für eine bestimmte Region oder einen historischen Zeitabschnitt Strukturmodelle zu gewinnen, die ursprünglich regional oder zeitlich begrenzte Verhältnisse abstrahierend erfassen sollten, häufig dann aber auch für andere Zeiten und geographische Räume in Anspruch genommen werden, sodaß sie paradigmatischen Charakter für die gesamte Geschichte Indiens erhalten. *B. Steins* ,segmentary state', *H. Kulkes* ,konzentrische Integration', *S. Tambiahs* ,galactic states' oder *N. Dirks'* ,little kings' zählen zu diesen Modellen. Zur Bestätigung, daß bereits aus älteren Perioden der indischen Geschichte ähnliche Verhältnisse zu belegen seien und die alten Inder daher selbst Strukturmodelle entwickelt hätten, die die heutigen in gewisser Weise vorausnehmen, verweist man auf diejenigen der altindischen Texte, die Politik und Staatsführung als theoretisches Problem behandeln und daher Auskunft geben können über eben die Themen, die für die Bildung von Strukturmodellen heute zentral sind, also über Königsbild, Legitimation des Königsamtes und der Herrschaft allgemein, Formen und Aufbau von Herrschaft und Verwaltung, Verhältnis eines Königs zu seinem außenpolitisch relevanten Umfeld usw.

So sorgfältig man bei der Entwicklung und Begründung von Strukturmodellen in der Auswertung von Inschriften, Texten und anderem Quellenmaterial vorgeht, das sich auf reale, zeitlich gut fixierbare Verhältnisse bezieht, so global ist allerdings oft der Gebrauch, den man von den altindischen politisch-theoretischen Texten macht. Meist zieht man allein das Arthaśāstra des Kauṭilya (weiter: KA) als altindisches Vergleichsmaterial für diese Thematik heran, allenfalls noch das Mahābhārata. Beide wertet man als repräsentativ für altindische oder traditionelle Anschauungen insgesamt, d.h. man spricht allein ihnen traditionsbildende und damit normensetzende Funktion zu, ohne zu beachten, daß die politische Wissenschaft in Indien im Laufe der Jahrhunderte eine große Zahl von Texten hervorgebracht hat, die in mehr oder weniger starkem Maße von den Anschauungen der beiden genannten Texten abweichen. Auf diese Weise entsteht die Vorstellung von etwas Statischem, die dem Bild, das diese Wissenschaft in Indien bietet, in keiner Weise gerecht wird. Allerdings steht eine Geschichte der politi-

schen Literatur und der Staatslehre auch noch aus, die die Entwicklung dieser Wissenschaft in den Kontext der Entwicklung auf anderen Gebieten der Kultur stellt und das gesellschaftliche Umfeld von Produktion und Rezeption der einzelnen Texte genauer zu bestimmen versucht. Einen Schritt in diese Richtung hat seinerzeit *W. Ruben* getan, als er das KA im Rahmen der Entwicklung von Staat und Recht im alten Indien mit Kamandakas Nītisāra (weiter: KN) und dem Dharmaśāstra des Manu (weiter: Manu) verglich[1]. Die folgenden Bemerkungen sind ein Versuch, in dieser Richtung weiterzudenken.

Es läßt sich nämlich schon an einzelnen Begriffen und Konzepten ganz gut zeigen, daß Staatslehre und Politikwissenschaft in den Jahrhunderten, während derer sie gelehrt, tradiert und in immer neue literarische Form gebracht worden sind, beileibe nicht immer nur die ‚reine Lehre' Kauṭilyas in unveränderter, wenn auch verkürzter oder verkürzender Form wiederholten. Vielmehr reagierte gerade die Politikwissenschaft sensibel auf jeweils aktuelle Probleme ihrer Zeit, indem sie die vom KA begründete Tradition umformte oder (wenn sie traditionelle Konzepte wiederholte) auch neue Akzente setzte, Themen aussparte, neue Leitbilder prägte, Begriffe mit neuen Inhalten versah oder sie abwandelte. Am Beispiel der ‚Theorie des Staatenkreises' (*maṇḍala*), die uns im KA zu ersten Male entgegentritt und bis in die spätmittelalterlichen *rājanīti*-Texte hinein eines der außenpolitischen Grundkonzepte blieb, ist dies ganz anschaulich zu zeigen. Da die *maṇḍala*-Theorie des KA bis heute unterschiedlich interpretiert wird, sei eine kurze Skizzierung der eigenen Auffassung hier vorangestellt, auch auf die Gefahr hin, längst Bekanntes teilweise zu wiederholen.

Kauṭilya widmet dieser Theorie das aus zwei Kapiteln bestehende 6. Buch und einen Teil des Kapitel 18 aus dem 7. Buch seines Arthaśāstra. Er gibt mit diesem Konzept einem König — gewissermaßen als analytisches Instrumentarium — ein Konzept für die Gestaltung der politischen Beziehungen zu seinen Nachbarn an die Hand. Dieses Konzept ermöglicht es ihm, seine außenpolitischen Partner und Kontrahenten (bzw. Konkurrenten) in einem übersichtlichen Schema anzuordnen, um dann je nach den konkreten Gegebenheiten und Situationen die optimalen Handlungsvarianten herauszufinden. Auf den ersten Blick erscheint dieses Schema einem auf ein Zentrum hin orientierten Raum zu entsprechen. Tatsächlich ist es aber komplizierter und einfacher zugleich gedacht. Im KA ist es ganz auf einen bestimmten Königstyp, den *vijigīṣu*[2], zugeschnitten, für den der Dazugewinn politischer Macht (*vardhana*) auf Kosten seiner

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[1] *W. Ruben*, Die gesellschaftliche Entwicklung im alten Indien 3: Die Entwicklung von Staat und Recht. Berlin 1968, S. 172-78 und S. 205-16.

[2] Die gängige Übersetzung von *vijigīṣu* mit ‚Eroberer', bzw. ‚would-be-conqueror' ist m. E. nicht sehr glücklich. Sie suggeriert dem nicht mit den Feinheiten des Textes vertrauten Leser die Vorstellung vom Welteroberer, der sich ein Reich primär mit militärischen Mitteln ersiegt und widerspricht damit eigentlich dem Geist der Politik im KA. Kauṭilya sieht bekanntlich die militärische Eroberung eines Gebietes erst als letztes, äußerstes Mittel an, das nur anzuwenden ist, wenn die Ausdehnung und Etablierung der eigenen Oberherrschaft mittels einer geschickten Bündnispolitik nicht gelingt. Der *vijigīṣu* ist also eher ein ‚would-be-emperor' als ein ‚would-be-conqueror'. Die Grundbedeutung des Verbs *vi-ji*, ‚sich über einen anderen setzen, die Oberhand gewinnen, hervorragen unter anderen', legt die Übersetzung von *vijigīṣu* mit ‚Eroberer' eigentlich auch nicht unbedingt als obligatorisch nahe. In der gängigen Übersetzung des Begriffs spiegeln sich im Grunde das historische Wissen und das Geschichtsbild aus der Zeit der ersten

Nachbarn vordringlichstes Ziel politischen Handelns ist. Zu diesem Zwecke setzt er eine ganze Palette politischer Mittel ein, von Bündnissen und gemeinsamen Unternehmungen mit anderen Königen zum gegenseitigen Vorteil bis hin zu kriegerischer Auseinandersetzung.

Das *mandala*-Schema erfaßt zweierlei:
— das als Kerngebiet oder Zentrum des *mandala* verstandene ursprüngliche Herrschaftsgebiet des *vijigīṣu*, sein *mūla*, seine Wurzel oder Basis und
— das nach bestimmten Gesichtspunkten gegliederte Gebiet um dieses Zentrum herum, in dem andere, *sāmanta* (Nachbarn) genannte Könige herrschen.

Das Zentrum bilden der *vijigīṣu* selbst[3] und diejenigen Elemente des Reiches, die die Stabilität der eigenen Macht des Königs und damit den Erfolg seiner Außenpolitik begründen. Dies sind die Minister (*amātya*), das Land (*janapada*), die befestigte Stadt (*durga*), der Schatz (*kośa*) und das Heer (*daṇḍa*). Nur bedingt kann man darin — das sei am Rande vermerkt — eine Definition des Staates oder eine Aufzählung der Strukturelemente einer politischen Herrschaft sehen. Vielmehr werden selektiv nur die Faktoren erfaßt, die ökonomisch, politisch und militärisch für ein maximal effektives Handeln im außenpolitischen Bereich die wichtigsten sind. Kautilya faßt sie terminologisch zu einer gesonderten Einheit, den *dravyaprakṛtis* (6.2.12, 28 und 36), zusammen. Das aus den *dravyaprakṛtis* bestehende Zentrum bildet zusammen mit dem Herrscher und dem potentiellen Verbündeten (*mitra*) die *yoni* des *mandala*, den Schoß oder die Grundlage für die Erzeugung eines neuen politischen Feldes, mit dem *vijigīṣu* als Zentrum. Für die 7 *prakṛtis*, die die yoni des *mandala* darstellen, bürgert sich in der Literatur nach Kautilya die kollektive Bezeichnung *saptāṅga* oder *saptāṅgarājya* (die siebengliedrige Königsherrschaft) ein.

Das eigentliche oder *rāja-mandala*, also der strategische Raum, der das Kerngebiet des *vijigīṣu* umgibt, wird nach zwei unterschiedlichen Gesichtspunkten geordnet. Zum ersten werden die Nachbarkönige (scheinbar nach dem Prinzip der Nähe oder Ferne zum Reich des *vijigīṣu*) eingeteilt in solche, die die gleichen politischen Interessen in bezug

Fortsetzung Fußnote von S. 212
Übersetzer des KA. Das Maß, an dem damals alle Geschichte gemessen wurde, waren die bekannten Verhältnisse der Antike. Folglich verband man die Schaffung eines Imperiums im Altertum automatisch mit Gestalten wie Darius, Caesar und vor allem mit Alexander von Makedonien, die ihre Reiche durch Eroberungen gebildet hatten, und setzte ‚Weltherrscher‘ mit ‚Welteroberer‘ gleich. Das Beispiel zeigt einmal mehr die Problematik adäquaten Übersetzens von Texten, deren kultureller Hintergrund sich von europäischen Verhältnissen unterscheidet. Es zeigt aber auch die Notwendigkeit für den Philologen, seine Texte nicht losgelöst von ihrem historisch-kulturellen Umfeld zu betrachten und zu interpretieren.
[3] Daß das KA ihn in diesem Zusammenhang *svāmi*, Herr, nennt, ist Ausdruck der bewundernswerten, von nur wenigen späteren Theoretikern wieder annähernd angestrebten Exaktheit der Terminologie, die diesen Text auszeichnet. Kautilya wählt seine Begriffe generell so, daß sie Funktionsbereiche bezeichnen. Der König ist *svāmi*, wenn es um die Beziehung zu seinem Stammland, seinem Herrschaftsgebiet, geht. Geht es um sein Verhältnis zu anderen Königen, dann heißt er *vijigīṣu*. Da die Bündnispolitik das Primat hat, heißt der Feind normalerweise *amitra*, d.h. einer, mit dem man keine Bündnisse schließen kann. Im Kontext taktischer und strategischer Überlegungen aber, in denen es um die eigene Partei und um die des Gegners geht, dominiert dann logischerweise das Begriffspaar *sva* und *para*, das Eigene und das Gegnerische.

auf die anderen Könige haben wie er und solche, deren Interessen allein schon von ihrer geographischen Lage her mit denen des *vijigīṣu* nicht konform gehen können: so ist der König, dessen Land unmittelbar an das des *vijigīṣu* grenzt, der Konkurrent um die Macht und daher der potentielle Feind (*ari*). Der, dessen Reich durch ein anderes vom Zentrum getrennt ist, ist dagegen der potentielle Verbündete, da er gleichfalls mit dem *ari* konkurriert. Daran schließt das KA Konstellationen an, die entweder ein engeres Zusammengehen des *vijigīṣu* und eines *sāmanta* (*sandhi*, Bindung an das Zentrum) oder feindliche Beziehungen (*vigraha*, wörtlich: Trennung) voraussehen lassen: *arimitra, mitramitra, arimitramitra.* Kriterium sind auch hier die potentiell gemeinsamen oder gegeneinander gerichteten politischen Interessen, die durch den Grad der räumlichen Nähe zum Zentrum bestimmt sind.

Dieser ersten Art der Gliederung fügt Kauṭilya eine Einteilung nach strategischen Gesichtspunkten hinzu. Sie abstrahiert vom räumlich-territorial definierten Freund-Feind-Kriterium und wird im 7. Buch (Kap.13) grundsätzlich erläutert. Die hier aufge-führten Teilelemente des *maṇḍala* — der Fersenpacker (*pārṣṇigraha*), das ‚Geschrei‘ (*ākranda*), der Beistand des Fersenpackers und der des ‚Geschreis‘ (*pārṣṇigrahāsāra, ākrandāsāra*) — agieren vor allem im Kriege, wie schon ihre anschaulichen Namen besagen. Sie gehen gemeinsam mit dem *vijigīṣu*, aber jeder auf seinen eigenen Vorteil bedacht, gegen dessen Feind vor, wenn dieser gerade in einer Auseinandersetzung mit einem anderen steckt.

Obgleich Kauṭilya beide Arten von Teilelementen gemeinsam zu einem *maṇḍala* zusammenfaßt, betont er doch den qualitativen Unterschied zwischen beiden dadurch, daß er sagt, die Freund-Feind-Konstellationen würden (von) vorn, die strategischen Konstellationen aber (von) hinten eingesetzt oder angewendet werden (*purastāt ... paścāt ... prasajyante*, 6.2.20). Gemeint ist wohl, daß der ersten Gruppe offene, auf diplo-matischem Wege offiziell hergestellte politische Beziehungen zugrundeliegen, während bei der zweiten Gruppe sozusagen hinterrücks gegen den Feind agiert wird.

Zu diesen *rājaprakṛti* genannten 9 Teilelementen oder Faktoren des *maṇḍala* kommen als weitere Elemente zwei hinzu: der ‚mittlere‘ König (*madhyama* 6.2.21), der — an des *ari* wie des *vijigīṣu* Interessensphäre gleichermaßen angrenzend — stark genug ist, entweder beide gleichzeitig zu unterstützen oder jeden einzelnen zu bekämpfen, und der *udāsīna*, der (außerhalb des Interessenfeldes, also des Freund-Feind-Kreises stehend) das gleiche dem *vijigīṣu*, dessen Feind und dem *madhyama* gegenüber zu tun in der Lage ist. Diese beiden werden nicht zu den *sāmantas*, den Nachbarkönigen gezählt, die in bezug auf den *vijigīṣu* entweder Freund, Feind oder ‚Abhängiger‘ sein können (7.18.29-30: *mitra-, ari-* und *bhṛtyabhāvinaḥ*). Vielmehr sind sie unabhängig und können kraft dieser ihrer Sonderstellung das politische Spiel (*maṇḍalacaritam*, 7.18.27-44) eigenständig bremsen oder befördern. Die taktischen Überlegungen im KA zeigen, daß sie dies auch eifrig taten. Weder der *madhyama* noch der *udāsīna* sind also im eigentlichen Sinne neutral, sondern sind so etwas wie unabhängige und daher schlecht zu beeinflussende Risikofaktoren für den König.[4]

Auf der Basis dieser elf Arten von Königen skizziert Kauṭilya dann unter Einbezie-

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[4] Die Übersetzungen für beide Begriffe schwanken. Eine gute Zusammenstellung gibt O. *Botto*, Il Nitivākyāmṛta di Somadeva Sūri, Torino 1962, S. 176, Anm. 221.

hung des *vijigīṣu* gleich zwei verschiedene *maṇḍala*s, wie R. P. *Kangle* KA 6.2.24-27 richtig kommentiert, nämlich

— das *dvādaśarājamaṇḍala*, ein kompliziertes und im Grunde vom Klassifikationsprinzip seiner Elemente her nicht homogenes Gebilde, das aus den *rājaprakṛtis* der ersten und zweiten Gruppe besteht, ergänzt durch *madhyama* und *udāsīna*, und

— ein einfaches, das nur 4 Elemente umfaßt (s. 6.2.24-27). Es ist aus dem Text nicht ganz klar ersichtlich, ob der *vijigīṣu* selbst auch ein Teil des *maṇḍala* ist, sodaß dieses aus ihm und seinem Gegner, dem *madhyama* und dem *udāsīna* bestünde oder ob er der Vierergruppe von Freund, Feind und den beiden ‚Unparteiischen' gegenübergestellt wird, wie es der Vers KA 1.12.20 nahelegen könnte (*evaṃ śatrau ca mitre ca madhyame cāvapec carān | udāsīne ca teṣāṃ ca tīrtheṣv aṣṭadaśāsv api*). Der Staatslehre nach Kauṭilya jedenfalls waren beide Gruppierungen geläufig.

Eine dritte Art von *maṇḍala* ist dann das aus 72 Elementen bestehende Gebilde, das sich aus den 12 *rājaprakṛtis* samt den zu ihnen jeweils gehörenden *dravyaprakṛtis* zusammensetzt:

dvādaśa rājaprakṛtayaḥ ṣaṣṭir dravyaprakṛtayaḥ, saṃkṣepeṇa dvisaptatiḥ | tāsāṃ yathāsvaṃ sampadaḥ |

Jede der drei *maṇḍala*-Arten verbindet das KA mit einer bestimmten Form politischer Aktion. Das Vierer-*maṇḍala* ist die Basis für den *caturvarga* der Außenpolitik, d.h. für die vier politischen Mittel *sāma* (Besänftigung), *dāna* (Geschenke), *bheda* (Spaltung) und *daṇḍa* (Heer), d.h. kriegerische Auseinandersetzung. Das Zwölfer*maṇḍala* ist vor allem dann von Bedeutung, wenn es darum geht, zwischen den sechs Qualitäten (*guṇa*) politischen Handelns (Bündnis oder feindliche Haltung, Abwarten oder Losschlagen, Krieg oder ‚Doppelspiel') zu wählen.[5] Das Sechser-*maṇḍala* schließlich, in dem die Könige im Kontext ihres Herrschaftsbereiches erfaßt werden, ist Gegenstand von *karṣaṇa* und *pīḍana*, dem ‚Abmagern' und ‚Bedrücken', z. B. dadurch, daß Agenten des *vijigīṣu* Unfrieden erzeugen, daß Bündnisse geschlossen werden, die den wirtschaftlichen Ruin des Gegners bewirken usw.).

Schon im KA ist also *maṇḍala* nicht gleich *maṇḍala*. Die ‚Kompositionsprinzipien' sind ebenso unterschiedlich wie die Verfahrensweisen, für die die einzelnen Konfigurationen die Grundlage bilden sollen. Die bisherigen Erklärungen des *maṇḍala*-Konzepts gehen allerdings meist davon aus, daß wir es hier mit nur einem einzigen, kreisförmigen Schema zu tun haben.[6] Man kann aber wohl *Kangle* darin rechtgeben, daß Kauṭilya selbst im *rājamaṇḍala* nicht ein starres räumliches Schema sah, sondern etwas Dynamisches, eine politische Maschinerie, deren komplizierten Mechanismus man mittels der verschiedenen Arten politischer Aktion in Bewegung setzen muß, um den

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[5] *Meyer* übersetzt *ṣāḍguṇyam* mit ‚sechsfaches Verfahren', *Kangle* mit ‚sixfold policy'. Tatsächlich haben die sechs Arten im politischen Sinne unterschiedlichen Charakter, denn sie setzen jeweils eine andere Orientierung der Gesamtpolitik und eine andere Orientierung der Staatsressourcen voraus. *Guṇa* ist - wegen seiner semantischen Breite — auch hier offenbar wieder ein ganz bewußt gewählter Terminus.

[6] Dazu *H. Scharfe*, Untersuchungen zur Staatsrechtslehre des Kauṭilya, Wiesbaden 1968, S. 122-27, der die verschiedenen Interpretationsversuche anführt; auch *ders.*, The State in Indian Tradition, Handbuch der Orientalistik II.3.2, Leiden 1989, S. 202-12. Die Vorstellung, daß man es hier mit einem statischen Konzept zu tun hat, ist aber auch sonst verbreitet.

gewünschten Erfolg zu erzielen, d.h. um ein *cāturanta* zu werden — ein König, der nach allen vier Himmelsrichtungen ungehindert herrschen kann (7.13.49).[7]

Um das Funktionieren des *rājamaṇḍala* anschaulich zu machen, nimmt das KA in einem (vielleicht älteren?) Vers (6.2.39-40) das Bild vom Radkranz und den Speichen auf, das schon im Rigveda ein fester Topos mit teilweise politischem Bezug gewesen zu sein scheint[8]:

> *nemim ekāntarān rājñaḥ kṛtvā cānantarān arān* |
> *nābhim ātmānam āyacchen netā prakṛtimaṇḍale* ‖
> *madhye hy upāhitaḥ śatrur netur mitrasya cobhayoḥ* |
> *ucchedyaḥ pīḍanīyo vā balavān api jayate* ‖

‚Indem er die *ekāntara*-Könige zum Radkranz und die *anantara*-(Könige) zu den Speichen, soll der Lenker sich im *prakṛtimaṇḍala* selbst als Nabe einsetzen. Denn der Feind wird, sobald er zwischen den Lenker und den Freund gesetzt ist, ausrottbar oder drangsalierbar, selbst wenn er stark ist.'

Ganz offensichtlich ist hier *cakrapravartana*, das Drehen des Rades, gemeint, bei dem die Speichen so laufen müssen, wie die Nabe und der Radkranz es wollen. Nicht nur das Bild übrigens hat im Vedischen seinen Vorläufer, sondern auch das Wort *netā*, das in den zitierten Rgveda-Stellen gleichfalls gebraucht wird. In Verbindung mit der Lehre von den politischen Mitteln und Verfahren oder auch separat wird die *maṇḍala*-Theorie (nun auch allgemein *rājamaṇḍala* genannt) in den folgenden Jahrhunderten zum kanonischen Bestandteil politischer Theorie. Sie wird überall dort zur Sprache gebracht, wo es um den außenpolitischen Aspekt des Königsamtes in Theorie und Praxis geht: in den Dharmaśāstra (vor allem bei Manu und Yājñavalkya) im Kontext der Skizzierung des *rājadharma*, in den Epen, in einigen Purāṇas und nicht zuletzt im Nītiśāstra und den *rājanīti*-Texten (dort allerdings nicht mehr als absolut obligatorisch).

Schaut man sich nun lediglich die Formen oder Versionen des *rājamaṇḍala* an, die diese Texte lehren, so scheint es auf den ersten Blick tatsächlich, als ob das Gesamtkonzept kaum verändert worden ist. Die Texte, die die *maṇḍala*-Theorie in ihre

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[7] Dieser Begriff (er kommt nur 1.6.4 und 6.1.17 vor) wird von den Dharmaśāstras und Kamandaka nicht übernommen, findet sich aber seit der Hāṭhigumphā-Inschrift Kharavelas in den Inschriften. Er schließt ganz sicher an die vedische Vorstellung des *digvijaya*, des ‚Ersiegens der vier Weltgegenden' an. Eine Beziehung besteht wohl auch zu der im Aitareya Brāhmaṇa erwähnten, *diśāṃ klpti* genannten Zeremonie im Rahmen der Königsweihe, bei der der König vom Opferplatz, bzw. seinem Thronsessel aus in alle vier Himmelsrichtungen Schritte zu tun hat, um, wie es heißt, die Weltgegenden ‚zu ordnen'. Überhaupt hat das KA eine sehr eigenständige Terminologie in dieser Beziehung, die noch der Erklärung unter Bezug auf einen historischen Kontext harrt. So verwendet es den an sich naheliegenden Terminus *cakravartin* bekanntlich nicht, obgleich er ihm ebenso wie die damit verbundene Vorstellung vom Weltherrschertum bekannt gewesen sein muß, denn in 6.2. wird ja das Areal, in dem der *vijigīṣu* tätig werden soll, als *cakravartikṣetra* bezeichnet und geographisch abgesteckt als das Gebiet des gesamten indischen Subkontinents. Ob das Balkenkreuz mit einem Kreis in der Mitte, das als eines der häufigsten Zeichen auf den punch-marked coins seit etwa dem 2. vorchristlichen Jh. belegt ist, mit dem *cāturanta* in Verbindung zu bringen ist, läßt sich einstweilen schwer sagen.
[8] Im Rigveda allerdings ist das Bild etwas anders. Agni, der Lenker des Opfers, und Indra, der König, umfassen hier als Radkranz die Götter, die Dichter oder die Völker durch ihre Macht und Größe und schaffen so einen geschlossenen Raum, der auf den Kult, bzw. das Opfer hin ausgerichtet ist (RV 1.141.9; 2.5.3; 5.13.6; 1.32.15).

eigene Behandlung politischer Themen integrieren, übernehmen die Terminologie des KA und verwenden sowohl das einfache Vierer-, als auch das Zwölfer-Schema. Dabei erscheint das einfachere Schema wie im KA häufig dort, wo die Grundlagen außenpolitisch-diplomatischen Kalküls zur Sprache kommen, während das erweiterte Schema entweder daneben oder allein dann zu finden ist, wenn auch die Modalitäten der Kriegführung mit zur Sprache kommen. Das einfachere *maṇḍala* ist also auch hier wieder enger verknüpft mit den vier politischen Mitteln *sāma, dāna, bheda* und *daṇḍa*, während das kompliziertere und heterogene Zwölfer*maṇḍala* dem ṣāḍguṇyam zugeordnet ist. Die Tendenz geht im Laufe der Jahrhunderte dahin, das Vierer-Schema zu bevorzugen, in den Kombinationen *vijigīṣu-ari-mitra-udāsīna* oder *ari-mitra-madhyama-udāsīna*. Das stimmt in gewisser Weise mit der Tendenz der politischen Texte überein, die Diplomatie (als Lehrgegenstand ebenso wie als politisches Mittel) gegenüber der Kriegführung als moralischer zu bevorzugen. Zwar behandeln die *rājanīti*-Texte ausführlicher als das KA Themen wie die Qualitäten des Heeres oder der Pferde oder die Schlachtordnungen, doch wird den vier *upāyas* gegenüber dem ṣāḍguṇyam der Vorzug gegeben. Folgerichtig behandeln die Texte das gesamte Spektrum der theoretischen außenpolitischen Thematik immer häufiger als Teilgebiet der Beratung (*mantraṇa*) des Königs mit seinen Ministern und nicht mehr separat.

Der Text, der dem KA zeitlich am nächsten steht, ist die Manusmṛti (datiert zwischen 200 v. und 200 u.Z.), das älteste der Dharmaśāstras. In ihm werden — zum ersten Male in der Tradition der Dharma-Texte — aus der Sicht der brahmanischen Morallehre wirklich umfassend alle Funktionsbereiche des Königsamtes skizziert. Gewissermaßen als Gegenbild zum Königsbild des KA, das den *vijigīṣu* (und damit die Ausdehnung des Machtbereichs eines Königs auf benachbarte Herrschaftsgebiete) in den Vordergrund stellt, wird dabei ein Königsideal entworfen, das die Aufrechterhaltung von Recht und Ordnung innerhalb des Reiches, also die Innenpolitik, als vornehmste Aufgabe des Königs bezeichnet. Dieses Königsbild wird dadurch zum Königsideal und erhält normativen Wert, daß die Erfüllung oder Nichterfüllung der königlichen Amtspflichten zu Kategorien wie Sünde und Erlösung in Beziehung gesetzt und diese Pflichten (aber auch die Rechte) als Dharma für den König festgeschrieben werden. Gleichzeitig wird dem Königsdharma eine eigene, *varṇa*-unabhängige Wertigkeit zugestanden. Hatten die älteren Dharmasūtras den Aufgabenbereich des Königs noch als Sonderfall des *kṣatriya-dharma* gelehrt, so lehrte Manu ihn nun als dessen Inbegriff und an seiner Stelle. Damit war der *kṣatriyadharma* nicht mehr auf eine ganze gesellschaftliche Schicht, einen Stand fixiert, sondern allein auf die Person des Herrschers, auf den Amtsträger. Seine Legitimation bezieht dieser Königstyp zwar noch aus den alten *kṣatriya*-Funktionen, dem Kämpfen und der Verpflichtung zum Schützen aller Wesen, das ein Leben in Frieden und Sicherheit (*abhaya*) garantiert. Doch werden wie im KA als wesentliche Voraussetzung für seine Eignung zum Amte die persönliche Befähigung und sein Verhalten (*vinaya*) allgemein in den Vordergrund gerückt. Ergänzt wird dies durch eine außermenschliche (aber eben nicht primär aus der *varṇa*-Zugehörigkeit abgeleitete) Legitimation, die der König daraus bezieht, daß er zum Gefäß für Teilchen der wichtigsten Götter des brahmanischen Pantheons erklärt wird. Diese Auffassung vom Königsamt, die den *dharmarāja*, und nicht mehr den *vijigīṣu*, zum Inbegriff des idealen

Königs macht, beeinflußt auch Manus Verständnis der *mandala*-Theorie.[9] Man geht sicher nicht fehl, wenn man in dieser Hervorhebung des brahmanischen (*dharma-*) Elements der Königsideologie und des Königsbildes eine Reaktion brahmanischer Kreise auf eine konkrete historische Situation sieht. Aśokas Königsdharma, der intensiv und auf dauerhaftem Material in weiten Teilen des Subkontinents ins Bewußtsein der Leute gebracht wurde, hatte sich weitgehend an der buddhistischen Morallehre orientiert. Auch die Königsideologien, die mit Vertretern von Fremdvölkern wie den baktrischen Griechen, den Śakas, Parthern oder Kuṣāṇas in den beiden Jahrhunderten um die Zeitenwende nach Indien kamen, standen der vedisch-brahmanischen Tradition fern. Es mag in der Manusmṛti der erste nachweisbare Versuch einheimischer Herrscher vorliegen, in einer Situation der Auseinandersetzung mit politischen Kräften aus anderen kulturellen Milieus sich eine eigene Identität und Legitimation des Königsamtes zu schaffen. Das würde zu der puranischen Überlieferung passen, derzufolge die Śuṅgas sehr betont die Brahmanen und die von ihnen vertretene religiöse Tradition gefördert haben sollen.

Für den politischen Teil seines *rājadharma* stützt sich Manu allgemein auf die Arthaśāstra-Tradition. Wie das KA gibt er als Aufgabenbereich des Königs das Gewinnen, Erhalten und Ausdehnen der Herrschaft an (*lābha, pālana, vardhana*), was durch Sichern des neu Dazugewonnenen (*vṛddhasya pātranikṣepa*, bei Kauṭilya: *vṛddhasya tīrthe pratipādana*) zu ergänzen ist. Formal führt Manu die Dharmasūtra-Tradition dadurch fort, daß er alles, was mit dem Kämpfen und mit *vardhana* zu tun hat, unter *kṣātradharma* (den *dharma* der Herrschermacht, nicht mehr den des *kṣatriya*!) subsumiert (7.18 ff.), dieses thematisch von *pālana* (dem Schutz der Untertanen durch Garantieren von *abhaya*) abgrenzt und mit Versen über das Ethos des Kämpfens in der Schlacht einleitet. Der Akzent liegt jedoch auch in diesem Abschnitt eindeutig auf dem Schützen der Grundlage der eigenen Herrschaft, des eigenen Reiches, vor einer Bedrohung von außen. Manu legt damit bereits den Keim dafür, daß später nicht mehr *lābha, pālana, vardhana* die Termini sind, die das Ziel einer guten Politik bezeichnen, sondern *tantra* und *āvāpa*, Grundlage und Ausdehnung eines Reiches.[10] Dies ist zwar nur ein Nuancenwechsel im Sprachgebrauch, setzt aber doch deutlich einen anderen Schwerpunkt. Das Kämpfen dient nun — wie jede andere außenpolitische Aktivität auch — lediglich dazu, eine Schwächung des eigenen Landes durch *karṣaṇa* und *pīḍana* zu verhindern und damit den Bestand der Herrschaft zu sichern (vgl. Manu 7. 105 und 111: *mohād rājā svarāṣṭraṃ yaḥ karṣayaty anapekṣayā | so 'cirād bhraśyate rājyāj jīvitāc ca sabāndhavaḥ*).

Dies geschieht, indem man im *maṇḍala* ein Gleichgewicht der Kräfte herstellt und es dadurch bewahrt, daß man die Nachbarkönige ‚beugt'. Manu 7.39 nennt ein Land dann vorzüglich, wenn es *ānatasāmanta* ist, d.h. Nachbarn hat, die sich dem König unterordnen. Vom Wortgebrauch her ist Manu allerdings weit weniger exakt als das KA. So neutralisiert er Kauṭilyas genaue terminologische Unterscheidung der außen- und innenpolitischen Funktion des Königs. Hatte Kauṭilya im außenpolitischen Kontext

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[9] S. auch *R. Lingat*, Les Sources du Droit dans le système traditionnel de l'Inde. The Hague 1967, Kap. III: Dharma et Ordre de Roi (S. 231-83).
[10] Auf diesen Wechsel in der Terminologie weist *H. Scharfe* hin (The State in Indian Tradition, S. 202), ohne allerdings den Tendenzwechsel anzumerken.

seinen König *vijigīṣu*, im innenpolitischen aber *svāmi* oder *rājan* genannt, so verwendet Manu den Begriff *vijigīṣu* zwar auch, wenn er die Grundprinzipien der Außenpolitik darlegt, jedoch gewissermaßen nur als terminus technicus für einen König, der gegenüber den Nachbarkönigen seine Macht mit kriegerischen Mitteln festigt oder verteidigt. Ansonsten dominieren auch in diesem Kontext die Verben *rakṣ*, *pā* und *gup* und ihre Ableitungen, wenn die Tätigkeit des Königs beschrieben wird — also Worte, die auf das Beschützen zielen.

Gleiches gilt für die Königsterminologie. Manus König ist durchweg ein *nṛpa*, ein Patriarch, der sein Reich in erster Linie nicht ausdehnen, sondern in Ordnung halten will. Für ihn gilt der Grundsatz ‚Schützen ist dem Vermehren vorzuziehen' (*vardhanād rakṣaṇaḥ śreyaḥ*). So heißt er ein Schützer des *dharma*, ein Führer des ‚Stockes', der den Bewohnern seines Landes Sicherheit garantiert. In dieses Betreben ist auch die Wahrnehmung seiner außenpolitischen Funktion eingeschlossen. In dem Begriffspaar *yoga-kṣema* (Anspannung und Wohlergehen), das von alters her ein Standardausdruck für Sinn und Inhalt des Wirkens der Könige ist, liegt bei Manus Königskonzept der Nachdruck weniger auf dem dynamischen *yoga*, als vielmehr auf dem in Richtung eines Zustandes weisenden *kṣema*. Dieser Wechsel im Königsbild wird zum Ausgangspunkt für eine andere Sicht auf die Rolle des Königs im *maṇḍala* der ihn umgebenden politischen Kräfte. Diese Sicht setzt sich in der Nach-Guptazeit als herrschend durch. Bei Manu selbst ist dies alles erst in Ansätzen zu erkennen, eben in der Bevorzugung von *pālana* gegenüber *vardhana* als vordringlichste Aufgabe eines idealen Herrschers.

Grundlage der Außenpolitik ist bei Manu das *rājamaṇḍala*, in der Zwölfer-, wie in der Vierer-Konstellation, wobei er im ersteren eine Ableitung vom letzteren sieht (7.154-55):

> *madhyamasya pracāram ca vijigīṣoś ca ceṣṭitam |*
> *udāsīnapracāram ca śatroś caiva prayatnataḥ ||*
> *etāḥ prakṛtayo mūlam maṇḍalasya samāsataḥ |*
> *aṣṭau cānyāḥ samākhyātā dvādaśaiva tu tāḥ smṛtāḥ ||*

Bei der Erläuterung seiner Anwendung allerdings wird das Viererschema etwas variiert und auf die 3 Elemente *ari*, *mitra* und *udāsīna* reduziert, sodaß der *madhyama* als politischer Faktor herausfällt (7.158: *anantaram arim vidyāt arisevinam eva ca | arer anantaram mitram udāsīnam tayoḥ param ||*). Entsprechend werden in 7.208-11 dann auch nur die Eigenschaften dieser drei vorgeführt. Dabei wird als Ergebnis eines Bündnisses das Erlangen eines zuverlässigen *mitra* dem Erlangen von Gold oder Land vorgezogen — in Übereinstimmung mit der Tendenz, in allererster Linie die Sicherheit der eigenen Herrschaft zu gewährleisten (Kauṭilya hatte noch flexibel den Maximalgewinn an Nutzen zum Kriterium gemacht).

Wenn es um die praktische Seite der Politik geht, verwendet Manu also nur die Grundtypen Freund-Feind-Risikofaktor. Von den Elementen der zweiten Gruppe des KA nennt er nur den *pārṣṇigraha* und den *ākranda*. Wie bei Kauṭilya sind sie Faktoren, die für den Kriegsfall ins Kalkül gezogen werden können und werden folgerichtig bei Manu auch in eben diesem Kontext aufgeführt (7.202):

> *pārṣṇigraham ca samprekṣya tathākrandam ca maṇḍale |*
> *mitrād athāpy amitrād vā yātraphalam avāpnuyāt ||*

‚Wenn (der König) im *maṇḍala* den Fersenpacker und das ‚Geschrei' im Auge behält, wird er von Freund und Feind Nutzen bei einem Kriegszug haben.'

Wie Kauṭilya faßt Manu auch die 5 *aṅga*-s oder *(dravya)prakṛti*-s als eine Einheit auf, die das Fundament der eigenen Herrschaft bilden (7.157: *amātya-rāṣṭra-durgārtha-daṇḍākhyā pañcāparāḥ | pratyekaṃ kathitā hy etāḥ saṃkṣepeṇa dvisaptatiḥ ‖*). Er verwendet zwar im Gegensatz zu Yājñavalkya nicht ganz genau die gleichen Termini wie Kauṭilya, zitiert jedoch mit dem letzten *pāda* des Verses das KA (6.2.28) wörtlich.

Die Yājñavalkyasmṛti (weiter: Yājñ.) als das zweite der Dharmaśāstras, das den *rājadharma* ausführlicher behandelt, ist Manu hinsichtlich des *maṇḍala*-Konzepts sehr ähnlich. Während Manu aber das *maṇḍala* im Kontext von *dharmarāja* und *daṇḍana* behandelt und den *daṇḍa* als politische Kraft geradezu verabsolutiert, zitiert Yājñ. zwar Manu zu wesentlichen Punkten des *rājadharma* wörtlich, folgt im übrigen im Aufbau seiner Darstellung aber viel strenger den Vorgaben der älteren Tradition, die den König als Sonderfall und nicht als Inbegriff des *kṣatriya* betrachtet. Ausführlichst werden die allgemeinen *kṣatriya*-Pflichten — nämlich das ehrliche tapfere Kämpfen und vor allem das Schenken an Brahmanen — einem *dharma*bewußten König empfohlen. Das Schenken wird sogar mit einem *deyadharma* verbunden, bei dem die Modi des Schenkens und der Fixierung der Schenkung genau beschrieben werden. Neben den Ministern und dem *purohita* soll der König auch *śrotriyas*, vedagelehrte Brahmanen, zu seinen Ratgebern machen. Beides, der *deyadharma* und die Empfehlung von *śrotriyas* als Mitglieder des engsten Beraterkreises um den König, weist wohl auf das Bemühen, eine weitverbreitete Praxis des politischen Alltags in der brahmanischen Tradition zu verankern und dadurch zu sanktionieren. Jedenfalls hat Yājñ. damit dem Bild des offiziellen Königsideals die beiden Dinge neu hinzugefügt, die dann besonders in den mittelalterlichen Regionalreichen einem König dazu dienen, den Anspruch auf sein Amt zu untermauern und zu legitimieren. So sind es denn auch gerade diese Passagen, die in diesen Regionalreichen, deren Ministern, Königen und Dichtern ja im wesentlichen die Träger der *rājanīti*-Literatur waren, die Yājñavalkyasmṛti zu einem vielzitierten Referenztext für den *rājadharma* machen.

Der außenpolitische Teil der Yājñ. wird eingeleitet durch ein Lob des Schützens. Es verhilft dem König zu einem guten *dharma* (1.342). Wie bei Manu ist dieser Königsdharma im Kontext des Beratens (*mantraṇa*) über die vier politischen Mittel angesiedelt. Dem *maṇḍala*-Konzept ist nur ein einziger Vers gewidmet (1.345):

ari mitram udāsīno 'nantaras tatparaḥ param |
kramaśo maṇḍalaṃ cintyaṃ sāmādibhir upakramaiḥ ‖

‚Nicht durch andere (Länder) voneinander getrennt sind nacheinander der Freund, der Feind und der ‚Unparteiische'. Schritt für Schritt soll man (in dieser Anordnung) ein *maṇḍala* zum Zwecke der Anwendung von *sāma* usw. überlegen.'

Hier haben wir also wieder die ursprüngliche Vorstellung der räumlichen Bezogenheit einer politischen Konstellation auf das Zentrum, aber auch nur noch als einfachstes Schema, als verkürztes *caturmaṇḍala* Freund-Feind-Risikofaktor. Yājñ. verwendet anstelle des Begriffs *dravyaprakṛti saptāṅgarājya*, und er faßt in 1.353 diese Elemente auch zu einer gesonderten Gruppe zusammen, unter Verwendung der KA-Terminologie (*svāmy-amātya-jano durgaṃ kośo daṇḍas tathaiva ca | mitrāṇi etāḥ prakṛtayo rājyaṃ saptāṅgam ucyate*).

Für das Themengebiet *rājanīti* und die dieses Gebiet behandelnden Texte bilden von nun an Manu und Yājñ. neben dem Nītisāra des Kamandaka die ‚great tradition' in der politischen Theorie und der Morallehre für den König. Ihr *dharmarāja* wird für Jahrhunderte zum Idealbild des ‚Hindu king' par excellénce.

Eine neue Stufe der Staatslehre-Entwicklung markiert der Nītisāra des Kamandaka, den man zumeist der Zeit unmittelbar nach dem Guptareich, also dem 6. Jh. zuweist (O. *Botto* datiert den Text ins 8. Jh.). Markiert wird dies dadurch, daß die Staatslehre nun auf die daṇḍanīti-Themen (persönliche Qualitäten des Königs, Politik, Diplomatie, Heerwesen und Kriegsführung) als Lehrgegenstände reduziert wird. Kamandaka — sehr oft zu Unrecht als bloßer Epigone Kauṭilyas gewertet — erweitert dessen *maṇḍala*-Theorie beträchtlich, verändert dabei aber gleichzeitig, wenn auch zunächst noch kaum merklich, die Schwerpunktsetzung. Bekanntlich übernimmt er nicht Kauṭilyas, sondern Manus Bild vom Königsamt in wesentlichen Punkten. Obgleich Außenpolitik, Kriegs- und Heerwesen (geht man vom formalen Kriterium der Ausführlichkeit aus, mit dem sie behandelt werden) den größeren Raum im Text einnehmen, hat *pālana*, die Bewahrung des direkten Machtbereichs bei Kamandaka, wie bei Manu, Priorität vor *vardhana*, seiner Ausweitung. Seine Stärke beweist ein König dadurch, daß er in der Lage ist, sein politisches Feld ‚sauber', d.h. störungsfrei und im Gleichgewicht der Kräfte zu erhalten, um als *maṇḍalādhipa*, als Oberherr im *maṇḍala*, unangefochten herrschen zu können. Gleich die ersten drei Verse des 8. Sarga, die die im KA noch durch das ganze *ṣāḍguṇyam* voneinander getrennten Themen *maṇḍalayoni* und *maṇḍalacaritam* zusammenfaßt, preisen die Reinhaltung des *maṇḍala* als eine wesentliche Voraussetzung für die Sicherheit der eigenen Position und den Glanz des Herrschers selbst:

> *upetaḥ koṣadaṇḍābhyāṃ sāmātyaḥ sahamantribhiḥ |*
> *durgasthaś cintayet sādhu maṇḍalaṃ maṇḍalādhipaḥ ‖*
> *rathī virājate rājā viśuddhe maṇḍale caran |*
> *aśuddhe maṇḍale sarpan śīryate rathacakravat ‖*
> *rocate sarvabhūtebhyaḥ śaśīvāskandhamaṇḍalaḥ |*
> *sampūrṇamaṇḍalastambhād vijigīṣuḥ sadā bhavet ‖*

‚Der Oberherr eines *maṇḍala* soll — im Besitze von Schatz und Heer, von Ministern und Ratgebern umgeben und in einer befestigten Stadt lebend — (sein) *maṇḍala* in der rechten Weise erwägen, (denn) wie ein Wagenkämpfer überragt ein König, der sich in einem ‚bereinigten' *maṇḍala* bewegt, alle (anderen Könige). Schleicht er aber in einem ‚unbereinigten' *maṇḍala*, dann zerbricht er, wie das Rad eines Wagens. Wie der Mond leuchtet unter allen Geschöpfen ein König, der ein lückenloses *maṇḍala* besitzt.'[11]

Das Kapitel schließt mit Versen ähnlicher Tendenz, nur mit dem Zusatz, daß ein König durch ein zu seinen Gunsten bereinigtes politisches Kräftefeld auch die Untertanen zufriedenstellt. Eben dieses Zufriedenstellen der Untertanen wird einige Verse vorher (8.71-73) als Motiv für die außenpolitischen Aktivitäten des Königs angegeben:

> *yasmin maṇḍalasaṃkṣobhaḥ kṛte bhavati karmaṇi |*
> *na tat kuryāt tu medhavī prakṛtir anurañjate ‖*

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[11] Dieses Bild ist für unser Empfinden nicht ganz klar. ‚Lückenlos' meint hier vielleicht soviel wie ‚ohne Störfaktoren' (im Text auch *rājakaṇṭaka*, Königsdornen, genannt), die die einzelnen Glieder des *maṇḍala* mit dem *vijigīṣu* entzweien?

sāmnā dānena mānena prakṛtīr anurañjayet |
ātmīyā bhedadaṇḍābhyāṃ parakīyas tu bhedayet ||

‚Etwas, was ein *maṇḍala* in Unruhe versetzen kann, soll ein kluger König nicht tun, vielmehr soll er die *prakṛtis* (gemeint sind die *dravyaprakṛtis*) erfreuen. Die eigenen *prakṛtis* soll er durch *sāma, dāna* und Ehrenbezeigungen erfreuen, die des Feindes aber durch *bheda* und *daṇḍa* uneins machen.'

Wesentliches Mittel zur Reinhaltung des *maṇḍala* ist es, sich möglichst viele *mitras* zu schaffen, denn ein König, der von vielen *mitras* umgeben ist, kann seine Feinde in Schach halten (*bahumitro hi śaknoti vaśe sthāpayitum ripūn,* 8.86). Diese *mitras* sind im KN noch *sāmantas* im ursprünglichen Sinne des Wortes, also Nachbarkönige, nicht Vasallen oder in anderer Weise politisch abhängige Fürsten. Kamandaka schließt sich hier ganz an Kauṭilya an (vgl. KA 7.13.42-43). Bewirkt wird die Reinigung des *maṇḍala* wesentlich durch geschicktes Anwenden der 4 *upāyas,* vor allem der beiden friedlichen (*sāma* und *dāna*), gegenüber den Nachbarn. Dies stimmt überein mit dem Bestreben, durch geschickte Bündnispolitik den Frieden im politischen Umfeld des Reiches zu bewahren. Aber auch die Schwächung der *dravyaprakṛtis* der anderen durch *karṣaṇa* und *pīḍana* gehören in diese Politik, denn erst wenn sie geschwächt sind, werden die Gegner ja zugänglich für eine Beschwichtigungs- und Bündnispolitik. Schon Kauṭilya hatte ja (7.10. 26-27) *pīḍanīya bhūmilābha* dem *ucchedanīya bhūmilābha* vorgezogen, weil bei dieser Art von Gewinn eines Gebietes die *dravyaprakṛtis* zwar durch das ‚Drangsalieren' geschwächt, aber nicht vernichtet würden, so daß der König sich ihnen gegenüber dann großmütig zeigen und seine Großmut in politisches Prestige ummünzen kann. Kamandaka baut diesen Gedanken weiter aus, und dies schlägt sich in der Art nieder, in der er die *maṇḍala*-Theorie lehrt.

Insgesamt zählt er 18 verschiedene Varianten des politischen *maṇḍala* auf und schreibt die meisten von ihnen bestimmten Lehrern zu: Uśanas, Bṛhaspati, Maya, Indra und Puloman, Viśālākṣa, den Mānavas usw., auch allgemein den ‚*maṇḍala*-Kundigen' (*maṇḍalavid, maṇḍalajña*). Im einzelnen sind es folgende Varianten (*maṇḍala* abgekürzt durch m.):

1. das *daśarāja*-m., gebildet aus den Elementen der *purastāt-* und *paścāt*-Konstellation, auch *maṇḍala* des *vijigīṣu* genannt (8.16-17).

2. das *catuṣkaṃ*-m. aus den Elementen *ari, vijigīṣu, madhyama, udāsīna,* die wie bei Manu als *mūlaprakṛtis* bezeichnet werden. Es wird von Maya gelehrt (8.18-19).

3. das *ṣaṭkam* m., bei dem zu den Vieren noch der *pārṣṇigraha* und die *mitra* treten, dem Indra und Puloman zugeschrieben (Indra tritt in den Purāṇas ja öfter, z.B. im Agnipurāṇa als Staatslehrer auf) (8.20-21).

4. das *dvādaśarājakam* aus dem KA, d.h. das Zehner-*maṇḍala* des *vijigīṣu* samt *madhyama* und *udāsīna,* von Kamandaka Uśanas, dem *purohita* der Götter, zugeschrieben (8.22).

5. das vom *dvādaśarājakam* abgeleitete Sechsunddreißiger-m., gebildet aus den 12 Königen samt je einem Feind und einem Freund, zugeschrieben wiederum dem Maya (8.23).

Mit diesen fünfen erschöpft sich die Zahl der fortlaufend aufgezählten, lediglich aus den Nachbarkönigen gebildeten *maṇḍala*- Figuren. Vers 8.24 führt die *dravyaprakṛtis* als konstituierende Elemente ein und leitet damit über zu einer neuen Art der Klassifi-

zierung: zuerst wird das jeweilige aus den *rājaprakṛtis* gebildete *maṇḍala* angeführt, und daraus werden dann unter Zufügung der sechs übrigen *prakṛtis*, die das *saptāṅgam* bilden, neue *maṇḍalas* gebildet. Ihre Teilelemente sind die Herrschaftsbereiche der jeweiligen Könige, sodaß nun die Reiche als Ganzes direkt zum Ziel der außenpolitischen Aktivitäten erklärt werden (*dvādaśānāṃ narendrāṇāṃ pañca pañca pṛthak pṛthak | amātyāś cādyaś ca prakṛtīr āmānantīha mānavāḥ ||*). Mit dieser erweiterten Klassifizierung weicht der KN von Kauṭilya ab, bzw. baut einen im KA eher sekundären Aspekt weiter aus. Es folgt in der Aufzählung als

6. das *prakṛti*-m.: die 12 Könige samt ihren *dravyaprakṛtis*, also Kauṭilyas und Manus Zweiundsiebziger-Schema (8.25). Hier wie im folgenden nennt Kamandaka das *dvādaśarājakam maulamaṇḍala*, weil es das Grundelement für die Berechnung der folgenden Konfigurationen ist (vgl. auch 8.41: *itiprakāraṃ bahudhā maṇḍalam paricakṣate sarvalokapratītaṃ tu sphutaṃ dvādaśarājakam*).

7. das *aṣṭādaśakam:* die 12 *maula*-Könige samt dem gemeinsamen Feind des *ari* und ihrem gemeinsamen Freund, und bei jedem von diesen wiederum ein eigener Freund und Feind, gelehrt von Guru Bṛhaspati (8.26).

8. das aus den 18 und ihren jeweiligen *prakṛtis* zusammengesetzt *aṣṭottaraśatakam*, zugeschrieben den ‚Weisen‘ (*kavayaḥ*, 8.27).

9. das *catuṣpañcāśatkam* des Viśālākṣa, bestehend nur aus Königen, nämlich den 18 Königen, multipliziert mit je einem Freund und einem Feind (8.28).

10. die um die *dravyaprakṛtis* erweiterte Fassung des vorigen, bestehend aus 324 Elementen (8.29).

11. das nur aus dem *vijigīṣu* und seinem Gegner samt den Elementen ihrer Herrschaft bestehende *caturdaśakam* (8.30).

12. die Dreiergruppe (*maṇḍalatrikam*) *vijigīṣu, ari, madhyama*, zusammen mit je einem *mitra*, als Sechser-m. gelehrt (8.31).

13. die Erweiterung desselben um die sechs *dravyaprakṛtis* auf 36 Elemente (8.32).

14. das *ekaviṃśatkam*, d.h. die sieben *aṅgas* von *vijigīṣu, ari* und *madhyama* zusammengerechnet (8.33).

15. die merkwürdige, das Element *mitra* doppelt enthaltende Kombination aus den vier Standardelementen *vijigīṣu, ari, madhyama, udāsīna*, jeweils mit einem *mitra* und multipliziert mit den sechs *prakṛtis* von jedem — insgesamt ein Achtundvierziger-m. (8. 34)

16. eine Wiederholung des *maṇḍala* Nr.1, hier erläutert als Kombination aus *vijigīṣu* und den *purastāt* und *paścāt* angeordneten Faktoren (8.35).

17. das m. *ṣaṣṭisaṃjñam*, d.h. die Erweiterung des vorigen durch Multiplikation mit den 6 *prakṛtis* der 10 Könige (8.36) und schließlich

18. das Dreißiger-m., dessen Basis eine Fünferkonfiguration von Königen (der *vijigīṣu* im Zentrum und vor bzw. hinter ihm jeweils ein *ari* und ein *mitra*) ist, die mit den sechs *dravyaprakṛtis* von jedem kombiniert wird. Der *vijigīṣu* heißt in diesem sehr einfachen *maṇḍala* im übrigen *netā*, vielleicht aus metrischen Gründen, vielleicht aber auch anknüpfend an Kauṭilyas Bild des Rades (8.36).

Der Abschnitt schließt mit zwei Versen, die eigentlich eine Negation des ‚Staatenkreis‘-Konzepts überhaupt bedeuten:

dve eva prakṛtī nyāyye ity uvāca Parāśaraḥ |

abhiyoktṛpradhānatvāt tathānyonyo 'bhiyujyate ‖
parasparābhiyogena vijigīṣor ares tathā |
aritvavijigīṣutve ekā prakṛtīr ity ucyate ‖

,In der Politik gibt es üblicherweise nur zwei Faktoren, sagt Parāśara, den Angreifer als den, der den ersten Schritt tut (also als den, der als erster die Initiative ergreift), und den, der angegriffen wird. Greifen sich *ari* und *vijigīṣu* gegenseitig an, dann sind *ari* und *vijigīṣu* von gleicher Natur (d.h. es existiert dann nur ein Faktor, weil beide die gleiche Angreifernatur haben).'

Geschickt operiert Kamandaka hier mit den Bedeutungsnuancen von *prakṛti*, um ein neues Konzept vorzubereiten und den Begriff *vijigīṣu* endgültig auf die rein militärische Seite der Königsfunktion (im Rahmen des *rājadharma*) zu fixieren. Damit wird das Königsideal des Arthaśāstra auf den zweiten Rang hinter das des Dharmaśāstra verwiesen und in gewisser Weise abgewertet. In diese Linie paßt die Diskussion in Sarga 11 (Vers 35 ff.), ob es 6 *guṇas* oder nur 2 gibt, nämlich nur *sandhi* und *vigraha*, den Zustand der freundlichen und den der feindseligen Aktion gegenüber dem politischen Partner. Kauṭilya hatte diesen Standpunkt als Meinung Vātavyādhis zitiert und abgelehnt. Kamandaka ist nicht so strikt, und es paßt zu dieser Tendenz, daß sich seit der Guptazeit der Begriff *sandhivigrahaka* als Bezeichnung des höchsten Ministeramtes einbürgert.

Die Quintessenz des von ihm selbst bevorzugten *maṇḍala*-Konzepts bietet Kamandaka schließlich mit dem (gegenüber dem KA und den Dharmaśāstras neuen) Bild eines Baumes (8.42). Dessen 8 Zweige (*śākha*) symbolisieren — so will es jedenfalls der Kommentar Jayamaṅgalā — die acht Faktoren *ari, mitra, arimitra, mitramitra, pārṣṇigraha, ākranda* und deren beide *āsāras*. Das *mūlamaṇḍala ari, vijigīṣu, madhyama, udāsīna* bilden die Wurzeln (*mūla*), die 6 Blätter sind die 6 *dravyaprakṛtis* und der Stamm, auf dem das Ganze beruht, besteht aus dem menschlichen Handeln (*mānuṣam*) und dem, was durch das Schicksal oder übernatürliche Einwirkungen (*daivam*) die guten Eigenschaften der 7 Faktoren einer guten Herrschaft beeinträchtigen kann. Als 6 Blüten an diesem Baum werden die 6 Arten politischer Verfahrensweisen gegenüber einem Feind genannt und als Früchte schließlich *kṣaya, sthāna* und *vṛddhi*, das Schwinden, das Gleichbleiben und der Zuwachs von Macht.

Es ist beim heutigen Stand unserer Kenntnisse der altindischen realen Verhältnisse kaum zu sagen, ob in der politischen Theorie zur Zeit Kamandakas tatsächlich die *maṇḍala*-Theorie in all ihren oben aufgezählten Varianten gelehrt oder diskutiert wurde und wenn ja, ob dies tatsächlich in der politischen Praxis seinen Niederschlag fand. Kaum berechtigt aber ist es wohl, dem Kamandaka eine übermäßige oder überflüssige Klassifizierungssucht zu unterstellen. Die Ausführlichkeit, mit der er gerade dieses Thema behandelt und die Tatsache, daß er die einzelnen Varianten mit Namen zusammenbringt, die zum großen Teil auch in anderen Texten für renommierte (tatsächliche oder mythologische) Vertreter der Politiklehre stehen, weisen zumindest darauf hin, daß die *maṇḍala*-Theorie kein abstraktes und statisches Konzept gewesen sein wird — weder ein Dogma, noch ein feststehendes Modell für politische Strukturen oder ihre Formierung. Eher diente sie wohl als eine Anleitung zu verschiedenen Möglichkeiten des ,Sandkastenspiels' in Situationen, die politische Entscheidungsfindungen notwendig

machten, d.h. als Grundlage für die Beratung (*mantraṇa*) des Königs mit seinen *mantrins* (und hierbei wohl als Spezialwissen des *sandhivigrahaka*).

Aber noch etwas anderes ist anzumerken. Kamandaka schafft mit der Art seiner Klassifizierung, mit der Umwertung des Begriffs *vijigīṣu* und nicht zuletzt auch dadurch, daß er dem viergliedrigen *maṇḍala* endgültig die Rolle der Wurzel, des ‚Ursprungs-materials‘, für alles politisch-diplomatische Handeln zuweist, die theoretische Grundlage dafür, daß sich eine neue Richtung, eine neue Sehweise in bezug auf die *maṇḍala*-Theorie durchsetzen kann. Nicht mehr das Bild des Rades mit dem *vijigīṣu* in der Mitte, der als Zentrum und Motor das Karussell politischer Kräfte in Bewegung setzt, ist die Vorstellung, die von nun an dem *maṇḍalacaritam* zugrundegelegt wird. An seine Stelle treten vielmehr zwei andere, rein lineare Bilder. Das eine findet man z.B. in Caṇḍeśvaras Rājanītiratnākara, der unten ausführlicher zu besprechen sein wird. Hier entspricht die Form des *maṇḍala* etwa dem Spielbrett des südindischen pachisi-Spiels: In der Mitte liegt das Gebiet des *vijigīṣu* und von diesem gehen in alle vier Himmelsrichtungen die Gebiete der Gegner ab, nach jeder Himmelsrichtung ein *ari*, ein *mitra* und ein *udāsīna*, so daß ein kreuzförmiges Gebilde entsteht. Als anderes Bild geben die Texte eine Linie: *ātma*- und *paramaṇḍala* als zwei einander polar gegenüberstehende, aber in ein gemeinsames Spannungsfeld eingebundene Kräfte. Der Begriff *maṇḍala* schließt hier (deutlicher als im KA) die beiden ihrem Wesen nach verschiedenen Ebenen des *rājamaṇḍala* und des *saptāṅgaṃ rājyam* zusammen. Daher kann nun auch das Begriffspaar *tantra-āvāpa* immer öfter an die Stelle von *lābha-pālana-vardhana-vṛddhasya pātranikṣepa* treten, denn damit läßt sich die Konzentration des Interesses auf das eigene Territorium besser zum Ausdruck bringen. Allerdings werden *tantra* und *āvāpa* in den Texten unterschiedlich definiert. Im Nītivākyāmṛta (weiter: NVA) wird *tantra* als Sorge um den Erhalt des eigenen Herrschaftsgebietes, *āvāpa* dagegen als ständiges Bemühen um Erobern von feindlichem Territorium verstanden. Im Yaśastilaka ist *āvāpa* allgemeiner als *para-maṇḍalacintā* definiert. Die im Dharmakośa (S. 1853) zitierten Cāṇakyasūtras verbinden *āvāpa* dagegen mit dem strategischen *maṇḍala*-Begriff (*āvāpo maṇḍalaniviṣṭaḥ*).

Es ist im übrigen durchaus möglich oder sogar wahrscheinlich, daß Kamandaka mit der Modifizierung des *maṇḍala*-Konzepts auch auf den politisch-administrativen Sprach-gebrauch seiner Zeit reagierte. Spätesten seit etwa dem 3. Jh. u.Z. ist *maṇḍala* ja inschriftlich als gängiger, weithin verbreiteter Terminus für ein politisch-regional definiertes Gebiet belegt.

Mit dem Nītisāra ist, wie bereits gesagt, die ‚great tradition‘ in der Staatslehre festgeschrieben und die Theoriebildung in dieser Disziplin überhaupt im wesentlichen abgeschlossen. Purāṇas wie das Agni- oder Viṣṇudharmottarapurāṇa und die in der darauffolgenden Zeit entstehenden *nīti*- und *rājanīti*-Texte machen Gebrauch von dieser Tradition, doch es entsteht kein neues *śāstra*, keine autoritative Lehrmeinung, die die früheren Lehrmeinungen als Allgemeingut und obligatorisch-normatives Wissen der Staatslehre-Kundigen ablöst oder außer Kraft setzt.[12]   Vielmehr beginnt nun das Zeitalter der individuellen Interpretation wesentlicher Punkte der Staatslehre samt der

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[12] Bezeichnenderweise verleugnet die brahmanische ‚great tradition‘ in der Staatslehre indirekt ihren Ursprung, der mit sehr großer Wahrscheinlichkeit doch im Kauṭilīya Arthaśāstra zu suchen ist. Jedenfalls werden in den *daṇḍa*- bzw. *rājanīti*-Texten nur noch Manu, Yājñavalkya und Kamandaka zitiert, obgleich ja durch Bhāruci, Yogghama, Somadeva Sūri, Daṇḍin, den Ma-

didaktischen Umsetzung der politischen Moral durch einzelne, historisch fixierbare Autoren.

Das hat aber auch einen Themenwechsel zur Folge. Nicht mehr die politische Theorie, sondern die praktische Seite der Politik, des Königsamts und des Hoflebens sind in den Lehrtexten der *rājanīti* Gegenstand des Interesses und Thema der Darlegungen. Diese Werke wurden ja für den Bedarf der Könige, teils auch in ihrem Auftrag oder durch Könige selbst verfaßt. Die Autoren waren also meist Praktiker, z.gr. Teil Minister, die ihre eigenen politischen Erfahrungen einbrachten oder bewußt einbringen wollten. Hinter allem steht eine klare didaktische Absicht: man wollte einerseits das Spektrum notwendiger Grundkenntnisse in der politischen Wissenschaft vor Augen führen, andererseits aber auch bewußt ein bestimmtes Königsbild vermitteln, gepaart mit Wissen zu Themen, die für das Leben am Hofe und die Tätigkeit des Königs von Wichtigkeit waren: *dharma* des Königs, Vergnügungen, Qualitäten der Frauen und der Pferde, Strategie und Taktik der Kriegführung, Waffenkunde, Beziehung zwischen König und seinen Untergebenen und Verwandten, Schenkungen oder Grundlagen der Verwaltungspraxis usw. Die *rājanīti*-Texte unterscheiden sich z.T. sehr voneinander in bezug auf die Auswahl der Themen und der Art, bzw. der Ausführlichkeit ihrer Darlegung. Sie sind historische Quellen besonderer Art. Dadurch, daß sie sich sehr viel besser datieren und lokalisieren lassen als die älteren *śāstras*, können sie die aus Inschriften, Urkunden, Tempelannalen, *caritas* und anderen literarischen Quellen gewonnenen Kenntnisse dadurch ergänzen, daß sie das geistige Umfeld ihrer Verfasser oder Auftraggeber sichtbar machen. Hier bietet sich ein noch weitgehend unbeackertes Forschungsfeld für die indologische Mediävistik.

Nicht in allen Nīti-Texten mehr findet die *maṇḍala*-Theorie die ehemalige selbständige und ausführliche Behandlung. In der Nītiprakāśikā, deren Hauptthema die Waffenkunde ist, fehlt sie z.B. ganz, und auch der Nītikalpataru vernachlässigt sie als separates Thema weitgehend, weil er sich mehr auf das höfische Leben und den König konzentriert. Nur in den Rājanītinibandhas und wenigen anderen Texten, die sich um eine Adaption der Politiklehre an zeitgenössische Erfordernisse und um ein annähernd ausgewogenes Verhältnis zwischen der Darstellung praktischer Details des politischen und höfischen Lebens und der überlieferten Theorie bemühen, wird sie angeführt. Einer dieser Texte ist das Nītivākyāmṛtam des Jaina-Gelehrten Somadeva Sūri, ein systematisches Lehrwerk, das wahrscheinlich um 950 entstanden ist. Somadeva übernimmt (als absolute Ausnahme unter seinesgleichen) längere Passagen aus dem KA. Er gibt seine Quelle allerdings nicht an, kopiert sie jedoch auch nicht. Er behandelt systematisch, aber mit unterschiedlicher Ausführlichkeit und zu einem guten Teil eigenständiger Terminologie traditionelle Themen der Staatslehre wie etwa

— Tagesablauf und *vinaya* des Königs (kaum allerdings die Erziehung der Prinzen),
— Minister und Beamte (darunter auch solche, die das KA noch nicht kannte, wie den *sandhivigrahaka*),
— Spionen- und Gesandtenwesen,

Fortsetzung Fußnote von S. 225
hāvaṃsa u.a. zu belegen ist, daß das KA in dem uns überlieferten Umfang bis ins späte Mittelalter hinein bekannt war.

— Strategie und Taktik,

— Wirtschaft und Rechtsprechung (allerdings in äußerst knapper Form) und schließlich

— Heirat als ein gesondertes Kapitel, das er bezeichnenderweise gleich den beiden außenpolitischen Kapiteln (*ṣāḍguṇyam* und Kriegführung) folgen läßt, denn politische Heiraten waren zu Somadevas Zeit bei den Rāṣṭrakūṭa- und Cālukya-Herrschern, denen er verbunden war, eines der am häufigsten angewandten friedlichen Mittel (*sāma*) für die Sicherung der eigenen Macht.

Somadeva Sūri hat die Eigentümlichkeit, neben der für Nīti-Texte allgemein kennzeichnenden Anreicherung und z.T. Überfrachtung mit *subhāṣita*- und *itihāsa*-Zitaten die Termini, die er verwendet, ziemlich durchgängig mit einer Definition zu versehen. Der Bedeutungsgehalt einiger Begriffe zu seiner Zeit deckte sich nicht mehr mit dem der gleichlautenden Begriffe im KA oder im Nītisāra. Das trifft auch für die *maṇḍala*-Theorie und ihre Terminologie zu. Begriff und Konzept gehen im NVA immer weiter auseinander. An der Stelle im Text, wo die *maṇḍala*-Theorie behandelt wird (im *ṣāḍguṇyam*), kommt z.B. der Begriff *maṇḍala* zwar auch noch im konventionellen Sinne vor (z.B. 29. 21-22). Doch hat das Wort an den Stellen, wo es außerhalb des *ṣāḍguṇyam* gebraucht wird, nur mehr die rein territoriale, politisch-administrative Bedeutung, die es auch in den Inschriften hat. Selbst im *ṣāḍguṇyam* (Kap.29) heißen die zu Beginn genannten *rājaprakṛtis maṇḍalānām adhiṣṭhātāraḥ*, die Häupter der *maṇḍala*s, und es muß damit durchaus nicht nur gemeint sein, daß jeder von ihnen ein eigenes strategisches *maṇḍala* besitzt. Nahe liegt es, *maṇḍala* hier rein territorial zu verstehen, denn grundsätzlich werden ja an anderen Stellen des NVA *sva*- und *paramaṇḍala* als das eigene und das Reich des politischen Gegners aufgefaßt. So ist es z.B. eines der Aufgabenfelder des *dūta* (der im KA noch der Gesandte allgemein war, hier aber wie im Nītisāra Teil des Geheimdienstes auch innerhalb des Landes ist), Spione (fremder Könige), die im Reich seines Königs tätig geworden sind, ausfindig zu machen (*svamaṇḍalapraviṣṭagūḍhapuruṣaparijñānam*, NVA 13.8). Die eigenen Spione (*cāra*) sind als ‚Augen des Königs‘ für die Überwachung der Aktivitäten und Geschäfte im eigenen wie im fremden Lande einzusetzen (*svaparamaṇḍalakāryāvalokane*, die fast wörtliche Prosa-Wiedergabe eines Nītisāra-Verses, NVA 14.1).

Maṇḍala ist an diesen Stellen offenbar schon ein rein territorialer Begriff. Folgerichtig wird er von Somadeva nicht im Kontext des *ṣāḍguṇyam* definiert, sondern in Kapitel 19, das das Element (*dravyaprakṛti*) *janapada* behandelt. Dort wird er in eine Reihe gestellt mit anderen Territorialbegriffen, die als solche auch inschriftlich belegt sind, nämlich *rāṣṭra, deśa, vijaya, janapada* (hier im speziellen Sinne), *dāraka* und *nirgama*. Gerade dieses Kapitel illustriert sehr anschaulich Somadevas Kunstgriff, durch bloße ‚Erklärung‘ der von ihm angeführten Begriffe seine eigene Interpretation der traditionellen Lehrmeinung an die Seite zu stellen, und sie dadurch sozusagen zu ‚aktualisieren‘, ohne direkt gegen sie zu polemisieren. Am Anfang von Kapitel 19 ‚erklärt‘ er zunächst die Worte, die auf das *janapada* eines Königs angewendet werden können:

1. *paśudhānyahiraṇyasampadā rājate iti rāṣṭram* ‚Es glänzt durch Vollkommenheit von Vieh, Getreide und Geld‘ — (deswegen) nennt man (ein Gebiet) *rāṣṭra*.

2. *bhartur daṇḍakośavṛddhiṃ diśatīti deśaḥ* ‚Es führt das Anwachsen von Schatz und Heer (seines) Herrn vor Augen‘ — (deswegen) nennt man (ein Gebiet) *deśa*.

3. *vividhavastupradānena svāminaḥ sadmani gajān vājinaś cavisinoti badhnātīti viṣayaḥ* — ‚Durch das Schenken der verschiedensten Dinge hält, d.h. fesselt man, am Hofe des Königs Elefanten und Pferde‘ — (deswegen) heißt (ein Gebiet) *viṣaya*.

4. *sarvakāmadhuktvena patihṛdayaṃ maṇḍayati bhūṣayatīti maṇḍala* ‚Dadurch, daß es einer alle (Wünsche erfüllenden) Wunschkuh gleicht, schmückt es, ziert es das Herz des Königs‘ — (deswegen) nennt man (ein Gebiet) *maṇḍala*.

5. *janasya varṇāśramalakṣaṇasya dravyotpatter vā padam sthānam iti janapadaḥ* ‚Es ist die Basis, der Wohnsitz des Volkes, dessen Kennzeichen die Ordnung der vier Stände und der vier Lebensalter ist und (die Basis) für das Aufkommen an Rohstoffen‘ — (deswegen) nennt man (ein Gebiet) *janapada*.

6. *nijapater utkarṣaṇakatvena śatruhṛdayāni dārayati bhinattīti dārakaḥ* — ‚Weil es von Menschen besiedelt ist, die den eigenen König zu Ansehen bringen, schlägt es die Herzen der Feind, d.h. spaltet sie (vor Neid) entzwei‘ — (deswegen) nennt man (ein Gebiet) *dāraka*.

7. *ātmasamṛddhyā svāminaṃ sarvaviṣayebhyo nirgamayatīti nirgamaḥ* ‚Durch den eigenen Wohlstand läßt es seinen Herrn unter all denen, die ein *viṣaya* regieren, herausragen‘ — (deswegen) nennt man (ein Gebiet) *nirgama*.

Diese Definitionen, deren pseudoetymologischer Charakter ihm ganz sicher voll bewußt war, stellt Somadeva (sozusagen als das Besondere des Faktors *janapada* innerhalb des Gefüges der 7 *prakṛtis*) seinen allgemeinen Aussagen dazu voran. Daran schließt sich eine Aufzählung der guten und schlechten Eigenschaften eines Landes an. Hier kehrt Somadeva dann auch zur alten Kauṭilya-Terminologie zurück: in den nächsten Sätzen ist (wie im KA) nur von *janapadaguṇas* bzw. *deśadoṣas* die Rede.

   Die *maṇḍala*-Theorie selbst stellt Somadeva traditionsgemäß in den Kontext des *ṣādguṇyam*, doch hat sie im NVA auch ihre Besonderheiten. Wiederum zitiert er zunächst das KA wörtlich (29. 1-2 und 4-7 / KA 6.2.1-3, 6-7 und 12) und schließt daran Ergänzungen an. Nach einer Diskussion des Verhältnisses von *daivam* und *mānuṣam* wird der König erst einmal zu den Göttern in Beziehung gesetzt. Generell ist er im NVA — wie im KA — der Aufenthaltsort von Indra und Yama (*indrayamasthāna*, NVA 5.1 / KA 1.13.10), den göttlichen Repräsentanten des kriegerischen Aspekts der Königsherrschaft bzw. des *dharma*. Doch wird er im NVA zusätzlich auch mit Brahma, Viṣṇu und Śiva (der *trimūrti*) gleichgesetzt, je nachdem, welchen Aspekt des Königsamtes er gerade wahrnimmt.[13] Dies leitet dann über zur eigentlichen *maṇḍala*-Theorie, die der Abhandlung der 6 *guṇas* vorangestellt ist. Somadeva erwähnt weder das *dvādaśa*- noch das *caturmaṇḍala*, sondern nennt nur einzeln neun *rājaprakṛtis* und beschreibt sie nacheinander: *udāsīna, madhyastha, vijigiṣu, ari, mitra, pārṣṇigraha, ākranda, āsāra* und (abweichend von der Tradition) in Satz 29.20 auch den *antardhi*, den ‚Zwischengesetzten‘. Letzterer zählt weder bei Kauṭilya, noch bei Kamandaka zu den *rājaprakṛtis*. Somadeva gruppiert diese Elemente jedoch nicht nach dem Prinzip der Nähe oder Ent-

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[13] NVA 29.17-19: *pratipannaprathamāśramaḥ pare brahmani niṣṇāta-matir upāsita-guru laḥ samyagvidyāyām adhītī kaumāravayo 'lamkurvan kṣatra putro bhavati brahmā | samjātarājya-lakṣmīdīkṣābhiṣekam svaguṇaih prajāsu anurāgam jayantaṃ rājānam nārāyaṇam āhuḥ | pravṛddha-pratāpatṛtīyālocānānalah paramaiśvaryam ātiṣṭhāmāno rāṣṭrakaṇṭakān dviṣaddānavān chettum yatate vijigiṣur bhūpatir bhavati piṇākapāṇiḥ |*

fernung zum Zentrum eines *maṇḍala*, sondern verweist — wiederum im Unterschied zu Kautịlya, Kamandaka und den anderen — darauf, daß die konkrete Situation, die Verdienste (d.h. Freundesdienste, Allianzen usw.) und die militärische Stärke dem Faktor der Nähe durchaus als Kriterium gleichgeordnet sind, wenn es darum geht zu bestimmen, ob ein Nachbarkönig als Freund, Feind usw. einzustufen ist. Daher heißt es in Vers 35: *anantaraḥ śatruḥ ekāntaram mitram iti naiṣa ekāntaḥ | kāryam hi mitratvāmitratvayoḥ kāraṇam, na punar viprakarṣasamnikarṣau ‖* ‚Der unmittelbar Benachbarte ist der Feind; der, dessen Reich durch ein anderes (vom eigenen) Gebiet getrennt ist, ist der Freund' — diese Einschränkung soll man nicht machen, denn die Grundlage dafür, daß jemand als Freund oder Feind angesehen werden muß, ist nicht die räumliche Entfernung oder die Nähe, sondern das Handeln.'

Bezeichnend ist das Ergebnis eines Vergleichs der Reihenfolge, in der im KA, bzw. im NVA die *rājaprakṛtis* aufgeführt werden. Im KA beginnt das Kapitel 6.2 (*samavyāyāmikam*), in dem die *maṇḍala*-Elemente erläutert werden, seine Aufzählung mit dem *vijigīṣu*, und dies entspricht durchaus der zentralen Bedeutung, die er im KA besitzt. Es folgen *śatru*, *mitra* und alle anderen, den Schluß bilden *madhyama* und *udāsīna*. Im NVA beginnt die Reihe der Definitionen mit *udāsīna* und *madhyastha* (nicht: *madhyama*): *agrataḥ pṛṣṭhataḥ koṇe vā samnikṛṣṭe vā maṇḍale sthito madhyamādīnām vigṛhītānām nigrahe samhatānām anugrahe samartho 'pi kenacit kāraṇenānyasmin bhūpatau vijigīṣamāṇe ya udāste, sa udāsīnaḥ | udāsīnavad aniyatamaṇḍalo 'parabhūpāpekṣayā samadhikabalo 'pi kutaścit kāraṇād anyasmin nṛpatau vijigīṣamāṇe yo madhyasthabhāvam avalambate sa madhyasthaḥ |* ‚(Einen König, dessen Herrschaftsgebiet) vor einem *maṇḍala*, dahinter, an einer Ecke oder in unmittelbarer Nähe eines *maṇḍala* gelegen ist, und der in der Lage ist, den *madhyama* und die anderen zu bekämpfen, wenn sie sich (dem *maṇḍala*-König) gegenüber feindlich verhalten, aber sie auch unterstützen kann, wenn sie mit diesem (König) zusammengehen, und der aus irgendeinem Grunde diesem anderen zu siegen wünschenden König gegenüber unparteiisch ist, den nennt man *udāsīna*. (Einen König), der wie der *udāsīna* nicht in ein bestimmtes *maṇḍala* eingebunden ist[14], der im Hinblick auf einen anderen König über stärkere militärische Macht verfügt und aus irgend einem anderen Grunde diesem anderen, zu siegen wünschenden König gegenüber eine neutrale Haltung einnimmt, den nennt man den *madhyastha*.'

Nun erst folgt in der Aufzählung der *vijigīṣu* (V. 23). Somadeva übernimmt Kautịlyas Definition aus 6.2.13 wörtlich, ergänzt sie jedoch um zwei wesentliche Dinge, nämlich *daivam* (hier: gutes und schlechtes *karman*, aber auch soviel wie Fortune, vor allem Kriegsglück, vgl. NVA 29.7) und *vikrama*, die Heldenkraft oder kriegerische Tüchtigkeit, die bei Kautịlya (6.2.33) nur eine Komponente von *utsaha*, der Tatkraft, ist: *rājātmadaivadravyaprakṛtisampanno nayavikramayor adhiṣṭhānam vijigīṣuḥ |* ‚Ein König, der Charakter, Fortune und *dravyaprakṛtis* besitzt und in dem politische Klugheit und Heldenmut ihren Sitz haben, ist ein *vijigīṣu*.'

Der *vijigīṣu* wird hier also unversehens auf den Typ des mit Kriegsglück versehenen Helden und klugen Taktikers reduziert, der dem Typ des *vīra*, des idealen *kṣatriya*, wie-

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[14] So etwa könnte man *aniyatamaṇḍalo* übersetzen. Anders *Botto*, demzufolge das eigene *maṇḍala* des *udāsīna* gemeint ist und der entsprechend übersetzt: ‚Colui il quale come ‚l'indifferente', disponendo d'illimitate cerchie (di monarchie)...'

der sehr nahekommt. Seine Bedeutung als eigenständiger und dominierender Königstyp der Staatslehre hat er nun endgültig verloren.

Auch für die anderen *rājaprakṛtis* gibt Somadeva z.T. vom KA abweichende Definitionen (29. 24-29). So wird, wie bereits erwähnt, ein König ausschließlich aufgrund seines Verhaltens als Freund oder Feind eingestuft. Der *pārṣṇigraha* ist nicht mehr der Angreifer im Rücken allgemein, sondern nur der Erreger von Aufruhr im Hinterland, *paścātkopa* (*yo vijigīṣau prasthite 'pi pratiṣṭhamāne vā paścātkopaṃ janayati sa pārṣṇigrahaḥ*). Der *antardhi* ist nicht, wie im KA, der Schwache, der zwischen *vijigīṣu* und dessen Gegner steht, sondern einer, der aus einer besonderen Situation dieser beiden seinen Vorteil zieht, indem er sich die Unterstützung, die er ihnen gibt, von beiden jeweils vergüten läßt. Innerhalb des *rājamaṇḍala* begründet dies seine unabhängige ökonomische Stellung (seine *svatantratā*, vgl. 30.46) und seine Akzeptanz als selbständiger politischer Faktor. Entsprechend heißt es in 29.29: *arivijigīṣvor maṇḍalāntarvihita-vṛttir ubhayavetanaḥ pārvatāṭavīkṛtāśrayaś cāntardhiḥ* | ‚Ein (König), der seinen Lebensunterhalt daraus zieht, daß (sein Gebiet) zwischen dem des Feindes und dem des *vijigīṣu* liegt, der von diesen beiden materiellen Nutzen hat und in den Bergen und Dschungelwäldern über Zufluchtsorte verfügt, das ist der *antardhi*.'

Diese Definitionen stellen die *rājaprakṛtis* und damit die *maṇḍala*-Theorie stärker in Zusammenhang mit den kriegerischen Auseinandersetzungen, als es frühere Texte taten. Auch Somadeva betrachtet zwar Krieg erst als ultima ratio, um zu politischem Erfolg zu kommen (vgl. 30.25), doch werden die Bündnisse, deren Erläuterung bei Kauṭilya ja großen Raum einnimmt, überhaupt nicht mehr in einem gesonderten Kapitel behandelt. Es ist nicht von der Hand zu weisen, daß sich auch hier in der Themenauswahl und Schwerpunktsetzung ein Stück Zeiterfahrung widerspiegelt. Wenn man den überlieferten Angaben zu Somadevas Biographie Glauben schenken darf, wie sie vor allem *Handiqui* und *Botto* rekonstruiert haben (s. die Einleitung zu *Bottos* italienischer Übersetzung des Textes, S. 7-14), dann war er Augenzeuge (und wahrscheinlich sogar an diplomatischen Verhandlungen Beteiligter) während der ständigen Kämpfe um die Vorherrschaft in Mittel- und Nordindien, die im 10. Jh. mit kriegerischen Mitteln ständig zwischen den Cālukyas, Rāṣṭrakūṭas, Cedis und anderen ausgetragen wurden. Krieg und Kriegführung mußten also notwendigerweise stärker im Blickfeld des Interesses sowohl der praktischen Politiker, als auch ihrer Staatslehrerkollegen stehen. Ähnlich verhielt es sich wohl mit den politischen Heiraten (s.o.).

Alles in allem darf man wohl im Nītivākyāmṛta, der im Auftrage König Mahendradevas von Kanauj verfaßt worden sein soll, auch ein Stück angewandter politischer Theorie sehen, einen Versuch, die traditionelle Staatslehre aus aktuell-politischer Situation heraus neu zu überdenken und ihre Grundkategorien und Wertsetzungen an die Erfordernisse der Gegenwart zu adaptieren.

Diese Form der Auseinandersetzung mit der Staatslehretradition und ihre Anpassung an Bedürfnisse und Problemstellungen der eigenen Zeit fand in den Nītinibandhas mehr oder weniger ihre Fortsetzung. Ja, die *nibandhakāras* gingen sogar noch einen Schritt weiter. Im Gegensatz zu denjenigen der von ihnen kompilierten Texte, die den Fragen von Rechtsprechung und Rechtsfindung gewidmet sind, richteten sie sich in den Kompilationen zur politischen Theorie nicht mehr (wie es noch Somadeva in gewisser Weise

getan hatte) verhältnismäßig streng an die von der Tradition vorgegebene Thematik. Vielmehr wählten sie nur einige ihnen besonders relevant erscheinende Themenkreise aus, zu denen sie dann die Meinung anerkannter Größen der Tradition zusammenstellten. Vielfach kommentierten sie dabei diese Meinungen auch kritisch, d.h. sie prüften sie und gaben ein eigenes Urteil darüber ab, ob die Lehrmeinung der ‚great tradition‘ für ihre eigenen, praktisch zu lösenden Fragen der Politik überhaupt noch hilfreich war. Ein besonders anschauliches Beispiel für ein solches Vorgehen ist Caṇḍeśvaras Rājanīti-ratnākara (weiter: RNR).

Caṇḍeśvara, der zu seiner Zeit als eine der großen Autoritäten auf dem Gebiet von Staats-und Rechtslehre galt, stammte aus einer Brahmanenfamilie, deren Mitglieder im 13. und 14. Jh. über mehrere Generationen hinweg hohe Ministerposten (*pradhānaman-trin, sandhivigrahaka*) bei den Königen von Mithilā bekleidet und auch Dharmaśāstrins in ihren Reihen hatten, die den Ruf Mithilās als Zentrum traditionell-brahmanischer Gelehrsamkeit entscheidend prägten. Er selbst — erster Minister unter den beiden Königen Harisiṃhadeva und Bhaveśa — gilt als einer der großen politischen Gestalten Indiens. Mit Harisiṃhadeva floh er im Jahre 1352 vor den islamischen Eroberern nach Nepal, kehrte aber nach dessen Tod in seine Heimat zurück, wo er offenbar bei dem neuen Herrscher Bhaveśa um 1370 herum erneut einen Ministerposten erhielt. Den Eingangssätzen des Rājanītiratnākara zufolge war es Bhaveśa, der Caṇḍeśvara mit der Abfassung des Textes beauftragte. Man merkt es dem Werk an, daß hier ein erfahrener Praktiker das Wort nimmt. Und nicht nur das: die Überlieferung zeichnet ein Bild von der Person Caṇḍeśvaras, das dem traditionellen Cāṇakya-Kauṭilya-Bild erstaunlich ähnlich ist. Wie Cāṇakya soll er zwar ein sehr geschickter und in allen einschlägigen Wissenschaften außerordentlich beschlagener Politiker gewesen sein, aber auch einen unbändigen Stolz, ein hohes Selbstwertgefühl und eine große Arroganz besessen haben. Unser Text bestätigt dies indirekt durch seine Diktion, denn Caṇḍeśvara geht mit erfrischender Souveränität mit der orthodoxen Staatslehre-Tradition um und scheut sich auch nicht, diese Tradition gegebenenfalls als überholt oder zu unpraktisch abzutun. Doch verfährt er anders als Somadeva Sūri dabei. Den allgemeinen Maximen der ‚great tradition‘ stellt er Vers-Zitate aus (z.T. fiktiven?) Texten hinzu, die seine eigene Aussage als Präzisierung der allgemein gehaltenen traditionellen Aussagen ausweisen sollen, oder er kommentiert die Stellen in Prosa selbst.

Der Rājanītiratnākara ist, wie alle *nibandhas*, ein praxisbezogenes und für die Praxis bestimmtes Werk. Ziel des ganzen Werkes ist folglich nicht die Skizzierung einer Theorie, sondern die Formulierung von Richtlinien für die Ausübung des Herrscheramtes. Diese sind — bei aller Orientierung an der brahmanischen Tradition — deutlich von den Bedürfnissen der Gegenwart geprägt.

Bereits der maṅgala-Vers der Einleitung, in dem Śiva als Vermittler im Streit der beiden Asuras Sutrāman und Andhaka um die Frage, wer (der rechte) König sei, gepriesen wird, deutet an, worum es dem Autor in erster Linie geht: um Präzisierung der Königsterminologie und um die Legitimation, die man als Inhaber politischer Macht für die Herrschaft braucht. Gleich zu Anfang werden Kullūkabhaṭṭa (also ein Kommentator und nicht die Smṛti selbst) und andere zitiert, um hervorzuheben, daß das Recht auf Herrschaft über die Untertanen nicht auf der Geburt als *kṣatriya* beruhe. Entscheidend

sei vielmehr die Königsweihe im Verein mit der realen politischen Gewalt (*rājaśabdo 'pi nātra kṣatriyajātiparaḥ kin tv abhiṣiktajanapadapālayitṛpuruṣoparaḥ*).

Hieran schließt sich eine Aufzählung und Erläuterung verschiedener Arten von *rājās* an. Verse einer Nāradanīti (?) werden zitiert, um den allgemeinen Königsbegriff Manus in drei besondere Königstypen zu untergliedern (S. 5 f.): *rājā trividhaḥ, samrāṭ sakaro 'karaś ca | tad āha nāradanītau*

> *rājānam aviśeṣena nijagāda manuḥ purā |*
> *viśeṣeṇaiva vakṣyāmi saṃśayo na yathā bhavet ||*
> *rājā tu trividho jñeyas samrāṭ ca sakaro 'karaḥ |*
> *sarvebhyaḥ kṣitipālebhyo nityam gṛhṇīyāt vai karam ||*
> *sa samrāḍ iti vijñeyaś ca cakravartī sa eva hi |*
> *māsi māsi karam dadyāt pratyabdañ ca tathaiva ca |*
> *sakaraḥ sa tu vijñeyo rājalakṣaṇasamyutaḥ ||*
> *karam sandeśavyājena yo dadāti hi svecchayā |*
> *adhīśvaram tam evāhuḥ śāstre śāstravido janāḥ ||*

‚Ein Herrscher ist von dreierlei Art: Alleinherrscher, regelmäßig Tribut erbringend und nicht regelmäßig Tribut erbringend. So sagt Nārada in (seiner) *nīti*. Den König allgemein beschrieb Manu in früheren Zeiten. Mit seinen Besonderheiten lehre ich ihn jetzt, damit keine Zweifel entstehen. Drei Arten von Herrschenden sind zu unterscheiden: *samrāj*, *sakara* und *akara*. Wer von allen Königen ständig regelmäßige Steuer bzw. Tribut-Leistungen erhebt[15], der wird als Alleinherrscher angesehen, er ist ja ein *cakravartin*. Wer Monat für Monat, Jahr für Jahr regelmäßige Abgabeleistungen (an einen anderen König) erbringen muß, der ist ein ‚Abgaben Leistender mit den Merkmalen eines *rājā*'.
Wer nach eigenem Belieben (d.h. wenn es ihm selber günstig oder passend erscheint) Abgaben leistet, die als Geschenke deklariert sind, diesen Herrscher nennen die śāstrakundigen Leute einen nicht zu regelmäßigen Abgaben verpflichteten (König).'

Im folgenden kommentiert Caṇḍeśvara, nachdem er einen Mahābhāratavers angeführt hat, dann selbst noch einmal: [...] *smṛtyādāv amī rājatvena prakhyātā, loke tu rājeti sakaraḥ cakravartī samrāṭ adhīśvaro mahārāja iti prasiddhaḥ, viśeṣapratipattyanurodhāt | param tu trayāṇām api dharmam samam eva viśeṣānabhidhānāt |*
‚In der Smṛti sind diese (Königstypen) erklärt hinsichtlich ihres Königswesens im allgemeinen. Im normalen Leben aber ist ein König als *sakara, cakravartin, samrāj, adhīśvara, mahārāja* (usw.) bekannt, weil Unterschiede zwischen ihnen festzustellen sind. Jedoch ist allen dreien der *(rāja-)dharma* gemeinsam, weil dort kein Unterschied angegeben ist.'

Ganz offensichtlich versucht Caṇḍeśvara hier, aktuelle politische Verhältnisse in die Tradition einzubringen, denn die drei hierarchisch geordneten Königstypen sind aus den mittelalterlichen Regionalreichen ja gut bekannt. Der *viśeṣadharma* betrifft dabei nicht die Machtausübung nach innen, denn diese wird durch den gemeinsamen *dharma* für das Königtum an sich abgedeckt. Was zu Caṇḍeśvaras Zeit als solch ein *sādhāraṇadharma* für Könige anerkannt war, wird im 1. *taraṅga* im Anschluß an die obige Passage zum *viśeṣadharma* kurz skizziert und dann noch einmal im 12. *taraṅga* als *sādhāraṇapālana-*

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[15] *kara*, bekanntlich die allgemeine Bezeichnung für ‚Steuer', setzt in jedem Falle ein politisch begründetes Recht auf Leistungen materieller oder immaterieller Art voraus und ist aus diesem Grunde hier durchaus auch ein auf Tributär-Verhältnisse ‚feudaler' Art anwendbarer Begriff.

dharma abgehandelt, beide Male unter Berufung auf Manu. Die Unterschiede zwischen den drei Königstypen sind also politischer Natur und betreffen unterschiedliche Grade der *svatantratā*, der Eigenständigkeit in der Verfügung über materielle Ressourcen und Heer (*dhana* und *daṇḍa*) und wahrscheinlich auch im politischen Handeln (obwohl dies nicht extra gesagt wird). Dies stimmt durchaus zu der veränderten politischen Grundsituation in Nordindien im 14. Jh. In einer Zeit, die geprägt war von der militanten Eroberungspolitik der islamischen Herrscher des Delhi Sultanats, konnte ein politischer Traktat, der wie seine klassischen Vorbilder Mittel zur Ausdehnung der eigenen Macht über seine Nachbarn lehrt und dies zum vornehmsten Ziel aller Politik macht, wohl kaum auf Anerkennung hoffen. Die Erwartungen, die man mit einer erfolgreichen Außenpolitik verband, waren unter den gegebenen Bedingungen weitaus bescheidener. Politisch erfolgreich war man bereits dann, wenn es gelang, zu vermeiden, daß man die eigene uneingeschränkte Handlungsfähigkeit dadurch verlor, daß man einem anderen tribut- und folgepflichtig wurde.

Eine solche veränderte Ausrichtung der politischen Zielsetzung konnte nicht ohne Auswirkung auf das *maṇḍala*-Konzept bleiben, das natürlich als Kernstück traditioneller diplomatischer Theorie auch in diesem Text nicht fehlt. Das erste ist, daß die *maṇḍala*-Problematik nicht mehr in den Kontext der Beratung des Königs mit seinen Ministern über außenpolitische und andere Fragen gestellt wird. Caṇḍeśvara siedelt sie bei den Bestimmungen zu *ātmarakṣaṇam*, dem Schutz der Person des Königs, an. Und hier zeigt es sich dann einmal mehr, wie gravierend sich das Königsbild gegenüber dem KA als dem Ausgangstext der Staatslehre-Tradition gewandelt hat. Kauṭilya hatte dem Schutz des Königs ebenfalls große Aufmerksamkeit gewidmet. Das ganze letzte Kapitel des 1. Buches (*ātmarakṣitakam*) ist diesem Problem gewidmet. Doch gelten die Erwägungen dort in erster Linie einer Garantie der Unverletzlichkeit der physischen Existenz des Königs, d.h. dem Schutz vor Mordanschlägen auf seine Person. Gegenstand der Vorsorgemaßnahmen ist der König als Individuum, als physische Person. Caṇḍeśvara dagegen hat ein ganz anderes Verständnis von den Begriffen *ātman* und *rakṣaṇa* im Zusammenspiel dieser beiden Worte. Es ist der König als Herrschaftsträger, als legitimiertes Oberhaupt seiner Untertanen, der geschützt werden soll, und eigentlich ist es auch nicht er selbst, sondern die politische Macht, die er verkörpert, denn von ihr und ihm hängen Wohl und Wehe des Volkes, der *prajā*, ab. Er ist gewissermaßen die Integrationsfigur für die Gemeinschaft, die Zentralfigur für ihre Identität in einem Staatswesen, das noch nicht stabil territorial definiert ist. Erst als solche Zentralfigur gewinnt er eine eigene Wertigkeit, wird er zu einem *ātman*. Seine physische Person ist demgegenüber zweitrangig. *Ātmarakṣaṇam* muß entsprechend nunmehr zu einer Angelegenheit von staatspolitischer Dimension werden und kann als Thema politisch-theoretischer Erörterung nicht mehr auf die bloße Aufzählung von Vorsichtsmaßnahmen gegen Schädigung von Leben und Gesundheit des Staatsoberhaupts persönlich reduziert werden. Es bezieht nun militärisch-politisches Handeln mit ein.

Um dies darzulegen, handhabt Caṇḍeśvara wiederum Zitate aus den Smṛtis (Manu, Nārada, Yājñavalkya) geschickt (vgl. RNR, S. 106 ff.), um diese seine eigene Auffassung von der Tradition abzugrenzen und sie aber trotzdem durch diese zu legitimieren. Er führt einige Verse aus Manu und Yājñavalkya zum Lobe des *prajāpālanam* an, in denen auch die Notwendigkeit eines Schutzes für die Person des Königs mit erwähnt wird,

setzt dann aber die traditionelle Meinung als die ältere gleichsam außer Kraft, indem er eine neue formuliert:

tathā ca prajāpālanam svarakṣaṇam raṇānivartitvam brāhmaṇaśuśrūṣeti rājñām asādhāraṇo dharma iti prāñcaḥ | navyās tu prathamata ātmarakṣaṇam, dṛṣṭamukhyaphalakatvāt, Und so erklärten die früheren (Lehrer) den Schutz der Untertanen, den Schutz der eigenen Person, das Nichtzurückweichen in der Schlacht und den Gehorsam gegenüber den Brahmanen zum speziellen *dharma* der Könige. Die jüngeren (oder: neuen) Lehrer aber setzen an erste Stelle *ātmarakṣaṇam*, weil hauptsächlich daraus Erfolg erwächst.'

Mit zahlreichen Zitaten wird dann bekräftigt, daß ein König der Schutzpflicht gegenüber seinen Untertanen am besten nachkommt, indem er seinen *ātman*, d. h. sein Amt und seine Fähigkeit zu regieren schützt. *Ātmarakṣaṇam* oder *ātmarakṣā* ist — so kommt es RNR S. 111 z.B. ganz deutlich zum Ausdruck — also nichts anderes als das Bemühen, die eigene Unabhängigkeit soweit zu bewahren, daß man den Untertanen gegenüber selbst regierungsfähig bleibt und sie nicht der Herrschaft eines anderen ausliefert. ,Wenn durch gar kein Mittel *ātmarakṣā* gelingen will,' heißt es im Text (*yady evam kenāpy upāyenātmarakṣā na syāt*), dann bleiben nur Krieg (von dem aber abgeraten wird) oder *āśraya* bzw. *sevā*, Zuflucht oder ,Dienst' bei einem anderen König. In der Tat war dies ja zu Caṇḍeśvaras Zeit das Schicksal vieler kleinerer Hindufürsten und Könige, vor allem im Einzugsgebiet der islamischen Expansionspolitik. So wird denn auch die Frage, welche Qualitäten ein König haben sollte, bei dem man sich in Dienst begibt, als ein Problem des *dharma* für Könige diskutiert. Einige Dharmaśāstra-Lehrer wetterten gegen den Dienst bei einem anderen Fürsten, den sie generell als *śvavṛtti* (Leben nach Hundeart)[16] herabsetzten. Caṇḍeśvara, der Praktiker, polemisiert dagegen heftig, denn: *svarakṣaṇapūrvakam eva yaśaḥ praśastam*, mit anderen Worten: der Schutz des Königsamtes geht allem anderen vor. Als ein *sakararājā*, der bei einem Mächtigeren ,dienen' muß, kann ein König ja seiner mittlerweile wichtigsten *dharma*-Pflicht, Integrationsfigur für die Gemeinschaft seiner Untertanen zu sein, weiterhin wahrnehmen und auf eine erneute Unabhängigkeit hinarbeiten. Wird er im Kriege besiegt oder gar getötet, dann setzt er dies aufs Spiel, daher soll er möglichst den offenen Kampf vermeiden (*tasmād yuddham vivarjayet*, RNR S. 112).

Nach allem, was bisher gesagt wurde, verwundert es nicht, wenn die Passagen, die über *maṇḍala* und *maṇḍalacaritam* handeln, mit der Empfehlung eingeleitet werden:

sarvopāyais tathā kuryān nītijñaḥ pṛthivīpatiḥ |
yathāsya 'bhyadhikā na syur mitrodāsīnaśatravaḥ ||

,So soll ein *nīti*kundiger Herrscher mit allen Mitteln darauf hinwirken, daß Freunde, Feinde und Unparteiische sich nicht über ihn setzen. '

Seinem *maṇḍala*-Modell legt Caṇḍeśvara Manus vier Grundelemente zugrunde. Er formt daraus als geometrische Figur ein kreuzförmiges *maṇḍala* mit dem *vijigīṣu* als Zentralpunkt, unter Berufung auf Yājñavalkyas oben zitierte Stelle 1.345c ([...] *kramaśo maṇḍalam cintyam*). In seinem Prosakommentar dazu erklärt er, wie dies zu verstehen sei:

asyārthaḥ | vijigīṣu nṛpasya caturdikṣu kramaśo maṇḍala 'rimitrodāsīnās traya evam dvā-

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[16] Es wird zwar hier nicht gesagt, daß aus der Sicht der Brahmanen dies sich vor allem auf den Dienst bei den Andersgläubigen, den Moslems bezog, doch kann man wohl voraussetzen, daß gerade davor gewarnt wurde.

daśarājamaṇḍalaṃ vijigīṣuṇā trayodaśarājakam iti | *arimitrodāsīnas trividhaḥ,*
sahajakṛtrimaprākṛtabhedāt, etad bhinno nigrahānugrahasamārtho madhyamaḥ, pārṣṇigrahā-
krandāsārasevā eṣām antarbhavanti nītiśāstramayamaitraviśālākṣādimanubṛhaspatiśukrādi-
matābhedena caturviṃśatyadhikatriśataṃ maṇḍalaṃ tadvistarabhayān noktam | *cintayet*
iti śeṣam | ‚Das bedeutet: der *vijigīṣu* (soll eine Konstellation als Grundlage für
politische Beratungen voraussetzen, in der) von dem König ausgehend nach allen Seiten
nacheinander jeweils drei — nämlich Gegner, Freund und Neutraler — insgesamt ein
maṇḍala von 12 Königen bilden, mit dem *vijigīṣu* (selbst ist es) eines, das aus 13 Königen
besteht. Gegner, Freund und Unparteiischer sind von dreierlei Art, weil man sie einteilt
in solche von gleicher Geburt, durch die Umstände hervorgebrachte und von Natur aus
so beschaffene. Von diesen unterscheidet sich der *madhyama*, der fähig ist, entweder zu
unterstützen oder Hilfe abzuziehen. In diesen enthalten sind diejenigen, die als
pārṣṇigraha und *ākranda* in Dienst stehen. Weil eine zu große Ausführlichkeit zu
befürchten ist, wird hier das *maṇḍala* der 324 Faktoren (samt all den anderen, die) im
Nītiśāstra als Lehrmeinung von Maya, Maitra, Viśālākṣa usw. und von Manu, Bṛhaspati,
Śukra u.a. (gelehrt werden,) nicht besprochen. ‚In Erwägung ziehen‘ ist zu ergänzen.‘

Die Politik des Königs innerhalb dieses *maṇḍala*, in der sich ja eigentlich seine
Ambitionen nach außen dokumentieren sollten, hat bei Caṇḍeśvara keinen hohen Stel-
lenwert mehr. Sie wird nur noch mit den beiden bekannten Manuversen charakterisiert:

bakavac cintayed arthān siṃhavac ca parākramet |
vṛkavac cānulumpeta śaśavac ca viniṣpatet ||
evaṃ vijayamānasya ye ’sya syuḥ paripanthinaḥ |
tān ānayed vaśaṃ sarvān sāmādibhir upakramaiḥ ||

‚Wie ein Reiher soll er (blitzschnell) seinen Nutzen wahrnehmen, wie ein Löwe soll er
mutig auftreten; wie ein Wolf soll er (über seine Gegner) herfallen, wie ein Hase
(schwierigen Situationen) entkommen. Auf diese Weise soll ein König, der siegreich sein
will, durch Anwendung von Besänftigung und den anderen politischen Mitteln sich alle
seine Widersacher gefügig machen.‘

Den ersten der beiden Verse kommentiert Caṇḍeśvara als allgemeinen Ratschlag für
den Umgang mit Königen, die ihm die Macht streitigmachen wollen: wie ein Reiher
beim Fischeschnappen soll er sich verhalten und wie ein Löwe, der sich mutig dem
stärkeren Elefanten entgegenstellt. Über den Gegner, auch wenn er durch Festungen
usw. gut geschützt ist, soll er herfallen wie ein Wolf über das vom Hirten beschützte
Vieh. Schließlich soll er sich an dem Hasen ein Beispiel nehmen, der durch Schlauheit
und Zickzacklaufen der Umzingelung durch die entkommt, die ihm ans Leben wollen.
Ebenso soll ein König, der vom Feind eingeschlossen ist, diesen in die Irre führen und
bei einem Stärkeren Zuflucht suchen (RNR S. 115).

Hier ist von der taktisch-politischen Vielseitigkeit eines Kauṭilya und seines ‚would-be-
emperor‘ nichts mehr zu spüren. Es geht ja auch gar nicht mehr um das Ausdehnen,
sondern um das Erhalten von Macht durch geschicktes Reagieren in unterschiedlichen
Situationen. Der Begriff *sāmanta* wird dabei ersetzt durch *paripanthin* ‚Widersacher‘, und
diese Widersacher sind das ‚Königs-Unkraut‘ (*rājakaṇṭaka*), das die eigenen Untertanen
überwuchert und sie so am Gedeihen hindert. Und so beschließt Caṇḍeśvara seinen
Abschnitt über die außenpolitischen Aktivitäten und das *maṇḍala* mit einem Vers über

diese Schädlinge:

> *yathoddharati nirdātā kakṣaṃ dhānyaṃ ca rakṣati* |
> *tathā rakṣen nṛpo rāṣṭraṃ hanyāc ca paripanthinaḥ* ‖

‚Wie jemand, wenn er ein Feld reinigt, das Unkraut ausreißt und das Getreide bewahrt, so soll ein König sein Reich bewahren und die Widersacher vernichten.'

Den Rest des Kapitels bilden dann kommentierte Verse aus der Manusmṛti über die Verwaltung. Das *mandala*-Konzept ist damit (betrachtet man es im Kontext des Königsbildes bei Caṇdeśvara) weit entfernt vom Ausgangskonzept im KA. Aus einem Modell, das einem Herrscher als Grundlage dafür dienen sollte, seinen direkten politischen Einfluß- und Machtbereich in einem Prozeß ‚konzentrischer Integration' so weit wie möglich auszudehnen und so gut wie möglich zu stabilisieren, ist so etwas wie ein Verteidigungskonzept geworden, ein Schema, dessen Bestandteile nur noch Gegner und Widersacher sind, gegen die man sich behaupten muß, um die Herrschaft nicht zu verlieren. Die Außenpolitik, die mit ihrem raffinierten, genau kalkulierten Einsatz politisch-diplomatischer oder militärisch-strategischer Mittel im KA dem Wirken des Königs nach innen von gleicher, wenn nicht gar von größerer Bedeutung war, hat ihren Eigenwert verloren und wird nun in die innenpolitischen Belange integriert. Sie wird ein Mittel, das die Voraussetzungen für eine Herrschaft überhaupt erst einmal garantieren muß.

Damit sind wir am Ende einer etwa 1500 Jahre alten währenden Überlieferung des *mandala*-Konzepts und — wie bei dem Vergleich der sechs ausgewählten Texte zu sehen war — auch am Ende eines Prozesses seiner Adaption an veränderte politisch-theoretische Vorstellungen (vor allem vom Wesen des Königsamtes), die wiederum als Reaktion auf sich wandelnde historische Bedingungen erklärbar sind. Die ausgewählten Texte stehen dabei exemplarisch für bestimmte Stufen oder Etappen dieser Entwicklung. ‚Leitmotiv' ist der inhaltliche Wandel des Terminus *vijigīṣu* und des *mandala*-Konzepts. Nur wenn man von einer sehr hohen Abstraktionsstufe ausgeht und den Wandel des Königsbegriffs außer acht läßt, kann man davon sprechen, daß das dem *mandala*-Konzept zugrundeliegende politische Grundproblem und seine Lösungsform über all die Jahrhunderte hinweg gleichgeblieben sind.

Hermann Kulke

Some Observations on the Political Functions
of Copper-Plate Grants in Early Medieval India

Land grants of early medieval India, particularly the great royal copper-plates, usually contain two distinct major informations, viz., first the *praśasti* or eulogy of the donor and his forefathers, and second, the actual deed of gift. The deed itself normally consists of three major parts, i.e. the list of so-called 'witnesses', the specification and boundaries of the donated village, and the privileges (*parihāra*) granted to its donee. Finally, a short concluding part contains an exhortation, the names of the officials who were responsible for preparing the grant, and the date of its issue.

  In view of their contents, their great number and, quite often, of their impressive size, these copper-plates are rightly regarded as the most important historical source of early medieval India. With the exception of their mythological and legendary portions of the royal eulogies (*praśasti*), their historicity is generally accepted. Even the impressive and hierarchically structured lists of the officials are normally interpreted as a fairly realistic picture of the official witnesses who were present at the donation ceremony. As quite a number of these land grants have been discovered in the hinterland or even in the periphery of the royal centre, it has often been taken for granted that the same impressive hierarchy of royal officialdom existed also in these outlying regions. The description of the centralized structure of medieval kingdoms which was derived from these impressive copper-plates by modern historians was therefore often equally impressive as its depiction by the royal eulogists. Moreover, the donation of land to Brahmins and religious institutions normally has been understood primarily as an act of religious devotion.

  It is well known that this conventional interpretation of the socio-political function of these land grants as well as their historiographic value has been challenged by *R. S. Sharma* and *B. Stein* in connection with their respective concepts of Indian feudalism and the segmentary state. According to *Sharma*, land grants were the major cause of fragmentation and feudalization of the medieval kingdoms and society rather than parameters of imperial greatness. In connection with the extension of royal authority into the tribal hinterland of coastal Orissa *R. S. Sharma*, however, came to a quite different conclusion when he wrote that 'the significance of land grants to brāhmaṇas is not difficult to appreciate. The grantees brought new knowledge which improved cultivation and inculcated in the aborigines a sense of loyalty to the established order upheld by the rulers, who could therefore dispense with the service of extra staff for

maintaining law and order.'[1] In regard to medieval Nepal B. Kölver, too, emphasized the function of land grants to Brahmins as a means of extending royal influence beyond the sphere of actual control.[2]

It was, however, B. Stein who most radically challenged the conventional interpretation of land grants when he wrote: 'The thousands of Chola inscriptions which are distributed unevenly over the vast macro-region of the southern Indian peninsula, are taken in the conventional view to be evidence of the direct control of the Chola state. In fact, they are not evidence of political control, but of ritual sovereignty. The difference between viewing inscriptions on stone and copper as evidence of control and viewing them as ritual documents is fundamental.'[3] What Stein understands as 'ritual documents' becomes clear from another quotation where he wrote 'these ceremonies [of granting land to Brahmins] invoked the solemnizing presence of the Chola royal house by recitation of the king's eulogy which was later incorporated into an inscription commemorating the event. Brahmans, collaborating with the locally powerful, thus performed administrative functions which bound each locality to the Cholas through well-defined ceremonies marking ritual sovereignty'[4]. Stein therefore came to the important conclusion that 'the Chola inscriptions are intended rather obviously to distribute to all inhabited places the standardized message of a great kingship'.[5]

I have no intention to enter into a discussion of these two most seminal and controversial modern theories of early medieval Indian historiography.[6] In the present paper I am less concerned with the socio-economic consequences of granting land to Brahmins and religious institutions. By now there exists a general agreement among concerned scholars, at least outside the school of conventional Indian historiography, that these land grants had a tremendous and certainly intentional political function in a way which is hinted at by the above two references to the works of R. S. Sharma and B. Kölver. It is the intention of my present short and hypothetical observations to explain some of these political functions of these copper-plates, some of which were indicated already by B. Stein in his above quotations.

For a member of a modern society which suffers from an excess of official or political information, it may be difficult to imagine the cultural, social and political importance and significance of a copper-plate inscription. In a traditional rural society the value of a set of beautifully produced copper-plates, linked together with an impressive seal of the — mostly — royal donor, must have been immense. There can be no doubt that it enhanced the social status and political position of both donees and donors. Moreover, we may assume that the royal or princely donors must have been aware of the great

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[1] R. S. Sharma, Indian Feudalism, Calcutta 1965, p. 281.
[2] B. Kölver, Erstarkende Staatsgewalt und Hinduisierung. Neues Material aus Nepal, in: H. Kulke and D. Rothermund (eds.), Regionale Tradition in Südasien, Wiesbaden 1985, pp. 115-128.
[3] B. Stein, The Segmentary State in South Indian History, in: R. G. Fox (ed.), Realm and Region in Traditional India, New Delhi 1977, p. 17.
[4] B. Stein, loc.cit., p. 16
[5] B. Stein, loc.cit., p. 17
[6] See also H. Kulke, Fragmentation and Segmentation versus Integration? Reflections on the Concepts of Indian Feudalism and the Segmentary State in Indian History, in: Studies in History, 4, 2 (1982), pp. 237-264 and idem, The Study of the State in Premodern India. An In-

socio-political importance of their copper-plate grants. They were, as pointed out by *B. Stein*, an important — or perhaps even the most important — means of distributing the standardized message of the great kingship to various parts of his kingdom. This message would have reached its audience in two ways: During the grand donation ceremony the whole inscription would have been read out in the presence of the rural population, their local leaders and royal officers who had come for the special purpose of attending this donation ceremony. But the salient feature of these copper-plates is the fact that the donee's and his descendants' future to a large extent depended on the 'eternal' possession of this grant. Whenever legal problems occurred, he must have produced it as his most important legal document. And certainly it will have been read out again at such occasions in its full length, thus distributing again the message of the great kingship of the royal donor.

Once we look at these copper-plates not as mere legal documents but, for want of other 'modern' means of spreading information in medieval rural India, as a most effective medium of instruction (and political propaganda), we may be able to understand certain aspects of their contents and their function in a different way. A few desultory remarks in regard to three aspects of these copper-plates may show the direction in which further research may lead to some new interpretations. These three aspects are directly related to three important sections of these inscriptions, viz. the royal *praśasti*, the list of so-called witnesses, and the list of *parihāra* or privileges of the donee and the village donated to him.

As regards the *praśastis* and the long royal genealogies of the inscriptions perhaps it is no mere chance that the time of their gradual development and spread all over India coincided more or less exactly with the period between the late 7th and the late 12th century when Indian historical writing in the form of the *caritam* literature seemingly had come to a virtual standstill.[7] In the 7th century Bāna had written his important work *Harṣacaritam*, and it took nearly five centuries till new royal eulogies of the *carita* type were composed, e.g. the *Rāmacarita* and the *Vikramānkadeva-carita*, and finally the *Rājataraṅgiṇī* as the most sophisticated example of a new type of regional historical writing. So far it appears to have escaped the perception of scholars that the long royal *praśastis* of the copper-plate inscriptions, e.g. those extremely long eulogies of the Cholas and the Eastern Gangas of Orissa, correspond more or less exactly to the *caritam* literature. Thus the famous but rather short *Rāmacarita* is essentially nothing but an extended *praśasti* of copper-plates. Therefore the long *praśastis* of copper-plates and of a few temple inscriptions should be regarded as the veritable and most important type of medieval Indian historical writing.

The salient feature of these copper-plate *praśastis* is again the fact that they were reproduced and read out again and again whenever villages were granted to Brahmins and whenever Brahmins had to go to courts. In a way, each copper-plate formed a newand up-dated edition of the dynastic history as they usually included the newest information about the ruling king and his court. These copper-plate inscriptions with

their *prasastis* therefore formed one of the most important means (and certainly the most important written form) of legitimizing early medieval Indian kingship through genealogical claims.

Now as regards the lists of so-called witnesses of these copper-plates, they, too, are of considerable importance for our understanding of the significance of medieval inscriptions of India. As already mentioned, they form perhaps the most controversial section of the copper-plate inscriptions. Normally they begin with the instruction of the Great King, the donor, to all those officials who have come to the donation ceremony, such as the *ranaka, rajaputra, amatya* etc., to respect this royal donation and its privileges. Conventional historiography usually interprets these lists as enumerations of royal officers who actually participated in this donation ceremony and who accordingly acted as witnesses of the grant. But there are good reasons, particularly in view of the all-Indian standardization of these lists, to have doubts about their historicity and to wonder whether all those officers mentioned in these lists had really been present in the village. Although I am afraid we have no means to verify or falsify their historicity, I am sure that even in case they are fictitious, these lists of officials, too, contained important royal information and perhaps even were a medium of actual political authority.

The great copper-plates of the Pāla dynasty of Bengal provide a most illustrative example of this function of these lists of officers. They contain the titles of about thirty such officers, beginning with the four highest categories, i.e. *ranakas* (or *rajarajanaka*), *rajaputra, amatya* and *mahāsandhivigrahika*, followed by various categories of officials belonging to the royal court, to provincial and local offices. After the initial period of establishing the Pāla dynasty under Gopāla and the successful imperial rule under Dharmapāla, the list of so-called 'witnesses' in the inscriptions of his successors shows a clear tendency towards standardization of a well-established hierarchical order. However, despite the fixation of the first three (and from Devapāla onwards of the first four dignitaries) and of the last fifteen officials mentioned in the inscriptions, there remained obviously still a considerable scope for upgrading and downgrading within the important 'middle field' of the hierarchical order between position five and fifteen of the list of officials. I shall try to show this on the basis of a few examples from the Khalimpur copper-plates of Dharmapāla (1), the Monghyr plates of Devapāla (2), the Bhagalpur plates of Narāyaṇapāla (3) and the Banagada plates of Mahīpāla (4).[8]

These inscriptions are fairly equally distributed over a period of about 200 years between the early 9th to the early 11th centuries. In inscription 2, the position No. 4 is still held by a *mahākārttakṛtika* about whom D. C. Sircar wrote 'probably an officer who reported to the king about the progress of important undertakings'[9], obviously he was a leading man of the 'information service'. He was followed in position No. 5 by the better known officer *mahādandanāyaka*. In inscription 3, however, both officers were badly downgraded. The *mahākārttakṛtika* fell back to position No. 9, and the

[8] R. *Mukherji* and S. K. *Maity*, Corpus of Bengal Inscriptions, Calcutta, 1967; No. 16: Khālimpur Copper-plate Inscription of Dharmapāla, pp. 95-110; No. 18: Monghyr Copper-plate Grant of Devapāla, pp. 114-131; No. 22: Bhagalpur Copper-plate Inscription of Nārāyaṇapāladeva, pp. 163-184; No. 28: Bānagaḍa Copper-plate Inscription of Mahīpāla I, pp. 197-208.

[9] D. C. *Sircar*, Indian Epigraphical Glossary, Delhi 1966, p. 149.

mahādaṇḍanāyaka even to position No. 11. The vacant position No. 4 of the *mahākār-ttakṛtika* and of No. 5 of the *mahādaṇḍanāyaka* were filled up by the *mahāsandhivi-grahika* ('the minister of peace and war') and by the *mahākṣapaṭalika* (the 'chief keeper of records'), a position which both continued to hold in inscription 4. Another interesting example is the important title *sāmanta*. In inscription 1 it does not exist at all. In inscription 2 the *sāmanta* appears in position No. 7 and in inscription 3 he moves up to position No. 6. In the following period between inscription 3 and inscription 4 something serious must have happened to the position of the *sāmanta* at the Pāla court as he was thrown out completely from the list and replaced by the *mahāmantri*, the 'great minister'. It would be interesting to know whether this strange replacement of the *sāmantas* by the court ministers is one of the reasons of their estrangement from the Pālas which created serious difficulties to Rāmapāla.

These few examples may suffice to show that the order of these lists of officials was certainly not arbitrary. On the contrary, it is much more likely that they reflected very exactly the 'official' hierarchical order of court officials and those of lower grades at the provincial and local level. This hierarchy need not be exactly identical with the actual socio-political status of the dignitaries in their respective local environment. But it may well reflect the position which they had been able to achieve recently, or which this group of officials was traditionally holding at the royal court. I regard this hierarchical order of these lists as a functional equivalent to the strict hierarchical order at court ceremonies as known from later durbars held by the Delhi sultans or at the Mughal court. The copper-plates thus provided for the royal donor the reconfirmation of this hierarchical order again and again in order to re-establish traditional loyalties. Moreover, he also had the possibility to gain new loyalties through including a new dignitary or through an upgrading within this order and simultaneous downgrading disloyal or meanwhile less important officials. But one has to keep in mind that these lists usually refer to groups of officeholders rather than to individual officials. Thus these lists of so-called 'witnesses' may rather reflect the general hierarchical order of offices at the court. Anyway, they have to be regarded as an important political and juridical instrument in the hands of powerful kings to maintain and, if necessary, to change the administrative order. Thus these lists may reflect a lot of actual political struggle behind courtly curtains even if they do not depict real witnesses at the donation ceremony. To my mind, in a traditional society the control over the official hierarchical order, and particularly the power to change it, has to do a lot more with actual political control than with mere ritual sovereignty. Even in more recent days Kremlin watchers agreed that the specific position of various Sowjet leaders on the tribune at the Kremlin wall during great ceremonial occasions was of utmost importance for judging the actual political control of the politbureau and the respective ranks of its members.

Let me now come to the final point, i.e. the privileges and immunities granted to the donee and his village. The so-called transfer of immunities and privileges to Brahmins, too, may have meant more than a mere act of ritual sovereignty. Nor did such transfers necessarily lead to an abandonment of these privileges by the royal donors. Rather, in many cases the exact opposite might have happened — at least at the time of the endowment. The copper-plate inscriptions often mention the future rights of the donees in great detail and in a standardized manner. What is perhaps most important in this

context: the levies devolved on them were, in some cases probably for the first time, unified norms of royal authority proclaimed for the whole extended core area by means of these deeds of gifts. In fact, the king may have transferred privileges which he himself was not yet in a position to enjoy fully in an area where the endowment was made (as already observed by B. Kölver). Moreover, it is quite likely that the donation of land to Brahmins and the public proclamation of the legal conditions and implications of this act to the villagers may have been intended to set up legal norms for the rural surroundings of the Brahmin villages, too. By enmeshing the core area in a net of such privileged Brahmin settlements with standardized regulations with regard to taxes and services on the part of the local inhabitants, obligatory standards were created also for those 'royal' areas which did not come under the levying power and administration of the Brahmins.

In this context it is most significant that the kings normally handed over the power of implementing these 'manorial' claims in the Brahmin villages to the Brahmin donees, for in all endowment inscriptions entry into the donated land was forbidden for royal administrative officials. Thus, it devolved upon the Brahmins the difficult task not only to create validity for their 'royal' rights transferred to them, but also to develop a village administration which was necessary for the implementation of their demands. In order to strengthen the position of the Brahmins, even the judicial power to punish tardiness on the part of the village population was conferred upon them.

In a pre-modern state, police or even military means could have been scarcely more effective than this form of intensification of royal authority by means of a group of loyal Brahmins whose existence depended on their successful implementation of rājadharma. In the long run, of course, these Brahmin villages may have contributed (in the sense of 'Indian feudalism') to the fragmentation of the center's administrative hold over land and people and certainly became (in the sense of the 'segmentary state') part of a constellation of local power. However, the persistence in their own 'royal' privileges, existentially necessary for the Brahmins, continued to strengthen those of the king, too. Brahmin settlements through land grants were and remained, therefore, in this sense foremost pillars of the normative order of Hindu kingdoms, and one should add: inexpensive and very efficient ones.

Inscriptions, and in particular the great copper-plate inscriptions, therefore had multifarious functions. Their major function was certainly to sanction legally the transfer of landed property and to vest the donee and his land with certain privileges and immunities. This legal act contributed to the rise of a class of rural privileged land owners with all its consequences for the medieval society.

But apart from this most obvious function, copper-plates must have served for several other purposes, too, especially for their royal donor. Otherwise it would be difficult to explain why these copper-plates became more and more bulky and certainly expensive, too. The mere legal deed could have been reproduced much more cheaply, say on one or two plates. The great copper-plate sets served as transmitters of the message of royal greatness and privileges to the hinterland. And, in a broader context, they played an important role in the process of cultural communication between the royal centre and its rural hinterland.

But, as we have seen, the royal donors and their advisors might have also had some

more specific ideas about the function of these documents. These might be summarized as follows: First, to establish and confirm royal claims of legitimacy and the conformity of their own and their forefathers' rule with *rājadharma*. Second, to corroborate or, if necessary, to change the administrative hierarchy, an act which strengthened the king's position on top of this hierarchy. Third, to set up new or confirm old measures of standardized tax collection and administration through a network of privileged Brahmin villages.

The great copper-plate inscriptions were thus an instrument of enhancing political influence and, although only in an indirect way, political control. But one should keep in mind that successful propaganda usually works through indirect persuasion and manipulation rather than through direct political control.

Eva Ritschl

Überlegungen zu *aṭavī* und anderen Gruppen
der *Anārya*-Bevölkerung im alten Indien
nach Sanskritquellen

Ein komplexes Problem der altindischen wie der indischen Geschichte überhaupt ist das
Verhältnis zwischen der *Ārya*- und der *Anārya*-Bevölkerung. Ein Ausschnitt aus diesem
Komplex, nämlich die Beziehungen zwischen den altindischen Königreichen (Monar-
chien) und Aristokratien (*saṃgha, gaṇa*) auf der einen und den *Anārya*-Stämmen (*aṭavī*)
auf der anderen Seite soll Gegenstand dieser Betrachtung sein.

Die altindischen Monarchien verstanden sich insofern als Ārya bzw. als zugehörig zu
Āryāvarta, als in ihnen ‚der *vaṃāśrama-dharma* fest verankert war‘, wie es z.B. die
Viṣṇusmṛti (84.4) formuliert, im Gegensatz zu den Gebieten, in denen man diesen
dharma nicht kennt oder nicht befolgt und die deshalb als *mlecchadeśa*, Barbarenland,
bezeichnet werden. Zu den Mlecchas gehören auch die *aṭavīs* — *Anārya*-stämme, die in
der altindischen Literatur eine große Rolle spielen. Doch die Informationen über den
Charakter und die Struktur dieser ‚Stämme‘ sind spärlich, obwohl sie z.B. in den Epen,
besonders im Mahābhārata, in der Erzählungsliteratur wie auch im Kauṭilīya-Arthaśāstra
oft genannt werden. Bis heute herrscht die Meinung vor, daß es sich bei diesen *aṭavīs*
um Stämme (*tribes*) auf niedrigem Entwicklungsniveau handle, die man den *saṃghas*, den
‚Aristokratien, Oligarchien‘ (die als Āryas gelten, obwohl das bei einigen von ihnen gar
nicht so sicher ist) nur zögernd an die Seite zu stellen bereit ist[1].

Die vorliegende Untersuchung basiert im wesentlichen auf dem Kauṭilīya-Arthaśāstra
(KA). Ihr Ausgangspunkt ist das 11. *adhikaraṇa*, das sich ganz speziell mit *saṃghavṛtta*,
dem ‚Verfahren gegen die Verbände‘ (so *J. J. Meyer*) bzw. der *‚Policy towards Oligarchies‘*
(so *R. P. Kangle*) beschäftigt[2].

Anschließend an die Schilderung, auf welche Weise ein König gegnerische *saṃghas* von
innen her aufspalten und sie dadurch unschädlich machen kann, heißt es hier: *etena
skandhāvarātavibhedo vyākhyātaḥ* | (11.30). *Kangle* übersetzt: ‚By this is explained (the
method of creating) dissensions in the (enemies') camp and among forest chieftains‘ und
fügt die Fußnote an: ‚This is incidental, unconnected with *saṃghas*‘[3]; *J. J. Meyer* über-

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[1] *aṭavī* ‚Wald, Dschungel‘ wird im Kauṭilīya-Arthaśāstra nur an einer Stelle (eventuell noch an
einer zweiten) in diesem Sinne gebraucht. Sonst bezeichnet der Terminus durchgehend die im
dichten Wald angesiedelten sog. Wald- oder Dschungelstämme (‚forest tribes‘). Mit *āṭavika* wird
meist ein Oberhaupt (Häuptling, chieftain) eines solchen ‚Waldstammes‘ bezeichnet.

[2] *J.J. Meyer*, Das Altindische Buch vom Welt- und Staatsleben. Das Arthaçāstra des Kauṭilya, aus
dem Sanskrit übersetzt. Leipzig 1926. — *R.P. Kangle*, The Kauṭilīya Arthaśāstra. Pt. 1-2. Bombay
1960-63.

[3] *‚and among forest chieftains‘* ist nicht ganz korrekt: es ist hier die Rede von *aṭavī* und nicht von

setzt: ‚Damit ist das Nötige gesagt über die Veruneinigung von Heerlager und Waldstämmen' und läßt den Satz unkommentiert.

Auf den wichtigen Inhalt dieses Satzes machte *W. Ruben* in einem 1957 veröffentlichten Artikel aufmerksam. Er schreibt dort geradezu etwas verwundert: ‚Dieser kurze Hinweis stellt die Dschungelstämme geradezu auf die Stufe mit den arischen Stämmen...'' [d.h. den *saṃghas*, E.R.]. Daß dieser Satz ernst zu nehmen und nicht etwa zufällig in den Text hineingeraten ist, läßt sich schon aus dem KA selbst ersehen. Dort heißt es (9.7.68), gegenüber gefährlichen Nachbarkönigen (*sāmanta*) und Waldstammhäuptlingen (*āṭavika*) solle ein König die Methoden *bheda* (‚Spalten', durch das Säen von Zwietracht) und *daṇḍa* (‚Strafe, Stock') anwenden, um sie zu disziplinieren. Auch im Agnipurāṇa (240.62) werden *bheda* und *daṇḍa* als geeignete Maßnahmen gegenüber gefährlichen *sāmantas* und *āṭavikas* empfohlen[5].

Wenn nun die Methode der Spaltung, der Erzeugung von innerem Zwist, gleichermaßen gegenüber *saṃghas* wie *aṭavīs* anzuwenden ist, sollte auch in der Struktur dieser beiden etwas Gemeinsames enthalten sein. Es ist kaum anzunehmen, daß solche Methoden in einem auf niedriger Entwicklungsstufe stehenden, sozial wenig differenzierten Gemeinwesen, wie man sich *Anārya*-Dschungelstämme, forest tribes, allgemein vorstellte (darauf weisen Rubens Verwunderung wie auch Kangles Ablehnung eines Vergleichs der *aṭavīs* mit den *saṃghas* hin), ebenso effektiv anzuwenden waren wie in den *saṃghas*, den Aristokratien bzw. Oligarchien der *Āryas*.

Kauṭilyas *saṃghavṛttam* verrät nicht allzuviel über die innere Struktur der *saṃghas*. Sein Interesse gilt vor allem der Frage, wo man am besten mit dem Aufspalten (*bheda*) ansetzen könne. Im Zusammenhang damit erfährt man immerhin, daß es in den *saṃghas* Rangunterschiede und Rivalitäten gab, die man dafür ausnutzen konnte. So werden Personen, die *viśiṣṭa* (hervorragend) genannt werden, solchen gegenübergestellt, die mit *hīna* oder *avahīna* (niedrig oder sehr niedrig) bezeichnet werden. Bei den Rivalitäten zwischen ihnen geht es hauptsächlich um den sozialen Status. Hier soll Öl ins Feuer gegossen werden — die ‚Hervorragenden' sollen den ‚Niedrigen' gemeinsames Essen (*ekapātra*, auch gemeinsame Riten?) und Heiraten (*vivāha*) verweigern, die ‚Niedrigen' dagegen sollen dieses von ihnen fordern. Personen von sehr niedrigem Rang (*avahīna*) sollen dazu aufgestachelt werden, daß sie die gleiche Stellung (*tulyabhāva*) fordern, was *kula* (Familie) und *pauruṣa* (etwa: Mannesmut, persönliche Geltung) anbelangt, oder sie sollen einen Austausch der Stellung (*sthānaviparyāsa*; weist dies auf ein Rotationsprinzip bei den *rājas* hin?) verlangen. Innerhalb der *saṃghamukhyas*, der Oberhäupter, und ihrer Anhänger (*mānuṣya*) gibt es unterschiedliche, gegensätzliche (*pratiloma*) Gruppierungen. Ein *saṃghamukhyaputra* wird erwähnt. Unter den *kumārakas* (K.: princelings, M.: Prinzlein) gibt es solche, die über hervorragenden Komfort (*viśiṣṭachandika*; *Kangle* versteht

Fortsetzung Fußnote von S. 245

āṭavika. ‚Among a forest tribe' paßt auch besser in den Kontext, d.h. in den Vergleich mit *saṃgha* und *skandhāvara*.

[4] *W. Ruben*, Über die Dschungelstämme im Staate Kautalyas. In: Indo-Iranian Journal 1, Leiden 1957, S. 201-228. — *Ruben* relativiert diese Feststellung jedoch etwas, indem er mit *Ganapati Śāstrī* annimmt, es handle sich dabei um ins Heerlager eingedrungene *aṭavīs* (‚Dschungelmänner') bzw. um Verbündete, die wieder abgesprungen seien.

[5] ... [*sādhayet*] ... *sāmantāṭavikān bhedadaṇḍābhyām aparāddhakān* | Agnipurāṇa, ed. Rājendralāla Mitra, vol. 2. Calcutta 1876.

chandika als ‚pleasure, comfort') verfügen und andere, denen eine solche Ausstattung fehlt (*hīnachandika*), was immer man darunter verstehen mag. Jedenfalls sollen Agenten unter diesen Jünglingen wegen dieses *chandika* Neid schüren. Bereits bei den Kindern soll die Saat der Zwietracht gesät werden: als Lehrer (*ācārya*) verkleidete Agenten sollen unter ihnen Streitigkeiten wegen *vidyā* (Wissen), *śilpa* (Geschicklichkeit), *dyūta* (Glücksspiel) und *vaihārika* (Vergnügungen) provozieren. Solche Kinderstreitigkeiten wirkten sich dann sicher auch auf die Eltern aus.

Der im KA so oft erwähnte *avaruddha* bzw. *aparuddha*, der verstoßene Prinz, ist hier ebenfalls zu finden, und zwar verstoßen durch die *rājaśabdins*, und damit offenbar aus dem Kreise derer ausgestoßen, die ‚den Titel *rājā* tragen' (dürfen).

samghamukhya und *rājā* bezeichnen hier vermutlich denselben Personenkreis, nämlich die Angehörigen der regierenden Adelsgruppe, deren Söhne, *samghamukhyaputra* bzw. *rājaputra*, den Kreis der Nachfolger bilden, aus dem man offenbar auch ausgeschlossen werden konnte[6]. Außerdem muß es vornehme Familien gegeben haben, die insgesamt oder teilweise im Status und in ihrer ökonomischen Lage abgesunken waren. Zu ergänzen ist, daß die im KA erwähnten *samghas* entweder von *vārttā* und *śastra*, von Ökonomie und Waffen lebten[7], oder — nicht leicht zu interpretieren — ‚vom Titel *rājā*'. Es wird auch erwähnt, daß der König ihnen, nachdem er sie besiegt und umgesiedelt hat, für den Ackerbau geeignetes Land zur Verfügung stellen solle.

Die *samghas* weisen also deutliche soziale Differenzierungen auf (doch man weiß nicht, wie ihre Wirtschaft funktionierte, wer letzten Endes die Arbeiten in Landwirtschaft, Handwerk und Handel besorgte). In ihnen spielte die Abstammung von einer hervorragenden Familie und die Zugehörigkeit zu ihr eine große Rolle und bestimmte den Status eines Individuums. Ihre Stärke lag in ihrer Geschlossenheit. Das machte ihren Nutzen aus, wenn ein König sie als Verbündete gewinnen konnte, aber auch ihre Gefährlichkeit als Gegner, gegen die man eben die Maßnahme der Spaltung (*bheda*) anwenden sollte.

Wie steht es nun mit den *aṭavīs*? Man kann aus der Empfehlung des KA, die Methode der Spaltung auch auf sie anzuwenden, darauf schließen, daß diese ebenfalls über eine differenzierte Sozialstruktur verfügten, deren Oberschicht von einem Adel gebildet wurde, dessen Mitglieder als *rājās* bzw. als den *rājās* ebenbürtig galten. Im KA finden sich Hinweise darauf: 8.4.43 heißt es: ... *svadeśasthāḥ prabhūtāvikrāntāś cāṭavikāḥ prakāśayodhino 'pahartāro hantāraś ca deśānāṃ rājasadharmāṇa iti* | Kangle übersetzt: ‚... whereas forest tribes, living in their own territory, are many in number and brave, fight openly, seize and ruin countries, having the same characteristics as a king.' *Rājasadharmāṇa(ḥ)* könnte aber auch heißen ‚den gleichen *dharma* wie Könige habend', das entspräche auch der Formulierung ‚*śūdrasadharmāṇa(ḥ)*' in KA 3.7. 36-37 mit Bezug auf die *antarālas* (Misch-*varṇas*): ‚oder sie haben den gleichen *dharma* wie die Śūdras,

[6] Vgl. dazu *J. P. Sharma*, Republics in Ancient India, Leiden 1968, besonders 98 ff. (‚Government and Organization' der Licchavis) u.a.
[7] KA 11.1.4: *kāmbojasurāṣṭrakṣatriyaśreṇyādayo...* Kangle übersetzt ‚The *Kāmbojas*, the *Surāṣṭras*, the *Kṣatriyas*, the *Śreṇis* and others...' Das scheint mir vom Inhalt her abwegig zu sein. Ich schließe mich deshalb *Meyers* Übersetzung an: ‚Die Kriegergenossenschaften (*kṣatriyaśreṇi*) der *Kāmboja*, *Surāṣṭra* und ähnliche Verbände...' Meines Erachtens markiert ‚*kṣatriyaśreṇi*' — *śreṇi* hier als Berufsverband aufgefaßt — den Unterschied zum ‚*kṣatriyavarṇa*' (Kṣatriya-Stand) der Monarchien.

ausgenommen die Caṇḍālas'[8]. Zum Vergleich sei auf Manu X,41 hingewiesen: śūdrāṇām tu sadharmāṇaḥ sarve 'padhvaṃsajāḥ smṛtāḥ ‖ ‚Alle Angehörigen sozial degradierter Gruppen (wie die pratilomas) gelten als den gleichen dharma wie die Śūdras habend.'

Auf einen den samghas ähnlichen Charakter der sogenannten forest tribes weisen andere Stellen im KA hin, die āṭavika (chieftain) in enger Zusammenstellung mit Personen nennen, die aus dem Umkreis von Königen stammen bzw. Anspruch auf einen solchen Rang haben. KA 1.10.3 sollen bei einem Test bezüglich der Integrität der Minister folgende Personen angeblich anstelle des Königs eingesetzt werden, wenn dieser (angeblich) gestürzt worden ist: ein tatkulīna (Thronanwärter aus der Königsfamilie), ein aparuddha (verstoßener Prinz), ein kulya (Angehöriger einer vornehmen Familie, Kangle: der Königsfamilie), ein sāmanta (Nachbarkönig) und ein āṭavika ...! Eine ähnliche Zusammenstellung findet sich KA 7.16.7: Ein starker König soll bheda hervorrufen, indem er einen von diesen unterstützt: sāmanta-āṭavika-tatkulīna-aparuddha. KA 1.13. 18-19 wird im Kapitel ‚kṛtyākṛtyapakṣarakṣaṇam' (Überwachung der bearbeitbaren und der nichtbearbeitbaren Parteien) folgendes empfohlen: Agenten sollen feststellen, wer im Lande des Königs zufrieden ist und wer nicht. Die Unzufriedenen soll der König entweder durch Geschenke oder Entgegenkommen für sich gewinnen oder untereinander entzweien bzw. voneinander trennen, wie auch von den sāmantas, āṭavikas, tatkulīnas und aparuddhas.

Das hatte seinen guten Grund, denn Unzufriedene suchten ihre Zuflucht oft im Wald bzw. bei einer der genannten Personen. Dort konnten sie sich mit Gleichgesinnten gegen den König verbünden. So nennt KA 1.18. 1-12 einen in Ungnade gefallenen Prinzen (aparuddha), der, wenn er Grund hat, seinen Vater zu fürchten, bei einem Nachbarkönig (sāmanta) Zuflucht suchen soll und dort Heiratsverbindungen mit den Töchtern heldenhafter Männer eingehen sowie Bündnisse mit āṭavīs (āṭavīsambandham) schließen soll. Gefahr droht ständig von sāmanta, āṭavika, tatkulīna und aparuddha[9].

Der erwähnte aparuddha-Prinz kann sich auch das notwendige Geld durch Überfälle auf Karawanen und Schiffe (sārthayānapātrāṇi) sowie durch anderweitigen Diebstahl verschaffen (1.18.9). Auch das hat er mit den āṭavīs gemein, die oft mit Dieben und Räubern zusammen genannt werden.

Aṭavī-Truppen (āṭavībala) sind die am wenigsten geschätzte der sechs Truppenarten; sie sind, wie die Feindestruppe (amitrabala) auf Beute aus. Gibt es keine Beute oder besteht eine Notsituation, sind beide ‚gefährlich wie Schlangen'. Sie können mit Waldprodukten (kupya) entlohnt werden. Gefährlich ist ein aṭavībala auch dann, wenn im Königreich Unruhe herrscht und ein Aufruhr (kopa) zu befürchten ist. Aṭavīs sind potentielle Verbündete der Unzufriedenen im Reich (KA 9.2)[10].

Die angeführten Stellen sprechen dafür, daß man unter den aṭavīs des KA den samghas ähnliche Aristokratien zu verstehen hat. Sie unterscheiden sich von den samghas haupt-

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[8] KA 3.7.36f: teṣāṃ svayonau vivāhaḥ, pūrvāparagāmitvaṃ vṛttānuvṛttaṃ ca | 36   śūdra-sadharmāṇo vā anyatra caṇḍālebhyaḥ | 37
[9] Vgl. auch KA 12.1.20-21, 9.6.71 etc.
[10] Auf aṭavī könnte sich vielleicht auch folgende Feststellung des KA zu der schädlichen Wirkung von Glücksspielen beziehen: 8.3.64 heißt es: viśeṣataś ca samghānāṃ samghadharmiṇāṃ ca rājakulānāṃ dyūtanimitto bhedas tannimitto vināśa iti. ‚Besonders bei samghas und bei Königsfamilien, die dem samghadharma folgen, wird durch Glücksspiele Uneinigkeit verursacht und dadurch (wiederum) der Untergang.'

sächlich darin, daß sie eindeutig *Anāryas* sind, wobei „*Anārya*' in diesem Fall sowohl die ethnische als auch die sozio-kulturelle Besonderheit bezeichnet. Ein weiteres Charakteristikum, das ihnen auch den Namen gab, ist ihr Leben in den Wäldern.

Beide, *saṃghas* und *aṭavīs*, unterscheiden sich von den Monarchien in ihrer sozialen Struktur. Die Monarchien basieren auf der in vier *varṇas* (Stände) gegliederten Gesellschaft, die *saṃghas* und *aṭavīs* offensichtlich nicht. Sie unterscheiden sich auch in der Struktur der Herrschaft: In den Monarchien steht an der Spitze der Monarch, *ekarājā;* die *Kṣatriyas,* der Kriegeradel, bilden den zweiten Stand, während die Brahmanen den ersten, obersten Stand bilden. Die Brahmanen sind wesentlich an der Prägung der Gesellschaft beteiligt und haben auch teil an der Regierung, als Minister, als *purohita* u.a. Bei *saṃghas* wie auch bei *aṭavis* finden wir die herrschende Gruppe der Adligen (*rājās* bzw. *mukhyas;* kann man vielleicht auch vom herrschenden Stand der *Kṣatriyas* sprechen?). Brahmanen spielen hier keine oder nur eine untergeordnete Rolle.

Es muß hier ergänzt werden, daß das KA sein Interesse vor allem auf die hochentwickelten *aṭavīs* richtete, aus leicht verständlichen Gründen: sie waren sowohl als Verbündete wie auch als Gegner sehr wichtig für jedes Königreich. Es ist aber anzunehmen, daß der Terminus *aṭavī* auch die weniger entwickelten Stämme der *Anārya*-Bevölkerung bezeichnete, die im KA außer Betrachtung bleiben.

In der alten Erzähliteratur werden *aṭavīs* oft erwähnt. Meist werden die Gefahren geschildert, die ein Aufstand oder ein Überfall der *aṭavīs* mit sich bringt. Pañcatantra I,22[11] beginnt mit der Schilderung eines *aṭavī*-Aufstandes in Kośala: Ein Waldhüter (*vanapāla*) eilt zum König und meldet: *svāmin, sarve vipratipanna-āṭavikā rājānaḥ | teṣāṃ ca madhye vindhyako nāmo āṭavikaḥ ... tasya vinayopadeśe deva eva pramāṇam |* ‚Herr, alle *āṭavika*-Könige sind abtrünnig geworden, mitten unter ihnen ein *āṭavika* mit Namen Vindhyaka. Eine Anweisung zu dessen Disziplinierung sollte ergehen, o König.'

Aṭavīs werden oft mit Räubern oder Dieben gleichgesetzt oder erscheinen als deren Verbündete. Aber auch edle *āṭavikas* werden geschildert — Pulindaka, ein König (*adhipa*) der *Śabaras* und Freund des Vatsakönigs Udayana, spielt im Kathāsaritsagara eine große Rolle. Seine Freundschaft mit dem Vatsakönig hindert Pulindaka aber keineswegs daran, ab und zu eine Karawane zu plündern, wie auch seine *Śabaras* als Räuber (*taskara*) tätig sind. Man denke aber daran, daß Überfälle auf Karawanen und ähnliches auch dem *aparuddha*-Prinzen aus vornehmer Familie empfohlen werden.

Die Erwähnung der *Śabaras* leitet zu einem anderen Aspekt der Beziehungen zwischen *ārya*- und *anārya*-Bevölkerung über: Mit der Ausdehnung der Monarchien und ihrer vom *varṇāśramadharma* geprägten Gesellschaft über weite Gebiete Nordindiens, begleitet von der Rodung der Wälder in der 2. Hälfte des 1. Jt. v. Chr., ergaben sich ständig neue Kontakte mit den verschiedenen Gruppen der *aṭavī*-Bevölkerung. Nur ein Teil der *aṭavis* wanderte in Rückzugsgebiete ab und verweigerte jede Kontaktaufnahme. In der Regel kam es zum allmählichen Aufbau gegenseitiger Beziehungen und zur Angliederung von Gruppen oder Individuen der *aṭavīs* an die *varṇa*-Gesellschaft der Monarchien. Für die brahmanischen Theoretiker des *varṇāśramadharma* ergab sich nun die Notwendigkeit, diese verschiedenen *Anārya*-Gruppen in ihr Gesellschaftsmodell einzuordnen. Da sie noch nicht brahmanisiert waren, galten sie als Außenstehende.

[11] Pañcatantra, Book I: The Lion and the Bull, Tale XXII: King, minister and false monk. Harvard Oriental Series 11, pp.102-103.

Niravasitahiti werden sie von Patañjali (zu Pāṇini 2.4.10) genannt, d.h. etwa ‚vom gleichen Wohnplatz ausgeschlossen' im Gegensatz zu den *Śūdras*, die als vierter Stand bereits zur brahmanischen Ständegesellschaft gehören und *aniravasita* ‚nicht ausgeschlossen' genannt werden. Als *niravasita* werden *Caṇḍāla* und *Mṛtapa* erwähnt. Sie gelten bei Patañjali als eine niedere Gruppe der *Śūdras*. *Apapātra* werden sie in den Dharmasūtras des Āpastamba und des Baudhāyana genannt — d.h. ihre Gefäße sind für die *Āryas*, die Mitglieder der Vier-*varṇa*-Gesellschaft, nicht zu gebrauchen, da rituell unrein. Das bedeutet, Kontakte mit ihnen sind weitgehend einzuschränken. *Āpastamba* erwähnt *Caṇḍāla, Paulkasa* und *Vaina*, und er zählt sie offenbar nicht zu den *Śūdras* (Āp.DhS. II.1.2.6). Baudhāyana nennt *Caṇḍāla* (II.2.4.14) und *Śvapāka* (IV.5.5.13). *Antyāvasāyin* ‚am Ende der Siedlung wohnend' ist der Terminus, der im Dharmasūtra des Gautama für diese Gruppen verwendet wird. Sie entsprechen hier den *pratiloma* der Misch-*varṇa*-Theorie, vermehrt um die *anuloma* von *Dvija-Vätern* und *Śūdra*-Müttern. Die *antyāvasāyinaḥ* sind als *pratiloma* ‚*dharmahīnaḥ*', d.h. sie haben keinen *dharma* (Gaut.DhS 1.4.20). Der Kommentator Haradatta (zu 3.2.1) nennt sieben Namen — *Caṇḍāla, Śvapāka, Kṣatta, Sūta, Vaidehaka, Māgadha, Ayogava*. Von ihnen gilt der *Caṇḍāla* als permanent unrein und verunreinigend. In einer Liste von Personen, aus deren Händen Brahmanen keinerlei Speise annehmen dürfen (2.18.17) wird ein *mṛgayu-aniśucārī* erwähnt — ein Jäger, der keine Pfeile verwendet, sondern mit Netzen oder Schlingen dem Wild nachstellt (Haradatta: *vāgurika*). Ein *vāgurika* wird im KA neben *Śabaras, Pulindas* und *Caṇḍālas* genannt (s.u.).

Antāvasāyin, der gleiche Terminus wie im Gaut.DhS, nur gering verändert, wird im KA zur Bezeichnung der Misch-*varṇas* verwendet. Die *pratiloma*-Misch-*varṇas* stehen hier offensichtlich außerhalb der vier *varṇas*. Darauf läßt KA 3.18.7 (*vākpāruṣya*) schließen, wo *antāvasāyinaḥ* an fünfter Position nach den vier *varṇas* aufgezählt werden[12]. Außer in der Misch-*varṇa*-Beschreibung werden im KA *Caṇḍālas* und *Śvapākas* erwähnt, und zwar als unrein und sehr niedrig stehend (deutlich unter den *Śūdras* — z.B. soll ein *Śūdra* als Strafe zum ‚*Śvapāka*-sein' (*śvapākatvam*) verurteilt werden). KA 2.1.6 (*janapadaniveśa*) sollen *vāgurika-śabara-pulinda-caṇḍāla-araṇyacarā* die Gebiete zwischen den Grenzbefestigungen schützen. Möglicherweise waren diese Gruppen hier noch unabhängig, standen aber bereits in Kontakt mit den Monarchien.

Diese Gruppen wurden also zu *pratilomas* erklärt, d.h. zu Misch-*varṇas*, entstanden aus Vermischungen zwischen den *varṇas*, bei denen die Mütter einem höheren Stand angehörten als die Väter, was als besonders verwerflich galt. Sie wurden entweder als niedrige *Śūdras* oder als eine Schicht noch unter den *Śūdras* angesehen. Während die *Śūdras* als regulärer Bestandteil der Vier-*varṇa*-Gesellschaft anerkannt waren, für die der *varṇāśramadharma* galt, und die damit, so im KA, zur *Ārya*-Bevölkerung eines solchen Staates gezählt wurden, rechnete man alle *pratilomas* zu den *Mlecchas*, Barbaren, die außerhalb des *varṇāśramadharma* stehen (ebenso die *anulomas* von *Śūdra*-Müttern). Hier steht nicht der ethnische Gegensatz im Vordergrund (denn die *Śūdras* sind ja zum größten Teil ebenfalls *Anāryas* im ethnischen Sinn), sondern der Gegensatz liegt im sozialen und kulturellen Bereich. Die *Śūdras* sind bereits fest in die Gesellschaft der Königreiche integriert, ein Zustand, den die neu Hinzukommenden erst später erreich-

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[12] Vgl. auch KA 4.13.34.

ten, wobei viele von ihnen, die *Caṇḍālas, Śvapākas, Paulkasas* (die *Pukkasas* der buddhistischen Texte) und andere nur den Status der Unberührbaren erlangten. Das mag daran gelegen haben, daß diese Gruppen von einem besonders niedrigen Entwicklungsniveau her kamen. Vielleicht fehlte ihnen auch die Eignung zum Kriegerhandwerk, durch die sich andere Gruppen (z.B. die *Niṣādas*, die *Bhillas*) nachhaltigen Respekt zu verschaffen wußten.

Doch die Erinnerung an die *aṭavī*-Aristokratien, die einstmals wesentliche Vertreter der *Anārya*-Bevölkerung waren, schimmert auch noch später in den Texten auf, als bereits die Klassifizierung der *Anārya*-Gruppen als Misch-*varṇas* im Vordergrund stand. Liest man die Misch-*varṇa*-Listen in den verschiedenen Texten, so fällt auf, daß viele dieser Misch-*varṇas* angeblich von *Kṣatriya*-Müttern oder auch von *Kṣatriya*-Vätern abstammen[13]. Manusmṛti X, 43-44 erklärt *Paundrakas, Oḍras, Dravidas, Kāmbojas, Yavanas, Śakas, Pāradas, Pahlavas, Cīnas, Kirātas, Daradas* und *Khaśas* für ehemalige *Kṣatriyas* (*kṣatriyajātayaḥ*), die auf niedrigen Rang abgesunken sind (*vṛṣalatvaṃ gatāḥ*) infolge der allmählichen Vernachlässigung der Riten und des mangelnden Kontaktes mit Brahmanen. Dies erinnert auch an die Verfluchung der fünfzig älteren Söhne Viśvamitras durch ihren Vater im Aitareya Brāhmaṇa (33.6) — sie wurden zu *Andhras, Puṇḍras, Śabaras, Pulindas* und *Mūtibas* — und hatten ebensolche Nachkommmen. Alle werden als *dasyus* bezeichnet — außerhalb des *varṇāśramadharma* stehende niedrige Gruppen. *Dasyu* nennt auch Manusmṛti X.45 alle, die sich außerhalb der Vier-*varṇa*-Gesellschaft befinden ,ob sie *Mleccha*- oder *ārya*-Sprache sprechen.'

Der Terminus *Mleccha* bezeichnet, wie bereits erwähnt, alle, die außerhalb der Vier-*varṇa*-Gesellschaft stehen bzw. den *varṇāśramadharma* nicht kennen[14]. Sie stehen im Gegensatz zur brahmanischen Zivilisation und gelten als Barbaren. Aber im Laufe der Geschichte verschoben sich die Grenzen *Āryāvartas*, neue Völker kamen in Sicht, ältere verschwanden oder wurden assimiliert — damit änderte sich der Bestand an Mlecchas. Deshalb ist es nötig, für jeden Text den Inhalt des Begriffes neu zu untersuchen, will man wissen, welche Völker bzw. Gruppen in diesem als Barbaren angesehen werden. Eines jedoch scheint sicher zu sein: *Mleccha* bezeichnet in ethnischer Hinsicht nicht allein *Anāryas*, sondern auch *Āryas*, wenn diese der brahmanischen Zivilisation fremd gegenüberstanden. *Mleccha* bezeichnet in erster Linie eine soziale und kulturelle Verschiedenheit: dies kann mit einer ethnischen Verschiedenheit verbunden sein, muß aber nicht. Damit hat der Terminus *Mleccha* eine ganz ähnliche Funktion wie der Terminus *Ārya* — beide beziehen sich auf die Ferne oder auf die Nähe zur brahmanischen Vier-*varṇa*-Gesellschaft, die auf der Anerkennung des *varṇāśramadharma* beruht.

[13] Einen Überblick über die entsprechenden Textstellen gibt *P. V. Kane*, History of Dharmaśāstra 1 (Poona 1968), 57 ff.
[14] Vgl. die klassische Formulierung in der Viṣnusmṛti: *cāturvarṇyavyavasthānaṃ yasmin deśe na vidyate | sa mlecchadeśo vijñeya āryāvartas tataḥ paraḥ ‖* 84.4 (Viṣnusmṛti, ed. by *J. Jolly*, Chowkhamba Sanskrit Series 95, Varanasi 1962).

Wortregister

Sanskrit unbezeichnet —— maith. Maithilī —— nep. Nepālī
—— pkt. Prakrit —— rāj. Rājasthānī —— tel. Telugu

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