

VI *Dharmadāna* (Brahmanical theories of the gift)

A main topic of this book is dharmic giving. The Indian perspectives are presented here quite extensively. Chapter XIX is the corresponding etic chapter.

A Causes, bases, components, etc. of giving

Generally, giving gifts was high on Old India's moral agenda. For example, the law text ascribed to Yājñavalkya stipulates:

⟨88⟩ *ahiṃsā satyam asteyaṃ śaucam indriyaśamyaṃ |
damaḥ kṣamārjavaṃ dānaṃ sarveṣāṃ dharmasādhanam* ||²⁹¹

Abstention from injuring, truthfulness, refraining from theft, purification, restraining the organs, self-control, forbearance, honesty, and giving gifts—these are the means of fulfilling dharma for everybody.²⁹²

In contrast to other rules, this one is very general in not referring to specific classes (*varṇa*), life-stages (*āśraya*), statuses (like *rājadharma*), or occasions (like penance, *prāyaścitta*).²⁹³

Hyperbolically,²⁹⁴ *dāna* is deemed to be the very essence of *dharmā*:

⟨89⟩ *deśe kāla upāyena dravyaṃ śraddhāsamanvitaiḥ |
pātre pradīyate yat tat sakalaṃ dharmalakṣaṇam* ||²⁹⁵

When an article is given by individuals imbued with the spirit of generosity, at a proper place and time, to a worthy recipient, and following the proper procedure—that constitutes the complete distinguishing mark of dharma.²⁹⁶

291 YSm 1.121

292 Olivelle (2019b)

293 Davis, Jr. (2010, p. 18)

294 Consult Davis, Jr. (2010, pp. 18–19) on how the commentator *Vijñāneśvara* downplays this verse's putative meaning.

295 YSm 1.6

296 Olivelle (2019b)

Indian *dharmaśāstras* organise the material of dutiful giving in different manners. In this chapter, I basically follow the structure given by Lakṣmīdhara. His *Dānakāṇḍa* structures the subject-matter as follows²⁹⁷:

- the nature of gifting (*dānasvarūpa*), with the seven items: 1. causes (*hetu*), 2. bases (*adhiṣṭhāna*), 3. components (*aṅga*), 4. effects (*vipāka*), 5. kinds (*prakāra*), 6. types (*vidha*), and 7. means of destruction (*nāśa*)²⁹⁸
- things that should and should not be given (*deyādeya*)²⁹⁹
- the definition of proper and improper recipients (*pātrāpātralakṣaṇa*)³⁰⁰
- different types of gift rituals³⁰¹, in particular
 - the great gifts (*mahādāna*) and
 - the mountain gifts (*parvatadāna*)

This structure offered in the *Dānakāṇḍa* is not fully transparent. I will follow the *dānasvarūpa* items (see the first bullet point above) with some modifications.

B The first cause: *śraddhā*

Consider the first item (cause) in the above *dānasvarūpa* enumeration. First, with respect to the two causes, consider

⟨90⟩ *nālpatvaṃ vā bahutvaṃ vā dānasyābhyudayāvaham |*
*śraddhā śaktiś ca dānānāṃ vṛddhikṣayakare hi te ||*³⁰²

Whether small or large, the size of a gift does not bring about its benefits, but rather the spirit of generosity and the means available to the donor associated with a gift—indeed, only these two things cause prosperity or ruin.³⁰³

Śraddhā is also addressed as a component (*aṅga*), the third item. In the above translation, *śraddhā* is understood as “spirit of generosity” in the realm of dutiful giving. However, this is but one of two possible meanings. The basic meaning is “faith”, also supported by Hemādri’s gloss *āstikyabuddhi*³⁰⁴. However, see Madanasimha’s gloss *phalāvaśyambhāvanīścayaḥ śraddhā* (“*śraddhā* means conviction about the certainty of rewards”)³⁰⁵.

Building on Köhler (1973), Brick (2015, pp. 56–57) explains the semantic shift from “conviction about the certainty of rewards” to “spirit of generosity” as follows: “[*Ś*]raddhā initially denotes trust, confidence, or even faith in general, but early on

297 Brick (2015, pp. vii–viii)

298 LDK 1.2, translations by Brick (2015)

299 LDK 2, translations by Brick (2015)

300 LDK 3, translations by Brick (2015)

301 LDK 4, translations by Brick (2015)

302 LDK 1.3

303 After Brick (2015), who translates *śakti* as capability here. We follow Brick’s translation of LDK 1.38.

304 HDKh 13, fifth line from bottom

305 Brick (2015, p. 55) for this translation.

comes to denote specifically trust or faith in the efficacy of prescribed ritual acts—the first meaning of the term in the *dānanibandhas*. Significantly, a person would express this specific form of trust through munificent gifts to priests and other persons. Thus, *śraddhā* soon begins to refer to a spirit of generosity or ‘joy in gifting’ (Spendefreudigkeit)—the word’s second meaning in the *dāna* literature. These two significations of the term, therefore, have the relationship of cause and effect, for trust in the efficacy of prescribed ritual acts results in a spirit of generosity. As a consequence, it is often difficult to discern in which of these two meanings the term is being used. Perhaps, in many cases *śraddhā* has both meanings, so that discerning between these two senses of the word is fundamentally misguided.”

Śraddhā in the second sense is explained as follows:

⟨91⟩ *saumukhyādyabhisamprītir arthinām darśane sadā |*
*satkṛtiś cānasūya ca tadā śraddheti kīrtyate ||*³⁰⁶

When there is excessive joy, a happy face, and the like whenever one sees petitioners, as well as hospitality and a lack of envy, then there is said to be a spirit of generosity.³⁰⁷

Brick (2015, p. 57) comments: “[...] a recipient would want a donor to be as generous as possible and not to begrudge him for accepting his offerings. Hence, he would naturally want donors to possess not only trust in the efficacy of their gifts, but also a spirit of generosity.” It seems that a quite natural way to look at *dāna* ideology is to suppose that Brahmins, as receivers, try to influence donors in specific manners, beneficial to the Brahmins themselves. This question is taken up again in section XX.C.

C The second cause: *śakti*

Śakti (covered extensively under the heading of *deyādeya*, the second bullet point) refers to the relationship between the gift given by a donor and his means:

⟨92⟩ *svakuṭumbāvirodhena deyaṃ dārasutād ṛte |*
*nānvaye sati sarvasvaṃ yac cānyasmai pratiśrutam ||*³⁰⁸

So long as it does not hurt his family, a man can give away any of his property except for his wife and his sons, [but] not the entirety of his wealth if he has descendants, nor anything he has promised to another.³⁰⁹

Thus, a donor is not allowed to give if it implies hardship for his family.

Nārada gives examples of *adeyatva* even in a “very serious calamity” (*āpatsu kaṣṭāsu*):

306 LDK 1.14

307 Brick (2015)

308 LDK 2.5

309 After Brick (2015)

⟨93⟩ *anvāhitam yācitakam ādhiḥ sādharmaṇam ca yat |
nikṣepaḥ putradāraṇam ca sarvasvaṃ cānvaye sati ||
āpatsv api hi kaṣṭāsu vartamānena dehinā |
adeyāny āhur ācāryā yac cānyasmai pratiśrutam ||*³¹⁰

The teachers say that the following should not be given away even by one who is suffering a very serious calamity: a deposit entrusted to an intermediary, a deposit for a particular purpose, a pledge, property held in common, a deposit, a son, a wife, all of one's property if there are heirs, and what has been promised to someone else.³¹¹

With respect to giving everything away despite the existence of heirs, see ⟨144⟩. In order to stick somewhat closely to the *dānasvarūpa* list, we will deal with non-*śakti* reasons for prohibiting gifts in the later section VII.F.

D Six bases (motivations) of giving

As the second item in the above *dānasvarūpa* list of section A, Devala enumerates six different bases or motivations (*adhiṣṭhāna*) for giving:

⟨94⟩ *dharmam arthaṃ ca kāmaṃ ca vṛḍāharṣabhayāni ca |
adhiṣṭhānāni dānānāṃ ṣaḍ etāni pracakṣate ||
pātrebhyo dīyate nityam anapekṣya prayojanam |
kevalam tyāgabuddhyā yad dharmadānaṃ tad ucyate ||
prayojanam apekṣyaiva prasaṅgād yat pradīyate |
tad arthadānam ity āhur aihikaṃ phalaketukam ||
strīyānamṛgayākṣāṇāṃ prasaṅgād yat pradīyate |
anarheṣū ca rāgeṇa kāmādānaṃ tad ucyate ||
saṃsadi vṛḍāyā śrutya cārtho 'rthibhyaḥ prayācitaḥ |
pradīyate cet tad dānaṃ vṛḍādānam iti smṛtam ||
dṛṣṭvā priyāṇi śrutvā vā harṣavad yat pradīyate |
harṣadānam iti prāhur dānaṃ tad dharmacintakāḥ ||
ākrośānarthahiṃsrāṇāṃ pratikārāya yad bhayāt |
dīyate apakartṛbhyo bhayadānaṃ tad ucyate ||*³¹²

1. Duty (*dharmā*),
2. worldly gain (*artha*),
3. passion (*kāma*),
4. shame (*vṛḍā*),
5. joy (*harṣa*), and
6. fear (*bhaya*)—

310 NSmV 4.4–5

311 Lariviere (2003)

312 LDK 1.4–10

these, they say, are the six bases of gifting.

1. When a person gives as a matter of routine obligation to worthy recipients independently of any specific purpose, but simply with the thought of relinquishing his possessions, it is called a Gift Based On Duty (*dharmadāna*).
2. When a person gives a gift as the occasion presents itself only dependent upon some particular purpose and motivated by worldly reward, they call it a Gift Based On Worldly Gain.
3. When a man gives a gift that is occasioned by women, racing, hunting, or playing dice or when he gives a gift to some unworthy individual out of affection, it is called a Gift Based On Passion.
4. If a person is asked for wealth in the middle of an assembly, promises it to the petitioners out of shame, and gives it to them, tradition calls that a Gift Based On Shame.
5. When a person joyfully gives a gift after seeing or hearing pleasant things, those who understand the Law (*dharmā*) call that a Gift Based On Joy.
6. When a person gives a gift out of fear to those who wrong him or as a remedy for censure, misfortune, or violent men, that is called a Gift Based On Fear.³¹³

Giving to a student who begs for alms might be an example of *bhayadāna* (Gift Based On Fear), as is clear from Āpastamba:

⟨95⟩ *strīṇāṃ pratyācakṣāṇānāṃ samāhito brahmacārīṣṭaṃ dattaṃ hutam praṇāṃ paśūn brahmavarcaṣam annādyam vṛṅkte | tasmād u ha vai brahmacārisaṅgham carantaṃ na pratyācakṣītāpi haiṣv evaṃvidha evaṃvrataḥ syād iti hi brāhmaṇam* ||³¹⁴

For a Brāhmaṇa declares: “When women refuse a steadfast student, he robs them of their sacrifices, gifts, oblations, offspring, cattle, sacred learning, and food supply. One should never refuse a group of students come to beg, therefore, for among them there may be one who is like that and who keeps that vow.”³¹⁵

E The components of giving

(1) A list of six components

Turning to the third item in the *dānasvarūpa* list of section A, the six components (*dānānām aṅgāni*) mentioned by Devala (LDK 1.11) are

- the giver (*dātr*)
- the receiver (*pratigrahītr*), see section F

313 Brick (2015), where the markers 1. etc. and some Sanskrit words are added by the current author

314 ĀpDh 1.3.26

315 Olivelle (2000)

- the spirit of generosity (*śraddhā*), see section B
- the lawful gift (*deyaṃ dharmayuk*)
- the right place (*deśa*), and
- the right time (*kāla*)³¹⁶

(2) The first component: the donor

Concerning the donor, one can point to the following quote:

⟨96⟩ *apāparogī dharmātmā ditsur avyasaṇaḥ śuciḥ |
anindyājīvakarmā ca ṣaḍbhir dātā praśasyate* ||³¹⁷

A donor who is without sinful diseases, righteous, desirous to give, free from calamities, pure, and engaged in an irreproachable livelihood is praised due to these six qualities.³¹⁸

As observed by Brick (2015, p. 50), “the *dānanibandhas* do not place especially stringent requirements upon donors, as they leave the vast majority of people eligible to bestow gifts”. It is easy to misinterpret Brick’s remark that “the only outward characteristic of a prospective donor that seems to matter much at all is his/her financial ability” (p. 53). See sections XIX.C and XIX.F.

(3) The second component: the receiver

Turning to receivers, three quotations seem in order. First of all, some sorts of people are unfit to be receivers of gifts:

⟨97⟩ *pratigrahe sūnicakridhvajiveśyānarādhipāḥ |
duṣṭā daśaguṇaṃ pūrvāt pūrvād ete yathottaram* ||³¹⁹

Butcher, oil-presser, tavern keeper, prostitute, and king—with regard to accepting gifts, each succeeding one of these is ten times worse than each preceding.³²⁰

Concerning the fact that kings should not receive gifts, remember that a king as a member of the *kṣatriya* class may obtain earnings in a violent manner (⟨19⟩).

Secondly, the advice of accepting gifts (in YSm 1.213) stands side by side with the high praise of refusal:

⟨98⟩ *pratigrahasamartho ’pi nādatte yaḥ pratigraham |
ye lokā dānaśīlānāṃ sa tān āpnoti puṣkalān* ||³²¹

³¹⁶ All of these translations are from Brick (2015)

³¹⁷ LDK 1.12

³¹⁸ Brick (2015)

³¹⁹ YSm 1.140

³²⁰ Olivelle (2019b)

³²¹ YSm 1.211

When a man, although eligible to receive donations, does not accept them, he obtains the opulent worlds reserved for those who are devoted to giving gifts.³²²

Thirdly, accepting gifts is fraught with danger:

⟨99⟩ *pratigrahasamartho 'pi prasaṅgaṃ tatra varjayet |
pratigraheṇa hy asyāśu brāhmaṇaṃ tejaḥ praśāmyati ||
na dravyāṅgāṃ avijñāya vidhiṃ dharmyaṃ pratigrahe |
prājñāḥ pratigrahaṃ kuryād avasīdann api kṣudhā ||
hiraṇyaṃ bhūmim aśvaṃ gāṃ annaṃ vāsas tilān gṛtaṃ |
avidvān pratigṛhṇāno bhasmībhavati dāruvat ||
hiraṇyaṃ āyur annaṃ ca bhūr gauś cāpy oṣatas tanum |
aśvaś cakṣus tvacaṃ vāso gṛtaṃ tejas tilāḥ prajāḥ ||
atapās tv anadhīyānaḥ pratigraharucir dvijaḥ |
ambhasy aśmaḥplaveneva saha tenaiva majjati ||
tasmād avidvān bibhiyād yasmāttasmāt pratigrahāt |
svalpakenāpy avidvān hi pañke gaur iva sīdati ||*³²³

Even if he is qualified to accept gifts, he should avoid becoming addicted to that practice, for by accepting gifts his vedic energy is quickly extinguished. Without knowing the procedure prescribed by Law for accepting things, a wise man should never accept a gift even if he is racked by hunger. When an ignorant man accepts gold, land, a horse, a cow, food, clothes, sesame seeds, or ghee, he is reduced to ashes like a piece of wood. Gold and food burn up his life-force; a cow and land, his body; a horse, his sight; clothes, his skin; ghee, his energy; and sesame seeds, his offspring. When a twice-born neither engages in ascetic toil nor recites the Veda and yet loves to receive gifts, he will sink along with the donor, as a man would sink in water along with his stone float. An ignorant man, therefore, should fear any kind of gift; for by accepting even a trifling gift, an ignorant man sinks like a cow in the mud.³²⁴

A particular expression of the risk incurred by a receiver is the transference of sin. Brick (2015, pp. 25–32) claims that the Brahmanical theory of the gift had the sin-transference theory as its *pūrvapakṣa* (opinion of an opponent). According to that theory, “when a person gives a gift, he also gives his sin; and when a person receives a gift, he also receives the donor’s sin. In this way, a donor benefits by ridding himself of sin, although strictly speaking merit is not created nor sin destroyed. However, he benefits only at the expense of the recipient, who must take on his sin and, therefore, suffer both socially and soteriologically.”³²⁵ It seems that Old Indian texts attesting to this

322 Olivelle (2019b)

323 MDh 4.186–191.

324 Olivelle (2005)

325 Brick (2015, p. 26)

theory are not easily found. Brick refers to the work done by modern ethnologists.³²⁶ Using rational choice, a brief etic discussion is found in section XIX.D.

F The effects of giving (in particular the worthy recipient) and the means of destruction

The fourth *dānasvarūpa* item concerns the “effect” (*vipāka*)³²⁷ of gifting:

⟨100⟩ *duṣphalaṃ niṣphalaṃ hīnaṃ tulyaṃ vipulāṃ akṣayam |*
*ṣadvipākayug uddiṣṭam [...] ||*³²⁸

It is taught that a gift can yield six kinds of effects: negative effects, no effects, reduced effects, proportionate effects, increased effects, and imperishable effects. [...] ³²⁹

Typically, these effects are thought of as being otherworldly and unseen (*adr̥ṣṭa*). Importantly, the effect depends on the quality of the receiver:

⟨101⟩ *samam abrāhmaṇe dānaṃ dviguṇaṃ brāhmaṇabruve |*
*prādhīte śatasāhasram anantaṃ vedapārage ||*³³⁰

A gift to a non-Brahmin yields an equal reward; a gift to one who is a Brahmin in name only yields twice that; a gift to one who is learned yields one-hundred-thousand-times that; and a gift to one who has mastered the Vedas is infinite.³³¹

Whether or not a given Brahmin is worthy of receiving a gift can be (i) examined according to the following criteria:

⟨102⟩ *yogas tapo damo dānaṃ satyaṃ śaucaṃ śrutaṃ ghr̥ṇā |*
*vidyā vijñānam āstikyam etad brāhmaṇalakṣaṇam ||*³³²

Discipline, austerity, self-control, liberality, truthfulness, purity, vedic learning, compassion, erudition, intelligence, and religious faith—these are the characteristics of a Brahmin.³³³

and (ii) tested by the following means:

⟨103⟩ *śīlaṃ saṃvasatā jñeyaṃ śaucaṃ saṃvyavahārataḥ |*
*prajñā saṃkathanāj jñeyā tribhiḥ pātraṃ parīkṣyate ||*³³⁴

326 Parry (1994), Raheja (1988)

327 LDK 1.2, 18, Brick (2015)

328 LDK 1.18

329 Brick (2015)

330 LDK 3.59

331 Brick (2015)

332 VaDh 6.23

333 Olivelle (2000)

334 LDK 3.1

One can know a person's virtue by living with him, his purity by interacting with him, and his wisdom by talking with him. A recipient should be tested in these three things.³³⁵

However, the texts warn against undignified manners of testing:

⟨104⟩ *praśnapūrvam tu yo dadyād brāhmaṇāya pratigraham |
sa pūrvam narakaṃ yāti brāhmaṇas tadanantaram* ||³³⁶
*praśnapūrvam amuṃ khaṇḍaṃ bahu vā askhalitaṃ yadi paṭhasi tadā tava etāvad
dadāmīti praśnapūrvam*

When a man gives a gift to a Brahmin after interrogating him, he goes to hell first, the Brahmin right after him.

“After interrogating him” means “after interrogating him as follows: ‘If you recite such and such a chapter or more without faltering, then I will give you this much.’”³³⁷

Thus, the worthier the recipient, the more meritorious the gift. The topic of merit is also dealt with in the seventh and final item in the *dānasvarūpa* list. I group it here, together with the fourth item. Both items deal with merit, the fourth one (effects, *vipāka*) in a positive frame, the seventh one (means of destruction, *nāśa*) in a negative frame. Devala enumerates three means of destruction, namely recounting, bragging, or regretting:

⟨105⟩ *iṣṭaṃ dattam adhītaṃ vā vinaśyaty anukīrtanāt |
ślāghānuśocanābhyāṃ ca bhagnatejo vipadyate ||
tasmād ātmakṛtaṃ puṇyaṃ na vṛthā parikīrtayet |
bhuktavān iti taṃ prāhus taṃ eva kṛtavādinaḥ* ||³³⁸

What is sacrificed, gifted, or learned perishes by recounting it; and through bragging about or regretting it, its power is destroyed so that it comes to naught. Therefore, a person should not announce in vain a meritorious deed he has done. Indeed, of a man who declares what he has done, they say that he has already enjoyed it.³³⁹

Compare “already enjoyed it” in the above citation with Jesus’ “already been paid in full” in ⟨199⟩.

335 Brick (2015)

336 LDK 2.46

337 Brick (2015)

338 LDK 1.32–33

339 Brick (2015) who comments on the unclear syntax in a footnote.

G The kinds of gifts and the types of gifts

(1) The four kinds

The fifth item in the *dānasvarūpa* list of section A concerns four kinds (*prakāra*) of gifts:

⟨106⟩ *dhruvam ājasrikam kāmyaṃ naimittikam iti kramāt |
vaidiko dānamārgo 'yaṃ caturdhā varṇyate dvijaiḥ ||
prapārāmataḍāgādi sarvakālaphalaṃ dhruvam |
tad ājasrikam ity āhur dīyate yad dine dine ||
apatyavijayaiśvaryastrībālārthaṃ yad ijjate |
ijyāsaṃjñāṃ tu tad dānaṃ kāmyaṃ ity abhidhīyate ||
kālāpekṣaṃ kriyāpekṣam arthāpekṣam iti smṛtau |
tridhā naimittikaṃ proktaṃ sahomaṃ homavarjitam ||*³⁴⁰

The Lasting Gift, the Continual Gift, the Optional Gift, and the Occasional Gift—Brahmins describe these, in this order, as the fourfold Vedic path of gifting. Lasting Gifts are things, such as cisterns, parks, and water-tanks, that bear fruit all of the time. When something is given each day, they call it a Continual Gift. When a person performs a sacrifice for the sake of offspring, victory, lordship, women, or sons, that—although bearing the name sacrifice—is said to be an Optional Gift. And it is proclaimed within the tradition that Occasional Gifts are of three kinds: those dependent upon time, those dependent upon action, and those dependent upon wealth. Such gifts may or may not be accompanied by oblations.³⁴¹

For the *prakāra* called *kāmyadāna* (the third verse above), see ⟨9⟩. Understandably, it is of a lower type because it concerns “seen effects” (see ⟨10⟩).

(2) The three types of gifts

A second classification, still related to the kinds-of-gifts taxonomy, is provided by the sixth item from the *dānasvarūpa* list of section A. According to the material value of the gifted objects, three types of gifts are distinguished: *uttama* (high), *madhyama* (middle), and *adhama* (low).³⁴² For example, the highest type is defined as follows:

⟨107⟩ *annaṃ dadhi madhu trāṇaṃ gobhūrukṃśvahaṣṭinaḥ |
dānāny uttamadānāni uttamadravyadānataḥ ||*³⁴³

340 LDK 1.23–26

341 Brick (2015)

342 LDK 1.27–31, Brick (2015)

343 LDK 1.28

Gifts of food, curd, honey, protection, cows, land, gold, horses, and elephants are the High Gifts, because these are gifts of high substances.³⁴⁴

Middle Gifts (*dānāni madhyamāni*) comprise *ācchādanāvāsaparibhogauśadhāni* (clothes, housing, enjoyment, and medicine).³⁴⁵

Items of bad quality lie outside this classification. See the admonishment against giving defective cows (MBh 13.65.51).

H Special cases of gifts

Somewhat or totally outside the *dānadharma* sphere lie special cases of gifts such as brides, great gifts, knowledge, and alliances that are based on friendship or on the attempt to let the partner do one's work.

(1) Marriages

According to the Mānava Dharmaśāstra 3.20–35, eight types of marriage exist. They are ordered in terms of praiseworthiness:

- ⟨108⟩ *ācchādya cārhayitvā ca śrutaśīlavate svayam |*
āhūya dānaṃ kanyāyā brāhmo dharmāḥ prakīrtitaḥ || (27)
yajñe tu vitate samyag ṛtvije karma kurvate |
alamkṛtya sutādānaṃ daivaṃ dharmam pracakṣate || (28)
ekaṃ gomithunaṃ dve vā varād ādāya dharmataḥ |
kanyāpradānaṃ vidhivad ārṣo dharmāḥ sa ucyate || (29)
sahobhau caratām dharmam iti vācānubhāṣya tu |
kanyāpradānam abhyarcya prājāpatyo vidhiḥ smrtaḥ || (30)
jñātibhyo draviṇaṃ dattvā kanyāyai caiva śaktitaḥ |
kanyāpradānaṃ svācchandyād āsuro dharmā ucyate || (31)
icchayānyonyasamyogaḥ kanyāyās ca varasya ca |
gāndharvaḥ sa tu vijñeyo maithunyaḥ kāmasambhavaḥ || (32)
hatvā chittvā ca bhittvā ca krośantīm rudatīm grhāt |
prasahya kanyāharaṇaṃ rākṣaso vidhir ucyate || (33)
suptām mattām pramattām vā raho yatropagacchati |
sa pāpīṣṭho vivāhānām paiśācaḥ prathito 'ṣṭamaḥ || (34)³⁴⁶

When a man dresses a girl up, honors her, invites on his own a man of learning and virtue, and gives her to him, it is said to be the “Brāhma” Law. (27) When a man, while a sacrifice is being carried out properly, adorns his daughter and

344 Brick (2015)

345 LDK 1.29, Brick (2015)

346 MDh 3.27–34

gives her to the officiating priest as he is performing the rite, it is called the “Divine” Law. (28) When a man accepts a bull and a cow, or two pairs of them, from the bridegroom in accordance with the Law and gives a girl to him according to rule, it is called the “Seer’s” Law. (29) When a man honors the girl and gives her after exhorting them with the words: “May you jointly fulfill the Law,” tradition calls it the “Prājāpatya” procedure. (30) When a girl is given after the payment of money to the girl’s relatives and to the girl herself according to the man’s ability and out of his own free will, it is called the “Demonic” Law. (31) When the girl and groom have sex with each other voluntarily, that is the “Gāndharva” marriage based on sexual union and originating from love. (32) When someone violently abducts a girl from her house as she is shrieking and weeping by causing death, mayhem, and destruction, it is called the “Fiendish” procedure. (33) When someone secretly rapes a woman who is asleep, drunk, or mentally deranged, it is the eighth known as “Ghoulis,” the most evil of marriages. (34)³⁴⁷

The first four marriages, from (27) to (30), might come under the heading of *kanyādāna* (giving or gifting of a girl to the groom’s family),³⁴⁸ while the remaining four do not. According to (28), *sutādāna* (or *kanyādāna*) can take the form of the fee-gift *dakṣiṇā* (section IV.B).

Some texts clearly spell out the rule of hypergamy, according to which a man cannot take a wife from a class higher than his own:

⟨109⟩ *yad ucyate dvijātīnām śūdrād dāropasamgrahaḥ |*
na tan mama mataṃ yasmāt tatrāyaṃ jāyate svayam ||
tisro varṇānupūrvyeṇa dve tathaikā yathākramam |
*brāhmaṇakṣatriyaviśāṃ bhāryā svā śūdrajanmanaḥ ||*³⁴⁹

With respect to what has been stated about twice-born men taking wives from the Shudras—I do not approve of it, because that man is himself born in her. A Brahman, Kshatriya, and Vaishya, in due order, may take three, two, and one wife in the direct order of class; a man of Shudra birth takes a wife of his own class.³⁵⁰

Thus, twice-borns are not allowed to take a *śūdra* wife, which stands in contrast to the inheritance rules of YSm 2.129 (⟨143⟩).

Note that giving a girl in marriage is deemed very important:

⟨110⟩ *aprayacchan samāpnoti bhrūṇahatyām ṛtāv ṛtau |*
*gamyam tv abhāve dātṛṇām kanyā kuryāt svayamvaram ||*³⁵¹

347 Olivelle (2005)

348 Trautmann (1981, pp. 288–293)

349 YSm 1.56–1.57

350 Olivelle (2019b)

351 YSm 1.64

A person who does not give her away incurs the sin of killing a fetus at every menstrual period of hers. In the absence of persons who may give her away, however, a virgin girl may select on her own a groom with whom marriage is permissible.³⁵²

Finally, a bride or a groom may prove defective and be given back for that reason (compare subsection VII.C(1)). Rescission is generally frowned upon, but may be permissible (under certain circumstances?):

⟨111⟩ *sakṛt pradīyate kanyā haraṃs tām coradaṇḍabhāk |
dattām api haret pūrvam śreyāṃś ced vara āvrajet* ||³⁵³

A virgin girl is given in marriage just once. When someone takes her back, he is subject to the same punishment as a thief. Even though she has been given previously, he should take her back if a superior groom comes along.³⁵⁴

Annulment of a marriage contract is complex because the ritual process of marriage consists of several steps. In particular, if the groom dies, his bride may belong to her father or to the groom's family. Complex rules are involved and need not concern us here.³⁵⁵

(2) *Mahādāna* and *parvatadāna*

Similar to *dharmadānas*, *mahādānas* are also meritorious:

⟨112⟩ *athātaḥ sampravakṣyāmi mahādānānukīrtanam |
dānadharṃ 'pi yan noktaṃ viṣṇunā prabhaviṣṇunā ||
sarvapāpakṣayakaraṃ nṛṇāṃ duḥsvapnanāśanam |
yat tat śoḍaśadhā proktaṃ vāsudevena bhūtale ||
puṇyaṃ pavitram āyuṣyaṃ sarvapāpaharaṃ śubham |
pūjitaṃ devatābhiś ca brahmaviṣṇuśivādibhiḥ* ||³⁵⁶

I will now give an account of the Great Gifts, which mighty Viṣṇu has not even stated under the Law of Gifting; which destroys all sins and eradicates men's nightmares; which, as Vāsudeva says, comprises sixteen parts on earth; which is meritorious and purifying and leads to a long life; which is auspicious and removes all sin; and which is revered even by gods such as Brahmā, Viṣṇu, and Śiva.³⁵⁷

352 Olivelle (2019b)

353 YSm 1.65

354 Olivelle (2019b)

355 Brick (2023) analyses the *dharma* rules for widows in detail. For the question at hand, see chapter 1 on remarriage and *niyoga*.

356 LDK 4.1.1–3

357 Brick (2015)

Table 3: Four examples of Great Gifts

Name	Objects given to non-officiating receivers	Objects given to <i>guru/ dvija/ ṛtvij</i> and their <i>dakṣiṇā</i>
Gift of the Man on the Balance	unspecified gifts to downtrodden, destitute, distinguished people ³⁵⁸	gold and villages to the preceptor and officiating priests ³⁵⁹
Gift of the Golden Womb	honour many more people wholeheartedly ³⁶⁰	gold to exemplary Brahmin priests ³⁶¹
Gift of the Brahma-Egg		gold and jewels to Brahmins officiating the rite ³⁶²
Gift of the Wish-Granting Tree		gold to the preceptor and officiating priests ³⁶³

The “sixteen parts” refer to sixteen different Great Gifts, from the “Gift of the Man on the Balance” to the “Pot of the Elements”. The first four gifts are listed in Table 3.

Consider the following part of the description for the Gift of the Wish-Granting Tree:

⟨113⟩ *kalpapādapadānākhyam ataḥ param anuttamam |*
mahādānaṃ pravakṣyāmi sarvapātakanāśanam ||
punyaṃ dinam athāsādya tulāpuruṣadānavat |
punyahāvācanaṃ kuryāl lokesāvāhanaṃ tathā |
ṛtvīṃmaṇḍapasambhārabhūṣaṇācchādanādīkam ||
kāñcanaṃ kārayed vṛkṣaṃ nānāphalāsamanvitam |
nānāvihagavastrāṇi bhūṣaṇācchādanāni ca ||
śaktitas tripalād ūrdhvam ā sahasrāt prakalpayet |
ardhakṣptasuvāṇasya kārayet kalpapādapam ||
 [...]

anena vidhinā yas tu mahādānaṃ nivedayet |
*sarpapāpavinirmuktaḥ so’śvamedhaphalaṃ labhet ||*³⁶⁴

Next, I will explain the unsurpassable Great Gift called the Gift of the Wish-Granting Tree, which destroys all sins. When an auspicious day arrives, as in the Gift of the Man on the Balance, a man should have Brahmins declare the day auspicious, summon the World-Protectors, appoint officiating priests,

358 LDK 4.1.66. Translations of *dina*, *anātha*, and *viśiṣṭa*, respectively, from Brick (2015).

359 LDK 4.1.65. Translations of *guru* and *ṛtvij*, respectively, from Brick (2015).

360 LDK 4.2.22. Translation of *te pūjyāḥ sarvabhāvena bahavaḥ* from Brick (2015).

361 LDK 4.2.19. Translation of *dvijapungava* from Brick (2015).

362 LDK 4.3.14. Translation of *dvija* from Brick (2015).

363 LDK 4.4.14. Translation of *guru* and *ṛtvij*, respectively, from Brick (2015).

364 LDK 4.4.1–4, 16

have a pavilion constructed, and procure equipment, ornaments, clothes, etc. He should have a golden tree made that is adorned with various fruits; and on it he should place assorted birds, clothing, ornaments, and garments. He should acquire between three and one thousand *palas* of gold according to his means and have the Wish-Granting Tree constructed with half of the acquired gold. [...] When a man gives the Great Gift in accordance with the rules here prescribed, he is freed from all sins and obtains the reward of a Horse-Sacrifice.³⁶⁵

Tellingly, the great gifts are compared to Vedic rituals, as is clear from the last verse above.

This section finishes by acknowledging the descriptions of mountain gifts in the literature:

⟨114⟩ *meroḥ pradānaṃ vakṣyāmi daśadhā munisattama |*
yatpradānān naro lokān āpnoti surapūjitān ||
purāṇeṣu ca vedeṣu yajñeṣv āyataneṣu ca |
na tat phalam adhīteṣu kṛteṣv iha yad āsnute ||
tasmād vidhānaṃ vakṣyāmi parvatānām anuttamam |
prathamo dhānyaśailaḥ syād dvitīyo lavaṇācalaḥ ||
gudācalas tṛtīyas tu caturtho hemaparvataḥ |
pañcamas tilaśailaḥ syāt ṣaṣṭhaḥ kārpāsaparvataḥ ||
saptamo ghr̥taśailaś ca ratnaśailas tathāṣṭamaḥ |
rājato navamas tadvad daśamaḥ śarkarācalaḥ ||
*vakṣye vidhānam eteṣāṃ yathāvad anupūrvaśaḥ ||*³⁶⁶

I will now explain the ten-fold Gift of Mount Meru, O best of sages, through giving which a man attains worlds venerated by the gods. Even if a man recites the Vedas and the Purāṇas at sacrifices and temples, he still does not obtain the reward that one acquires by offering these ten gifts here on earth. Therefore, I will explain the unsurpassable rules for the Mountain Gifts. The first such gift is the Grain-Mountain; the second is the Salt-Mountain; the third is the Jaggery-Mountain; the fourth is the Gold-Mountain; the fifth is the Sesame-Mountain; the sixth is the Cotton-Mountain; the seventh is the Ghee-Mountain; the eighth is the Jewel-Mountain; the ninth is the Silver-Mountain; and the tenth is the Sugar-Mountain. I will properly explain the rules for these gifts in this order.³⁶⁷

(3) Knowledge

The gift of knowledge, i.e., teaching, is supreme:

³⁶⁵ Brick (2015)

³⁶⁶ LDK 5.1.1–6

³⁶⁷ Brick (2015)

⟨115⟩ *sarvadharmamayaṃ brahma pradānebhyo 'dhikaṃ tataḥ |
pradadat tat samāpnoti brahmalokam avicyutaḥ* ||³⁶⁸

Brahma, that is, the Veda, which consists of all the dharmas, is greater than those gifts. Therefore, by gifting it a man obtains the world of Brahma, himself remaining imperishable.³⁶⁹

Reconsider ⟨26⟩. The commentator Vijñāneśvara explains this verse by the peculiarity that we have, here, the creation of ownership (*parasvatvāpādana*) without cessation of ownership by the giver (*svatvanivṛtti*):

⟨116⟩ *atra ca brahmadāne parasvatvāpādanamātraṃ dānāṃ, svatvanivṛtteḥ kartum aśakyatvāt*³⁷⁰

And here, in the case of the gift of the Veda, ‘gifting’ denotes merely the production of another’s ownership, since ownership here cannot be made to cease³⁷¹

On “non-rivalry in consumption”, see section XIX.J in the etic part of this book.

(4) United alliance (*saṅgatasandhi*)

Kāmandaki lists 16 kinds of alliances in his Nīṭisāra, among them the united alliance (*saṅgatasandhi*):

⟨117⟩ *sadbhiḥ saṅgatasandhis tu maitrīpūrva udāhṛtaḥ ||
yāvadāyuhpramāṇas tu samānārthaprayojanaḥ |
sampattau ca vipattau ca kāraṇair yo na bhidyate ||
saṅgataḥ sandhir eveha prakṛṣṭatvāt suvarṇavat |
aparaiḥ sandhikuśalaiḥ kāñcanaḥ sa udāhṛtaḥ* ||³⁷²

The united alliance is preceded by a friendship formed among good men; it lasts for life, involves the sharing of common goals, and is never broken for any reason, whether in prosperity or calamity. Because of its superiority, the united alliance is like gold, and therefore other scholars call it the golden alliance.³⁷³

Kāmandaki’s *saṅgatasandhi* has a Roman cousin, Seneca’s *societas*, to which we turn in chapter IX.

(5) Alliance of the “unseen man” (*adr̥ṣṭapuruṣa*)

One of 16 kinds of alliance listed in the Nīṭisāra is called *adr̥ṣṭanara* (KNS 9.3) or *adr̥ṣṭapuruṣa* (KNS 9.14):

368 YSmM 1.210

369 Olivelle (2019b)

370 YSmM 1.212

371 Brick (2015, p. 33)

372 KNS 9.6cd-8

373 Knutson (2021)

⟨118⟩ *tvayaikena madīyārthaḥ samprasādhyas tv asāv iti |
yatra śatruḥ paṇaṃ kuryāt so 'dr̥ṣṭapurusaḥ smṛtaḥ* ||³⁷⁴

The unseen man alliance is based on the enemy's wager that: "You alone will end up having to accomplish my objective."³⁷⁵

This alliance seems to refer to one party letting another party do all the work.

I A difficult passage on reciprocity

Reciprocity was also discussed by the *dānadharma* authors:

⟨119⟩ *mṛtavatsā yathā gaur vai tṛṣṇālubdhā tu duhyate |
aparaspāradānāni lokayātrā na dharmavat ||
adr̥ṣṭam aśnute dānaṃ bhuktvā caiva na dṛśyate |
punarāgamaṇaṃ nāsti tasya dānam anantakam* ||³⁷⁶

Non-reciprocal gifts are like milking a cow whose calf has died and which is consumed with thirst. [As] a worldly matter, they do not pertain to the Law. A [dharmic] giver obtains an unseen gift and is not seen enjoying that gift, since he does not return to this world and his gift is endless.³⁷⁷

The understanding underlying the above translation is as follows: A cow can be milked because its calf is dead and does not need the milk. If the cow is not given water, reciprocity is not obeyed. Imagine a comma after *aparaspāradānāni*. This translation is in line with the standard position taken in the *dharmadāna* literature. Dharmic gifts are *aparaspara* gifts, as are some *lokayātrā* gifts.

In contrast, Brick (2015) translates "[n]on-reciprocal gifts are [...] a worldly matter". Reading LDK 0.22 and LDK 0.23 closely together, Brick finds this "puzzling" because it "clearly implies that dharmic gifts are reciprocal"³⁷⁸ and that the reciprocity is seen in *adr̥ṣṭam aśnute dānam* (LDK 0.23a). Brick then explains the sense in which dharmic gifts might be reciprocal in LDK 0.22–23: "[D]harmic gifts are reciprocal, but the reciprocity takes place between giver and cosmos, not between giver and receiver. Importantly, this conforms to the general Brahmanical theory of gifting and a karmic worldview."³⁷⁹ When confronted with the interpretation given by me, David Brick

374 KNS 9.14

375 Knutson (2021)

376 LDK 0.22–23

377 After Brick (2015), who translates: "Non-reciprocal gifts are like milking a cow whose calf has died and which is consumed with thirst. They are a worldly matter and do not pertain to the Law. For a giver obtains an unseen gift and is not seen enjoying that gift, since he does not return to this world and his gift is endless."

378 Brick (2015, p. 63: fn. 4)

379 Brick (2015, p. 63: fn. 4)

reluctantly upheld his translation.³⁸⁰ Thus, according to Brick’s interpretation, a reciprocal gift (*parasparadāna*) involves three (!) parties, which, I submit, is difficult to justify in English or in Sanskrit.³⁸¹ In any case, the use of “bilateral” in definition <1> (p. 11) makes clear the current author’s stance against this understanding. Furthermore, beautiful verses from the Bhagavad Gītā clearly point to a bilateral understanding of *paraspara* and stress the reciprocal nature of sacrifices:

<120> *sahayajñāḥ prajāḥ sṛṣṭvā purovāca prajāpatiḥ |
 anena prasaviṣyadhvam eṣa vo ’stv iṣṭakāmadhuk ||
 devān bhāvayatānena te devā bhāvayantu vaḥ
 parasparaṃ bhāvayantaḥ śreyāḥ param avāpsyatha ||
 iṣṭān bhogān hi vo devā dāsyante yajñabhāvitāḥ |
 tair dattān apradāyaibhyo yo bhūṅkte stena eva saḥ ||*³⁸²

In the beginning Prajapati created mankind and the sacrifice, and said: “Through this may you prosper; may it be your wish-fulfilling cow. Nourish the gods with it and the gods may nourish you. Nourishing each other, you will attain the highest good; for nourished by sacrifice, the gods will supply the enjoyments you desire. Whoever enjoys these gifts but gives nothing in return is just a thief.”³⁸³

Against this reciprocal understanding of sacrifices, one needs to highlight Kṛṣṇa’s philosophy of performing one’s dharma without coveting the fruit (see subsection XVII.B(2)).

380 In a personal communication, David Brick calls this passage “extremely opaque”. While later *dāna-nibandhas* borrowed abundantly from the Dānakāṇḍa, they seem to have disregarded this particular passage according to his recollection. He then goes on to argue: “In any case, I have carefully thought about the matter again and am still going to stick with my old interpretation, tortured as it is. Your idea of understanding there effectively to be commas around *lokayātrā* is quite clever. Thus, LDK 0.22 would be talking about a subset of *aparaspara* gifts, namely, those that are *lokayātrā* (a “worldly matter”). Dharmic gifts would be *aparaspara* gifts of the non-*lokayātra* type. This certainly would better conform to the standard Dharmasāstra position that dharmic gifts are non-reciprocal. Nevertheless, there are two reasons I’m unconvinced by this reading, one minor and one more significant. My minor reason for doubting your interpretation is simply that reading commas around *lokayātrā* strikes me as highly unusual and unnatural in Sanskrit texts, at least ones of this genre. I would have liked to see a participle of some type to make this explicit. This is just a gut feeling for me. My more significant reason is LDK 0.23. I think we both agree that this verse should be read in connection with LDK 0.22 and that its understood subject is a giver of a dharmic gift, because otherwise it is just baffling. And if we make these assumptions, it sure seems to me that LDK 0.23 is intentionally describing a dharmic gift as *paraspara* (“reciprocal”), for it says that one obtains an unseen gift /*dāna*. Nowhere else in the literature the giver of a dharmic gift was to receive a *dāna*. I don’t believe this is a coincidence. So, in short, I think that the unnaturalness of your interpretation of 0.22d from a grammatical point of view combined with the explicit mention of receiving an unseen *dāna* in 0.23a makes your interpretation rather unlikely. But I could well be wrong.”

381 However, this usage of the word “reciprocity” is not uncommon among indologists. See, for example, the “*dāna-punya* reciprocity” mentioned by Thapar (2010, p. 104) or the more careful wording “transcendentally bestowed counter-gift” in Trautmann (1981, p. 281).

382 MBh 6.25.10–12

383 Cherniak (2008, pp. 195–197)