

III Setting the stage

For the purpose of future reference and for putting up some orientation marks, this chapter gathers some important aspects of premodern Indian cosmology, social organisation, and law. I finally provide some premodern Indian definitions for “property”, “gifts”, and “sacrifices”.

A *Trivarga* and *mokṣa*

It is quite common to refer to *artha*, *dharma*, *kāma*, and *mokṣa* as “aims of human life”. *Artha* is concerned with the achievement of wealth and power. From a modern perspective, the *artha* realm is economics and politics. It is characterised by cold-blooded calculations.⁵⁴ *Kāma* means pleasure or love. The best-known part of the literature on *kāma* deals with courting and love-making. Related are treatises on poetics and acting. *Dharma* is concerned with religious duties or moral obligations. A peculiarity of the Indian thought on *dharma* is the insistence on class-related duties. *Mokṣa* lies at the center of Hindu theology. *Mokṣa* means release from the cycle of births. The idea is that souls reside in humans (or animals or gods). The acts (*karman*) undertaken during a lifetime influence this human’s (or animal’s or god’s) rebirth and, should that occur, the concrete form in the next life. The major aim (*paramārtha*) is to be released, i.e., not be born again. *Mokṣa* is a soteriological concept, i.e., it leads to “salvation”. Besides the release from the cycle of births, other non-worldly purposes are also characterized as soteriological (see section C).

Olivelle (2019a) criticises the common translation of *artha*, *kāma*, and *dharma* (the *trivarga*) as “aims of human life”. Instead, he argues that “[t]hey represent three major domains of human activities and pursuits that are beneficial to persons who perform them. A balanced and wholesome human life requires that an individual pursue all three of these in a balanced manner. [...] the doctrine of *trivarga* constitutes—or at least contains the germs of—a moral philosophy or a philosophy of life.”⁵⁵

⁵⁴ See Wiese (2012).

⁵⁵ Olivelle (2019a, p. 395)

B Old Indian Texts

(1) Vedic texts, up to the Upaniṣads

By way of a very brief survey, we mention the major strands of literature to be encountered in this book. The oldest texts are the Vedic texts, the Ṛgveda Saṃhitā (second half of second millennium BCE) and the Taittirīya Saṃhitā from the black Yajurveda (somewhat later, but before 1000 BCE).⁵⁶ As indicated in Table 2, four Vedas exist, from Ṛgveda (1st column) to Atharvaveda (4th column). Within each of these Vedas, four different genres can be distinguished. The Saṃhitās (1st row) are the foundational texts of the respective Vedic branches. The other genres belong to the late-Vedic, pre-classic literature and comprise the Brāhmaṇas, the Āraṇyakas, and the Upaniṣads. Among the latter, we count the Brhadāraṇyaka Upaniṣad, the Chāndogya Upaniṣad (both 7th to 6th century BCE), the Taittirīya Upaniṣad (6th to 5th c. BCE), and the Muṇḍaka Upaniṣad (3rd to 1st c. BCE).⁵⁷ Table 2 is adapted in a simplified form from Olivelle (1998, p. 9), and shows how these literatures “fit” together.

Table 2: The Vedic Branches

	Ṛgveda	Yajurveda black and white		Sāmaveda	Atharvaveda
Saṃhitā	Ṛgveda S.	Taittirīya S.	Vājasaneyi S.	Sāmaveda S.	Atharvaveda S.
Brāhmaṇa	Aitareya Br.	Taittirīya Br.	Śatapatha Br.		
Āraṇyaka	Aitareya Ā.	Taittirīya Ā.			
Upaniṣad	Kauṣītaki U.	Taittirīya U.	Brhadāraṇyaka U.	Chāndogya U.	Muṇḍaka U., Praśna U.

(2) *Dharma and artha* texts

The four “aims” (see previous section) are relatively unimportant for the Vedic period. In contrast, many classical texts can be placed into one of the four “aim” categories.

⁵⁶ See Jamison & Brereton (2014, p. 5) and Witzel (2003).

⁵⁷ This Upaniṣad chronology is provided by Olivelle (1998, pp. 12–13). Bronkhorst (2007, pp. 173–262) disputes it and argues that the present form of Brhadāraṇyaka Upaniṣad and Chāndogya Upaniṣad was reached only a few centuries later.

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Dharma texts are of particular importance for this book. Within the *dharma* literature, we consider the texts⁵⁸ ascribed to

- Āpastamba (late 3rd c. BCE, abbreviation: ĀpDh),
- Gautama (late 2nd c. BCE, GDh),
- Baudhāyana (early 1st c. BCE, BauDh),
- Vasiṣṭha (late 1st c. BCE, VaDh),
- Manu (mid 2nd c. CE, MDh),
- Yājñavalkya (early 5th c. CE, YSm),
- Nārada (5th to 6th c. CE, NSmV),
- Viṣṇu (7th c. CE, ViDh),
- Lakṣmīdhara (12th c. CE, LDK),
- Mitākṣarā commentary (12th c. CE, YSmM), and
- Devaṇabhaṭṭa (late 12th c. or early 13th c. CE, DSmCV)

One might classify *dharma* topics in this manner:

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

One should note that these texts would build on predecessors, most of which are no longer extant. Thus, we need to be careful not to draw far-reaching conclusions as to when a specific rule has been applied or proposed for the first time. Lariviere (1997, p. 109) summarises his thoughtful discussion of the *dharmaśāstra*'s status by saying 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.”

Related to the *rājadharmā* texts, an author with the name Kauṭilya has written a manual on kingship. This textbook is known as the *Arthaśāstra*, i.e., teaching (*śāstra*) on *artha* (“purpose, wealth, power”). *Arthaśāstra* can be translated as “teachings on political economy”. Putting dates and authors on Sanskrit texts is notoriously difficult. In the case of the *Arthaśāstra*, these aspects are historically relevant because the (mostly) Indian viewpoint has been the following: Kauṭilya was a chief minister, serving and helping the first Mauryan king Candragupta to gain power in the 4th c. BCE, presumably in Punjab. If that were so, the *Arthaśāstra* might constitute a major source of information on the political life of this important royal family. After all, Candragupta’s grandson was Aśoka, the famous king who conquered most of the sub-continent (excluding the southernmost parts) and who supported Buddhism during its

58 I use *dharma* texts where one may differentiate between *dharmaśūtras* (typically with short aphorisms) and *dharmaśāstras* (which tend to be more explicit). The dating follows Olivelle (2000, 2005, 2017, 2019b), Olivelle & Davis, Jr. (2020), Brick (2015, p. 8), and Davis, Jr. & Brick (2018, p. 42).

early stages.⁵⁹ Note, however, the ongoing debate on whether Kauṭilya's Arthaśāstra should be seen as a historical document (telling us a lot about actual diplomacy, spying, taxing, etc.), or rather as a teaching manual on statecraft. Relying on Olivelle (2013, pp. 25–38) and McClish (2019, pp. 39–47, 150–152), the current author assumes that the Mauryan connection is spurious and that the Arthaśāstra was written sometime between 100 BCE and 125 CE.

The king and his ways of ruling a kingdom are covered in many Old Indian texts. In this book, the focus is on *rājadharma* texts and on the Arthaśāstra. A few times, the Nīṭisāra by Kāmandaki (5th to 8th c. CE, KNS)⁶⁰ is cited. There is, however, no reason to belittle other sources on Old Indian statecraft, such as the epic Mahābhārata, Buddhist or Jain literature, or even the Vedas. See Sharma (2005b, pp. 15–30) for a discussion of the relevant literature. For an in-depth treatment of state and society according to post-Vedic and preclassical texts, see also Rau (1957).

The achievement of worldly aims (*artha*) was also the content matter of the fable collections Pañcatantra (around 300 CE)⁶¹ and Hitopadeśa (end of 1st c. CE)⁶². Among other matters, readers are told how to win friends, how to sow mistrust between friends, how to cheat others, and how to avoid being cheated.

(3) *Dānadharma* texts

A particular focus of this book concerns the “Brahmanical Theories of the Gift”, citing the title of Brick's (2015) critical edition and translation of the Dānakāṇḍa (LDK) of Lakṣmīdhara's *nibandha* (“anthology”) Kṛtyakalpataru⁶³. Buddhist theories take a back seat, but are still covered extensively. I make heavy use of the Upāsakajanālikā by Ānanda, who seems to have lived in the 12th c. CE.⁶⁴

C *Mīmāṃsā* concepts

This section is concerned with relevant *mīmāṃsā* concepts. *Mīmāṃsā* is one of the six traditional philosophical systems. It is mainly concerned with (but surely goes beyond) explaining the meaning of words and sentences used in Vedic rituals. While *dharma* is not a central Vedic term,⁶⁵ the *Mīmāṃsā* triad of *nitya-naimittika-kāmya* and the

59 See Singh (2009, pp. 322–333), who counts the Arthaśāstra among the major sources for the Mauryan period with some hesitation.

60 See Knutson (2021, p. vii).

61 See Olivelle (2006b, p. 21).

62 See Törzsök (2007, p. 27).

63 See Brick (2015, pp. 3–21) for more information on the 12th century Dānakāṇḍa.

64 See Saddhatissa (1965, pp. 28–45, in particular p. 43).

65 See Olivelle (2006a).

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Mīmāṃsā concept of *adr̥ṣṭārtha* are most relevant for the purposes of this book. With respect to the triad, Brick (2015, p. 36) explains:

- ⟨9⟩ The fundamental goal of all Mīmāṃsā, much like Dharmaśāstra, is the analysis of *dharma*, which essentially means the analysis of those scriptural injunctions and prohibitions regulating human behavior, through obeying which one secures merit and desirable rebirth. Within Mīmāṃsā, therefore, *dharma* is inherently soteriological. Moreover, Mīmāṃsā classifies every dharmic action as *nitya* (“routine”), *naimittika* (“occasionally”), or *kāmya* (“optional”). A *nitya* action is obligatory and must be performed routinely, independent of any irregular events. [...] A *naimittika* action, by contrast, is obligatory, but must be performed only on special occasions or in response to certain irregular events. [...] A *kāmya* action is entirely optional and needs only be performed if a person desires its specific outcome, such as the birth of a son.

See the above quotations ⟨7⟩ and ⟨8⟩ where offering sacrifices or donating gifts should be seen as *nityam*, i.e., “as a matter of routine obligation”.

Dharmic givings should be performed without a visible purpose, as again explained by Brick (2015, p. 36):

- ⟨10⟩ Mīmāṃsā [...] stipulates that in order to qualify as *dharma*, an action must be *adr̥ṣṭārtha*, [...] “without visible purpose.” This important term and concept essentially indicates that acts to which one can ascribe apparent or worldly motives—even if scripture enjoins them—do not constitute *dharma* or result in soteriological benefits. In other words, for the Mīmāṃsā and Dharmaśāstra traditions, worldly and otherworldly rewards are—at least in theory—mutually exclusive.

Inversely, *artha* refers to visible purposes in the sense of wealth and power.⁶⁶ There exists a second, important difference between *arthaśāstra* and *dharmaśāstra*: the former gives advice (to be followed by the wise), the latter sets down obligatory rules (to be obeyed by the dutiful).⁶⁷

In most premodern philosophical texts, otherworldly benefits rank high above thisworldly ones. This would certainly be true for the six standard (or orthodox) philosophical systems (which are traditionally arranged in three groups, with two systems in each of them): Nyāya and Vaiśeṣika, Sāṅkhya and Yoga, Mīmāṃsā and Vedānta. Among the non-orthodox systems, one counts Buddhism, Jainism, and Lokāyata⁶⁸ (also named Cārvāka philosophy). While neither Buddhism nor Jainism are focused on this-worldly benefits, Lokāyata is described as

66 See Aiyangar (1943, pp. ix–x). A second, unrelated *dr̥ṣṭa-adr̥ṣṭa* opposition is explained by the Nyāya-bhāṣya commentator Uddyotakara (UNBV 2.3): *dr̥ṣṭam sukham adr̥ṣṭam ahitanivṛttiḥ* (“advantageous matters are seen, the cessation of unadvantageous ones are unseen”).

67 See Aiyangar (1943, pp. ix–x).

68 Gokhale (2015, p. 12) suggest that Lokāyata might mean “limited by the belief that this is the only world” or “limited by this-worldly approach”.

- atheistic (*nāstika*, i.e. (god) does not exist),
- non-Vedic (the authority of the Vedas is called into question),
- materialist (the existence of *ātman* (“soul”) or *paraloka* (“afterworld”) is denied), and
- hedonistic.

Consider the third and fourth bullet points. It is quite clear that Lokāyata rejects the unseen fruit important for *dharmic* acts. The specific kind of hedonism which might be involved has been discussed in quite some detail by Gokhale (2015, pp. 158–169).

D The four ages

Old Indian cosmology (here according to Manu) is based on the idea of an eternal cycle of what are called “Ages of the gods” (*devānām yugam*).⁶⁹ Within each of these, four ages (*yugas*) occur in turn:

- ⟨11⟩ The Kṛta Age is said to last 4,000 years. It is preceded by a twilight lasting 400 years and followed by a twilight of the same length. For each of the three subsequent Ages, as also for the twilights that precede and follow them, the first number of the thousands and the hundreds is progressively diminished by one. These four Ages, computed at the very beginning as lasting 12,000 years, are said to constitute a single Age of the gods. The sum total of 1,000 divine Ages should be regarded as a single day of Brahmā, and his night as having the very same duration.⁷⁰

Thus, the 12,000 years⁷¹ are the sum of

$$\begin{aligned}
 &4.000 + 2 \cdot 400 \text{ (Kṛta Age)} \\
 &+3.000 + 2 \cdot 300 \text{ (Tretā Age)} \\
 &+2.000 + 2 \cdot 200 \text{ (Dvāpara Age)} \\
 &+1.000 + 2 \cdot 100 \text{ (Kali Age)}
 \end{aligned}$$

The names of the Ages are drawn from the following Manu citation where, apparently, the moral and other states of affairs gradually deteriorate:

- ⟨12⟩ *catuṣpāt sakalo dharmah satyaṃ caiva kṛte yuge |*
nādharmenāgamah kaścīn manuṣyān upavartate ||
itareṣv āgamād dharmah pādāśas tv avaropitaḥ |
caurikānṛtamāyābhir dharmas cāpaiti pādāśaḥ ||

⁶⁹ MDh 1.71, translation by Olivelle (2005)

⁷⁰ MDh 1.69–72, translation by Olivelle (2005)

⁷¹ There is no need to address the question of whether these numbers are human years or divine years. In the latter case, the numbers would have to be multiplied by 360 in order to arrive at human years. See the discussion by Bronkhorst (2016, pp. 10–17).

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arogāḥ sarvasiddhārthās caturvarṣasatāyusaḥ |
kṛte tretādiṣu tveṣām vayo hrasati pādaśaḥ ||
[...]
anye kṛtayuge dharmās tretāyām dvāpare 'pare |
anye kaliyuge nṛṇām yugahrāsānurūpataḥ ||
tapaḥ paraṃ kṛtayuge tretāyām jñānam ucyate |
*dvāpare yajñam evāhur dānam ekaṃ kalau yuge ||*⁷²

In the Kṛta Age, the Law is whole, possessing all four feet; and so is truth. People never acquire any property through unlawful means. By acquiring such property, however, the Law is stripped of one foot in each of the subsequent Ages; through theft, falsehood, and fraud, the Law disappears a foot at a time. In the Kṛta Age, people are free from sickness, succeed in all their pursuits, and have a life span of 400 years. In the Tretā and each of the subsequent Ages, however, their life span is shortened by a quarter. [...] There is one set of Laws for men in the Kṛta Age, another in the Tretā, still another in the Dvāpara, and a different set in the Kali, in keeping with the progressive shortening taking place in each Age. Ascetic toil, they say, is supreme in the Kṛta Age; knowledge in the Tretā; sacrifice in Dvāpara; and gift-giving alone in Kali.⁷³

Interestingly, gift-giving is a characteristic of the worst *yuga*, the present Age from the writers' point of view.

E The four classes

(1) Origin and hierarchy

In premodern India, priests were recruited from the first class or first *varṇa*. The *puruṣa* hymn from the Ṛgveda (second half of second millennium BCE)⁷⁴ is especially famous:

<13> *yāt puruṣam vyādadhuh katidhā vyākālpayan |*
múkhaṃ kím asya kaú bāhú ká ūrú pādā ucyete ||
brāhmaṇò 'sya múkham āsīd bāhú rājanyāḥ kṛtāḥ |
*ūrú tād asya yād vaiśyaḥ padbhyām súdró ajāyata ||*⁷⁵

When they apportioned the Man, into how many parts did they arrange him?
What was his mouth? What his two arms? What are said to be his two thighs,
his two feet?

72 MDh 1.81–83, 85–86

73 Olivelle (2005)

74 Jamison & Brereton (2014, p. 5)

75 RgV 10.90.11–12

The brahmin was his mouth. The ruler was made his two arms. As to his thighs—that is what the freeman was. From his two feet the servant was born.⁷⁶

In Sanskrit, these four classes are called *brāhmaṇa* (Brahmin), *rājanya* (ruler), *vaiśya* (freeman), and *śūdra* (servant) in the Ṛgveda. Within a passage on creation, the Mānava Dharmasāstra (mid-second century CE) echoes the Ṛgveda, but employs the word *kṣatriya* for the second class.⁷⁷ In classical times, the three higher classes came under the heading of *dvija* (twice-born).

The rank order⁷⁸ hinted at in the Ṛgveda is elaborated in a different manner by Manu:

⟨14⟩ *bhūtānāṃ prāṇinaḥ śreṣṭhāḥ prāṇināṃ buddhijīvinaḥ |
buddhimatsu narāḥ śreṣṭhā nareṣu brāhmaṇāḥ smṛtāḥ ||
brāhmaṇeṣu ca vidvāṃso vidvatsu kṛtabuddhayaḥ |
kṛtabuddhiṣu kartāraḥ kartṛṣu brahmavādinaḥ ||*⁷⁹

Among creatures, living beings are the best; among living beings, those who subsist by intelligence⁸⁰; among those who subsist by intelligence, human beings; and among human beings, Brahmins—so the tradition declares. Among Brahmins, the learned are the best; among the learned, those who have made the resolve⁸¹; among those who have made the resolve, the doers; and among doers, the Vedic savants.⁸²

Apparently, the conflict between spiritual and worldly power, between Brahmins and the king as the foremost *kṣatriya*, goes back to Vedic times. As Trautmann (1981, p. 285) famously observes: “The conundrum may be formulated thus: in respect to the king, is the brahmin his superior or his dependent? The question is addressed in every age [...]”

(2) Occupations

In order to get some concrete ideas as to how the four classes differ in society, see, for example, Āpastamba’s assignment of classes to occupations:

⟨15⟩ *svakarma brāhmaṇasyādhyayanam adhyāpanam yajño yājanam dānam prati-
grahaṇam dāyādyaṃ śiloṅchaḥ | anyac cāparigrhītam | etāny eva kṣatriyasya-*

76 Jamison & Brereton (2014)

77 MDh 1.31

78 Taking the Indian case as a starting point, Dumont (1980) analyses hierarchy and considers man as “homo hierarchicus”. See, in particular, Dumont (1980, pp. 65–91).

79 MDh 1.96–97

80 According to Olivelle (2005, p. 242), “higher animals, such as dogs and jackals, who know to take shelter when it rains and to go after food and water” are meant.

81 See Olivelle (2005, p. 242).

82 Olivelle (2005)

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dhyāpanayājanapratigrahaṇānīti parihāpya daṇḍayuddhādihikāni | kṣatriyavad vaiśyasya daṇḍayuddhavarjaṃ kṛṣigorakṣyavāñijyādhikam |⁸³

The occupations specific to a Brahmin are

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

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

- <i> teaching,
- <j> officiating at sacrifices, and
- <k> receiving gifts,

and the addition of

- <l> meting out punishment and warfare.

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

- <m> meting out punishment and warfare,

and the addition of

- <n> agriculture, cattle herding, and trade.⁸⁴

A Brahmin's occupation listed as <a> through <f> is also mentioned by Manu (MDh 10.75). Rocher (1975, p. 142) observes that they form three pairs (in Manu's words):

- *adhyayana* versus *adhyāpana*
- *yajana* versus *yājana*
- *dāna* versus *pratigraha*

The former items in these three pairs are activities that Brahmins might engage in for themselves, whereas the latter items are causatives ("make someone else perform the activity"). Formally, *pratigraha* is not a causative, but basically means the same as the causative *dāpana* (Rocher (1975, p. 143)).

Since MDh 10.76 reckons these latter items as *jīvikā* ("means of living"), one can even understand them in an exhortative manner: The three highest social classes are expected to

- study the Vedas with the help of Brahmins who obtain a *dakṣiṇā* in return,

⁸³ ĀpDh 2.10.4–7. Similarly elsewhere, for example KAS 1.3.5–7.

⁸⁴ Olivelle (2000), where the markers <a> etc. are added by the current author

- perform sacrifices, again against a *dakṣiṇā* payable to the officiating Brahmin priest, and
- present gifts to Brahmins.

Apparently, the Brahmins are the only social class with this particular livelihood triad. *Kṣatriyas* are not expected to teach (<i> =), to officiate at sacrifices (<j> = <d>), or to receive gifts (<k> = <f>). Nor are the *vaiśyas*, for whom some texts mention *kusīda* (“lending money on interest”)⁸⁵ as a fourth occupation beyond agriculture, cattle herding, and trade.

For *śūdras*, Manu prescribes:⁸⁶

⟨16⟩ *ekam eva tu śūdrasya prabhuh karma samādiśat |
eteṣām eva varṇāṇām śusrūṣām anasūyayā* ||⁸⁷

A single activity did the Lord allot to the Śūdra, however: the ungrudging service of those very social classes [i.e., those three highest classes mentioned in MDh 1.88–90, HW].⁸⁸

As Rocher (1975, p. 142) points out, *śūdras* are excluded from the obligations <a>, <c>, and <e>, but also from the corresponding invisible benefits (see ⟨10⟩).

(3) Obtaining and disposing of wealth

The kinds of wealth that different classes can acquire according to Nārada are (some-what) in line with the aforementioned occupations:

⟨17⟩ *vaiśeṣikaṃ dhanam jñeyam brāhmaṇasya trilakṣaṇam |
pratigraheṇa yal labdham yājyataḥ śiṣyatas tathā ||
trividham kṣatriyasyāpi prāhur vaiśeṣikaṃ dhanam |
yuddhopalabdham kāraś ca daṇḍaś ca vyavahārataḥ ||
vaiśeṣikaṃ dhanam jñeyam vaiśyasyāpi trilakṣaṇam |
kṛṣigorakṣavāṇijyaiḥ śūdrasyaibhyas tv anugrahāt* ||⁸⁹

There are three kinds of wealth particular to a brāhmaṇa: that which is obtained by acceptance of gifts, from sacrificers, and from students. There are three kinds of wealth particular to a kṣatriya: that acquired in wars, royal revenues, and fines from court cases. There are three kinds of wealth particular to a vaiśya: agriculture, animal husbandry, and commerce. A śūdra’s wealth comes from whatever the three higher classes are willing to give him.⁹⁰

⁸⁵ Similar in GDh 10.49, VaDh 2.19, MDh 1.90, ViDh 2.13, and YSm 1.118.

⁸⁶ Similar quotations are easily found. For example, without *anasūyayā śusrūṣā* in ViDh 2.8 or *paricaryā* (“service”) rather than *śusrūṣā* in GDh 10.56, BauDh 1.18.5, or VaDh 2.20.

⁸⁷ MDh 1.91

⁸⁸ Olivelle (2005)

⁸⁹ NSmV 1.48–50

⁹⁰ Lariviere (2003)

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Earnings and wealth for the four social classes are described in <15>–<17>. Importantly, what is earned by normal economic means should ultimately be given to deserving agents:

<18> *alabdham arthaṃ lipseta labdham rakṣed avekṣayā |
rakṣitaṃ vardhayen nityaṃ vṛddhaṃ pātreṣu nikṣipet ||*⁹¹

Money—

If you don't have it, try hard to earn it! When you have earned it, you should guard it well! And as you guard it, always make it grow! When it has grown, give it to worthy men.⁹²

Only the *kṣatriya* class may use violence. See Manu:

<19> *alabdham caiva lipseta labdham rakṣet prayatnataḥ |
rakṣitaṃ vardhayec caiva vṛddhaṃ pātreṣu nikṣipet ||
etac caturvidhaṃ vidyāt puruṣārthaprayojanam |
asya nityam anuṣṭhānaṃ samyak kuryād atandritaḥ ||
alabdham icched daṇḍena labdham rakṣed avekṣayā |
rakṣitaṃ vardhayed vṛddhyā vṛddhaṃ dānena nikṣipet ||*⁹³

The king should seek to acquire what he has not acquired, preserve diligently what he has acquired, augment what he has preserved, and distribute what he has augmented on worthy recipients. These he should recognize as the four means of securing the goals of man; and he should execute them properly and tirelessly every day. What he has not acquired, he should seek to acquire with military force; what he has acquired, he should preserve with vigilance; what he has preserved, he should augment through profitable investments; and what he has augmented, he should distribute through gifts.⁹⁴

The “means of securing the goals of man” are covered in section A. KĀŚ 1.4.3 is somewhat similar. There, the “worthy recipient”⁹⁵ is called a *tīrtha*. Importantly, this concept of worthy recipients is central to the Brahmanical theory of the gift. Noting the rather similar verses present in the Pañcatantra (<18>), Olivelle (2005, p. 297) remarks that MDh 7.99 has “the hallmarks of a proverbial saying”.

91 PT 1.6

92 Olivelle (2006b)

93 MDh 7.99–101

94 Olivelle (2005)

95 Olivelle (2013)

F The *āśrama* system

(1) The early period

Olivelle (1993) is a ground-breaking book on the *āśrama* system. He summarises the original meaning of *āśrama* in the following way:⁹⁶

- (1) It referred to the place and by extension the life of exceptional Brahmins.
- (2) The life of these Brahmins centered around the maintenance of and the offering of oblations in the sacred fire. They are also depicted as performing *tapas* (“austerities”) [...].
- (3) Brahmins were married and had children. The presence of a wife [...] is absolutely necessary for the performance of the fire sacrifice.
- (4) They lived apart from normal society, even though it is not altogether certain whether the *āśramas* were always located in the wilderness.

Olivelle distinguishes between the “early period” and the classical one. In both *āśrama* theories, a male Brahmin would typically study the *Vedas* in a *guru*’s house.⁹⁷ In the early period, he would then have the choice of taking up one and only one *āśrama* for the rest of his life: householder, forest hermit, or renouncer. Gautama hints at this theory with the following words:

⟨20⟩ *tasyāśramavikalpam eke bruvate |
brahmacārī gr̥hastho bhikṣur vaikhānasaḥ |
teṣāṃ gr̥hastho yonir aprajanatvād itareṣāṃ* |⁹⁸

He has a choice, some assert, among the orders of life: student, householder, mendicant, or anchorite. The householder is their source, because the others do not produce offspring.⁹⁹

As shown by Olivelle (1993, pp. 83–86), Gautama ultimately comes out against the option (*vikalpa*) theory by pointing to the authority of the *Vedas* in this matter. In fact, Gautama states that “a householder’s state alone is prescribed”.¹⁰⁰

(2) The classical period

In the classical period, the *āśrama* system envisions the following four life stages: studying, acting as a householder with wife and children, becoming a hermit and then

⁹⁶ Taken verbatim from Olivelle (1993, p. 24)

⁹⁷ From a variety of Vedic and post-Vedic sources, Lubin (2018b) looks at the requirements for living a student’s life, while Lubin (2018c) is concerned with the student/householder after graduation.

⁹⁸ GDh 3.1–3

⁹⁹ Olivelle (2000)

¹⁰⁰ GDh 3.36, Olivelle (2000)

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a renouncer, in that order. The following quote by Yājñavalkya clearly refers to the classical formulation:

- ⟨21⟩ *grhād vanād vā kṛtveṣṭiṃ sarvavedasadakṣiṇām |*
prājāpatyāṃ tadante tān agnīn āropyā cātmani ||
adhītavedo japakṛt putravān annado ḡnimān |
*śaktyā ca yajñakṛṇ mokṣe manaḥ kuryāt tu nānyathā ||*¹⁰¹

From either home or forest—after making a sacrifice to Prajapati at which all his possessions are given as sacrificial gifts and at its conclusion depositing the fires in his self;

after studying the Veda, engaging in soft recitation, begetting sons, donating food, maintaining the sacred fires, and performing sacrifices according to his ability—he should set his mind on renunciation, not otherwise.¹⁰²

Or consider Manu:

- ⟨22⟩ *vedān adhītya vedau vā vedaṃ vāpi yathākramam |*
*aviplutabrahmacaryo grhasthāśramam āvaset ||*¹⁰³

After he has learnt in the proper order the three Vedas or two of them, or at least one, without violating his chastity, he should undertake the householder's order of life.¹⁰⁴

The ethics of the triple debts supplies an argument for fulfilling the obligations of studentship and marriage before a man might consider becoming a renouncer:

- ⟨23⟩ *ṛṇāni trīṇy apākṛtya mano mokṣe niveśayet |*
anapākṛtya mokṣaṃ tu sevamāno vrajaty adhaḥ ||
adhītya vidhivad vedān putrāṃś cotpādya dharmataḥ |
iṣṭvā ca śaktito yajñair mano mokṣe niveśayet ||
anadhītya dvijo vedān anutpādya tathātmajān |
*aniṣṭvā caiva yajñaiś ca mokṣaṃ icchan vrajaty adhaḥ ||*¹⁰⁵

Only after he has paid his three debts, should a man set his mind on renunciation; if he devotes himself to renunciation without paying them, he will proceed downward. Only after he has studied the Vedas according to rule, fathered sons in keeping with the Law, and offered sacrifices according to his ability, should a man set his mind on renunciation; if a twice-born seeks renunciation without studying the Vedas, without fathering sons, and without offering sacrifices, he will proceed downward.¹⁰⁶

101 YSm 3.56–57

102 Olivelle (2019b)

103 MDh 3.2

104 Olivelle (2005)

105 MDh 6.35–37

106 Olivelle (2005)

Here, the ethics of the three debts to the seers (studying the Vedas), to one's forefathers (fathering a son), and to the gods (offering sacrifices) is clearly visible.

G Grounds for litigation

Classical India could boast of an extensive and sophisticated legal literature. Manu enumerates 18 grounds for litigation:

<24> *teṣām ādyaṃ ṛṇādānaṃ niḥṣepo 'svāmivikrayaḥ |
sambhūya ca samutthānaṃ dattasyānapakarma ca ||
vetanasyaiva cādānaṃ saṃvidaś ca vyatikramaḥ |
krayavikrayānuśayo vivādaḥ svāmipālayoḥ ||
sīmāvivādadharmāś ca pāruṣye daṇḍavācike |
steyaṃ ca sāhasaṃ caiva strīsamgrahaṇam eva ca ||
strīpuṃdharmo vibhāgaś ca dyūtam āhvaya eva ca |
padāny aṣṭādaśaitāni vyavahārasthitāv iha ||¹⁰⁷*

Of these,

- <a> the first is non-payment of debts;
- deposits;
- <c> sale without ownership;
- <d> partnerships;
- <e> non-delivery of gifts;
- <f> non-payment of wages;
- <g> breach of contract;
- <h> cancellation of a sale or purchase;
- <i> disputes between owners and herdsmen;
- <j> the Law on boundary disputes;
- <k> verbal assault;
- <l> physical assault;
- <m> theft;
- <n> violence;
- <o> sexual crimes against women;
- <p> Law concerning husband and wife;
- <q> partition of inheritance; and
- <r> gambling and betting.

These are the eighteen grounds on which litigation may be instituted in this world.¹⁰⁸

107 MDh 8.4–7

108 Olivelle (2005), where the markers <a> etc. replace the (i) etc. markers set by the translator

Generally speaking, contracts had to be fulfilled. In case of norm conflicts, the following rule (from Nārada) is evoked:

⟨25⟩ *kriyāṇādiṣu sarveṣu balavatyaḥ uttarottarā |
pratigrahādhikrīteṣu pūrvā pūrvā garīyasī ||*¹⁰⁹

In all matters such as debt, etc. the last action is more binding than any preceding one. In the case of gifts, deposits, or purchases, the first action is more binding than any later one.¹¹⁰

Lariviere (2003, p. 301) explains: “The point of this verse is that the status of transactions which fall under the eighteen titles of law is determined by the last event in the sequence of the transaction. That is, the repayment of a loan (which, obviously, comes after the making of the loan in the first place) is the binding act since it eliminates the original debt. Exceptions to this are matters such as gifts, deposits, or purchases, where the first person to have accepted a gift, or to have accepted a deposit, or to have made a purchase is the one who has the claim to that item.”

H Property, giving, sacrificing, and gifting

This last section is concerned with basic definitions from *dharma*, *mīmāṃsā*, and *navyanāyā* literatures. “Giving” means the “transferral of ownership” of some “property” or “ownership” (*svatva*) by a “giver” to some “receiver”.¹¹¹ This is in line with the Mitākṣarā commentary (YSmM) on the Yājñavalkya Smṛti (YSm), where *dāna* is glossed as

⟨26⟩ *svasvatvanivṛttiḥ parasvatvāpādanaḥ ca dānaḥ*¹¹²

giving is the cessation of one’s own ownership and the production of another’s ownership.¹¹³

Immediately following is the explanation of *parasvatvāpādana*:

⟨27⟩ *parasvatvāpādanaḥ ca paro yadi svīkaroti tadā saṃpadyate nānyathā | svīkāraś
ca trividhaḥ | mānaso vācikaḥ kāyikaś ceti | tatra mānaso mamedam iti saṃkal-
parūpaḥ |*¹¹⁴

And the production of another’s ownership occurs if that other person appropriates [the object in question], not otherwise. Appropriation comes in three forms: mental, verbal, or bodily. There “mental” has the form of intention expressed by “this is mine”.

109 NSmV 1.85. A similar verse is YSm 2.23.

110 Lariviere (2003)

111 See, for a broad discussion, Davis, Jr. (2010, chapter 4).

112 YSmM 2.27

113 After Brick (2015, p. 32), who has “gifting”, not “giving”

114 YSmM 2.27

In late Navyanyāya one finds similar quotations with immediate legal and economic relevance. For example, a 17th century anonymous logician/jurist¹¹⁵ explains:

⟨28⟩ *tatra svatvaṃ prati kvacit krayaṇasya kvacit pratigrahasya kvacit pūrvādhi-kāriṇaḥ maraṇasannyāsagrahaṇapātityānāṃ kvacit tyaktavastūpādānasya ca hetutvam*¹¹⁶

The causes of Property are (i) purchase, (ii) acceptance, (iii) the predecessor's death, his embracing the order of ascetics, or his 'fall', and (iv) finding an abandoned object.¹¹⁷

These quotations clearly mention some of the most relevant forms of giving and taking addressed in this book.

Property is here explained or justified by the rightful acquisition of property that belongs to a prepossessor.¹¹⁸ The above quotation seems to build on the eminent navyanaiyāyika Raghunātha Śiromaṇi, who lived around the period 1475–1550 CE¹¹⁹. In his *Padārthatattva Nirūpaṇa*, he suggests to do away with most of the traditional Nyāya-Vaiśeṣika categories (*padārtha*) and proposes new ones, among them *svatva* (property).¹²⁰ Thus, Raghunātha stands for a legal/social turn within the traditionally metaphysical Nyāya-Vaiśeṣika philosophy. Raghunātha writes:

⟨29⟩ *tac ca pratigrahopādānakrayaṇapitrādīmaraṇair janyate dānādibhiḥ ca nāś-yate* |¹²¹

And that [*svatva*, HW] is produced by receiving, by taking, by buying, by [inheriting] when [one's] father or others [other relatives] die, while it is destroyed by gifting and so forth.¹²²

Receiving (*pratigraha*) and gifting (*dāna*) are correlates. Consequently, "and so forth" refers to the correlates of taking, buying, and inheriting.

Remember the concept of an "unseen effect" or "unseen purpose" explained in section III.C. With this in mind, we can look at two quotations drawn from the *mīmāṃsā* text *Mīmāṃsānyāyasaṃgraha*¹²³. The first one provides three definitions:

115 See Derrett (1976a, pp. 336–337) who provisionally dates the *Svatva Vicāra* (SV) "about 1600-10". See also Derrett (1976c, pp. 358–359).

116 SV 2

117 Derrett (1976a, p. 345)

118 The question of whether theft might bring about possession is also discussed, for example in SV 3. In any case, the term of "rightful acquisition" should lead to a problem of infinite regress, which need not concern us here.

119 See Ingalls (1951, pp. 9–20).

120 Abolishing most of the old categories is the subject-matter of RPTN 1.3–60.4, the arguments in favour of the new category *svatva* is found in RPTN 62.1–64.2, and the other new categories are defended in RPTN 64.2–78.1.

121 RPTN 63.4–64.2

122 After Potter (1957)

123 This *mīmāṃsā* compendium has been edited and translated by Benson (2010). It dates from the end of the 17th century (see Benson (2010, p. 16)).

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⟨30⟩ *yāghomadānavidhibhir devatoddeśapūrvakadravyatyāgatatpūrvakaprakṣepa-
parasvatvaphalakadravyatyāgā anuṣṭhāpyante*¹²⁴

Injunctions which teach the actions of sacrifice (*yāga*), offering (*homa*), and giving (*dāna*) bring about (respectively) the action of giving up a substance preceded by a reference to a deity, the action of casting (the substance into the fire etc.), preceded by this, and the action of giving up a substance which results in another's ownership.¹²⁵

Thus, *yāga* means “referring to a deity” and “giving up a substance”, *homa* is “referring to a deity”, “giving up a substance”, and “casting into fire”, while *dāna* is defined as “giving up a substance” so that “another's ownership” comes about. One might surmise that *dāna* is meant as *dharmadāna* here, but the immediate context does not provide a clue. See, however, the following quotation ⟨31⟩ in the same compendium, where only *dharmadāna* can be meant.

Here, the question of whether a *dakṣiṇā* for officiating priests is to be considered a wage or a dharmic gift is discussed (and will be reconsidered later in section XVII.D):

⟨31⟩ *ṛtvigbhyo dakṣiṇāṃ dadāti śrutaṃ dakṣiṇādānam adṛṣṭārtham, adṛṣṭārtha
eva hiraṇyādīdāne dānavyavahārāt, bhṛtitve karmānurūpyeṇa dānāpattiyā 'lpe
traidhātaviye sahasradānasya, mahaty ṛtapeye somacamasadānasya cānupa-
patteḥ, dvādaśaśatādīnīyamāt, mantravattvāc ca.*

na.

*drṣṭārthatvāyānater eva prayojanatvāt, bhṛtir deyeti bhṛtāv api dānavyavahārāt,
parimāṇamantrāder niyamādrṣṭārthatvāt [...].*¹²⁶

The gift of the sacrificial fee (*dakṣiṇā*), which is taught in the statement, “He (i.e., the sacrificer) gives (*dadāti*) the fee to the priests”, is for the sake of an unseen effect, because the word “*dāna*” (gift, the action of giving) is used for the gift of gold etc., which is just for the sake of an unseen effect; because if it were wages, the gift should be in conformity with the task, and therefore the gift of a thousand (cows) for the small *traidhātaviya* rite and the gift of the *soma* cup for the large *ṛtapeya* rite would be inappropriate; because it (i.e., the fee) is restricted to one hundred and twelve (cows) etc.; and because it is accompanied by *mantras*. No;

because only the action of hiring (the priests) is a purpose which leads to the condition of (the fee) having a visible effect; because the word “*dāna*” is also used for giving wages, as in the statement, “The wages should be given (*deya*)”; because the size (of the fee) and the *mantras* etc. are for the sake of the unseen effect produced by a restriction; [...].¹²⁷

124 MNS 4.2.10

125 Benson (2010)

126 MNS 10.2.8

127 Benson (2010)

Before commenting on this passage, the terms *pūrvapakṣa* and *uttarapakṣa* need to be explained. The former refers to an opponent’s view, while the latter is the author’s own view. The author would typically contradict the opponent, often with the word *na* (no). In the present passage, the *pūrvapakṣa* (up to *na*) argues that a *dakṣiṇā* has an “unseen effect”, by analogy with dharmic gifts that also produce unseen effects. One of the arguments for this analogy rests on the idea that tasks and payments should be somewhat in line. The *uttarapakṣa* (following *na*) contradicts this and sees the *dakṣiṇā* as just a *bhṛti* (wage). Presumably, the visible effect consists of the priests doing their ritual work. The unseen effect that might be brought about by dharmic giving depends on “restrictions”, among them *śraddhā* and *śakti* being properly employed.

I now turn to the similarities between sacrificing and dharmic giving. The locus classicus is the Śatapatha Brāhmaṇa:

⟨32⟩ *dvayā vvaī devā devāḥ | āhaivā devā ātha yé brāhmaṇāḥ śusruvāṃso ’nūcānās té manuṣyadevās téśāṃ dvedhā vvbhaktā evā yajña āhutaya evā devānāṃ dākṣiṇā manuṣyadevānāṃ brāhmaṇānāṃ śusruvúśāṃ anūcānānāṃ āhutibhir evā devān prīṇāti dākṣiṇābhir manuṣyadevān brāhmaṇāṃ chuśruvúšo ’nūcānāṃś tá enam ubháye devāḥ prītāḥ sudhāyāṃ dadhati ||*¹²⁸

Verily, there are two kinds of gods: for, indeed, the gods are the gods; and the Brāhmans who have studied and teach sacred lore are the human gods. The sacrifice of these is divided into two kinds: oblations constitute the sacrifice to the gods; and gifts to the priests that to the human gods, to the Brāhmans who have studied and teach sacred lore. With oblations one gratifies the gods, and with gifts to the priests the human gods, the Brāhmans who have studied and teach sacred lore. Both these kinds of gods, when gratified, place him in a state of bliss.¹²⁹

Sometimes, offering and gifting are considered to lie on an equal plane, as in Manu:

⟨33⟩ *śraddhayeṣṭaṃ ca pūrtaṃ ca nityaṃ kuryāt prayatnataḥ | śraddhākṛte hy akṣaye te bhavataḥ svāgatair dhanaiḥ ||*¹³⁰

One should as a matter of routine obligation painstakingly offer sacrifices and donate gifts with a spirit of generosity, for these two things, when performed with a spirit of generosity and with well-acquired wealth, become imperishable.¹³¹

When sacrifices are given to gods, the natural question arises of whether these gods obtain “property”. With respect to temples, Slaje (2019, pp. 25–26) observes that deities were considered “owners of the temple and its property in a legal sense”. He points to *surārtha* (“property of the deity”) in KRT 7.1089.

128 ŚB 2.2.2.6

129 Eggeling (1882–1890)

130 LDK 1.39

131 Brick (2015)