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# Religious Endowments in Ancient India and the Institutionalization of Brahmin Caste Status

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## Abstract

Giving to worthy recipients has been meritorious public piety in India at least since the Mauryan empire. Most consequential were grants in perpetuity of land or capital as a ‘religious foundation’ for monks or Brahmins, conferred by means of a charter (*śāsana*). Grants to Brahmins typically created or supported an *agrahāra*, a residential enclave with attached farmland and villages, on terms analogous to those of grants to Buddhist or Jaina mendicants or monasteries. In these records (attested since the beginning of the Common Era), rulers cede their claims to certain normal obligations of subjects, such as tax revenue, compulsory labor, billeting or provisions for officers of the state, and often give the beneficiaries authority over internal legal administration. This article examines the implications of the fiscal and juridical autonomy conferred in such grants in providing state recognition and institutional support of Brahmins’ sacred status as a religious profession and a privileged caste.

## I. The Construction of Brahmin Caste Status in South Asia

The South Asian social category *brāhmaṇa* (anglicized ‘Brahmin’ or ‘Brahman’) has its earliest roots in a religious status defined by association with the sacred compositions (*brahman*) and ritual of the Veda, the earliest phase of Hindu religion. In early sources, Brahmins figure as specialists in Hindu priestly functions, text-production, and religious instruction, later gaining authority into many other areas such as law, and Sanskrit-medium literature and scholasticism.<sup>1</sup> These social and professional roles were not just passed down within families, but limited to those born into such families, such that ‘Brahmin birth’ carried social prestige and constituted social capital even for Brahmins unconnected with any Brahmin professional role. The wide spread of Brahmin groups and their durable success over two and a half millennia or more in being recognized as having high social rank within the ‘caste system’ constitute one of the most distinctive phenomena of South Asia.

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<sup>1</sup> For recent analyses of the religious and doctrinal formation of Brahmin status, see Timothy Lubin, ‘The Vedic Student: Brahmacārin’, *The Oxford History of Hinduism: Hindu Law* (OUP, Oxford 2017); Timothy Lubin, ‘The Transmission, Patronage, and Prestige of Brahmanical Piety from the Mauryas to the Guptas’ in Federico Squarcini (ed), *Boundaries, Dynamics and Construction of Traditions in South Asia* (Firenze UP, Firenze 2005).

There have been many efforts to understand and explain this phenomenon. The sheer vastness and complexity of Brahmanical religious and intellectual production in Sanskrit have often been treated as the source of Brahmins' high status, though it ought to be understood more as an outcome of sustained patronage than its cause. Similarly, it has been argued that the prestige of Sanskrit arose from 'its expressive power ... derived, not from its archaic liturgical associations ... but rather from its aesthetic resources'.<sup>2</sup> Both claims beg the question of how and on what basis Brahmins' 'intellectual property' acquired political cachet and economic value. The present article addresses that question by hypothesizing that a particular legal institution in ancient India, the creation of tax-exempt endowments benefiting religious professionals, played a crucial role in giving political recognition to Brahmins as a group with religious and high-cultural authority.

I will argue that a particular legal institution in ancient South Asia—religious foundations created by decree recorded in charter documents that confer immunities and privileges—had the effect of giving legal recognition to Brahmins' claims of sacred professional status, with pervasive consequences far beyond the geographic and temporal horizon of the individual documents themselves. Although the immediate benefits of the grants accrued only to the beneficiaries of the endowments, the widespread adoption of the practice across the South Asian cultural area during the first millennium of the Common Era helped secure and legitimize the high status of Brahmins more generally as a caste group. In this way, I will argue, the 'Brahmin endowment' became an instrument for institutionalizing the privileged status which Brahmin doctrinists had been claiming all along in their normative and narrative texts. A social status and an ecclesiastical status were fused in a legal status.

## II. The Role of Endowed Religious Foundations

In the South Asian historical context, a foundation was a bundle of special rights attached to a piece of property and conferred upon a beneficiary as recorded in (and put into effect by) a document (a 'charter'), a permanent copy of which was often made on stone or on metal plates.<sup>3</sup> In most known cases, which may be called 'religious endowments' or 'religious foundations', the beneficiary was one or more members of a religious profession, though in some cases the endowment was made in the name of the deity or founding figure of the tradition. Depending on the status of the beneficiary, these foundations were called *dharma*, *deyadhama*, *brahmadeya*, *devadhama*, or *devadāna*. The stipulated rights attached to South Asian religious foundations could include exemption from payment of certain taxes, levies, and other obligations to civil authorities (including billeting of officials or supply of obligatory labor), immunity to interference by civil authorities, and wide juridical autonomy (the right to resolve legal disputes and criminal misconduct internally, and to levy and collect fines).<sup>4</sup> For religious beneficiaries, such foundations are stated to be valid in perpetuity. In the earliest surviving records, the most frequent beneficiaries were orders of ordained mendicants of the Buddhist, Jaina, and Ājīvika traditions, but even from early on,

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<sup>2</sup> Sheldon Pollock, *The Language of the Gods in the World of Men: Sanskrit, Culture, and Power in Premodern India* (University of California Press, Berkeley 2006) 255.

<sup>3</sup> For discussions of inscriptions as documents, see Bahadur Chand Chhabra, *Diplomatic of Sanskrit Copper-Plate Grants* (National Archives of India, Delhi 1961); Timothy Lubin, 'Towards a South Asian Diplomatics: Cosmopolitan Norms and Regional Idioms in the Use of Documents' in Simon Cubelic, Axel Michaels and Astrid Zotter (eds), *Studies in Historical Documents from Nepal and India* (Heidelberg University Publishing, Heidelberg 2018); Emmanuel Francis, 'Indian Copper-Plate Grants: Inscriptions or Documents?' in Alessandro Bausi and others (eds), *Manuscripts and Archives: Comparative Views on Record-Keeping* (De Gruyter, Berlin 2018).

<sup>4</sup> Timothy Lubin, 'The Theory and Practice of Property in Premodern South Asia: Disparities and Convergences' (2018) 61 *Journal of the Economic and Social History of the Orient* 803.

Brahmins were also attested as recipients, and endowments for Brahmins eventually came to predominate. This institution has strikingly close analogues in medieval Europe, from the British Isles to Byzantium, where the beneficiaries were most often Christian churches or monasteries, to which we will return briefly before concluding.<sup>5</sup>

The wide attestation of arrangements of this sort prompts interesting questions about their social and political implications. Do they signify that religious practices and statuses were distinguished from other practices and statuses in some basic ways? What are the potential and actual consequences of giving public or state recognition to religious groups in this way? The particular versions of this practice that concern us here are those relating to religious groups in early India known as Brahmins, and who were often beneficiaries of such grants. What makes their case special is that, unlike most of the other groups who received such support, the Brahmin beneficiaries belonged to a social group in which membership was conferred by birth, rather than through ordination in a monastic or priestly profession. Yet the justification for the grant, as expressed in the documents themselves, was that it recognized the sacred status and professional religious qualifications of the groups so endowed. The foundation charter thereby became a legal instrument that endorsed a social group's claim to intrinsic sacred status, and provided institutional support and state endorsement to a privileged social status that otherwise had to rely on persuasive force of a scriptural tradition and its exponents, along with residual social prestige lingering from an earlier era, when Brahmins had been allied with tribal chieftains.

### III. The Earliest Foundation Charters in India

Around the middle of the first century of the Common Era, King Nahapāna Kṣaharāta, a Central Asian Scythian who had established a small kingdom in western India, captured some territory to the south belonging to the Sātavāhanas.<sup>6</sup> Soon thereafter, his son-in-law Uṣavadāta made religious benefactions at two sites where monastic residences were excavated into cliffsides at Karle and Nasik, in Maharashtra. In his inscriptions there, he spoke of giving patronage not only to the Buddhist monks in the caves but also to communities of Brahmins, the priestly caste that was one of the Buddhists' rivals for royal patronage. At Karle, Uṣavadāta recorded his gift of a village to support Buddhist monks spending the rainy season in the cave residences; at Nasik, he purchased a field for 4000 *kārṣapaṇas* from a Brahmin and donated it to provide food for the Buddhist monks living in the caves there.

These are the oldest surviving examples of charters recording a land-grant as endowment for a religious group—a genre of document that would become increasingly common and vastly more elaborate

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<sup>5</sup> It should be noted that the earliest Indian foundations far predate the earliest Christian ones. However, certain features of the Indian charters (e.g., fiscal and other immunities, juridical autonomy) may have precedents in Hellenistic grants to temples of the sort compiled by Kent J. Rigsby, *Asylia: Territorial Inviolability in the Hellenistic World* (University of California Press, Berkeley 1996), though Rigsby does not mention such a historical connection. The only work including India in a broad comparative survey of foundations, Michael Borgolte, *World History as the History of Foundations, 3000 BCE to 1500 CE* (Brill, Leiden 2020) 182–203 and 528–544, omits to consider those Hellenistic grants (and does not cite Rigsby); he is agnostic as to the possibility of cross-cultural spread (p. 2), and anyway sees affinities between India and China ('the Orient') that distinguish their foundations from those of 'the Occident' (p. 623).

<sup>6</sup> Andrew Ollett, *Language of the Snakes: Prakrit, Sanskrit, and the Language Order of Premodern India* (University of California Press, Berkeley 2017) 37. The Sātavāhana and Kṣaharāta inscriptions discussed below will be cited by number as listed in Ollett's Appendix B, with cross-references to standard editions: Vasudev Vishnu Mirashi, *The History and Inscriptions of the Sātavāhanas and the Western Kshatrapas* (Maharashtra State Board for Literature and Culture, Mumbai 1981); Keishō Tsukamoto, *Indo Bukkyō himei no kenkyū I: Text, Note, Wayaku [A comprehensive study of the Indian Buddhist inscriptions, Part I: Text, Notes and Japanese Translation]* (Heirakuji Shoten, Kyoto 1996). I cite these inscriptions by their numbers as assigned by Ollett, Mirashi and Tsukamoto.

over the following centuries. But these were evidently not the first instances of such an endowment, since both at Nasik and at Karle, he mentions having earlier given sixteen villages to Brahmins—along with 300,000 head of cattle, gold, and eight wives, and feeding them annually. Another interesting feature is that the panegyric of the donor at Karle and the panegyric at Nasik are parallel, but the Nasik version has been expanded and recast in the Brahmins' liturgical language, Sanskrit, rather than the Prakrit (middle Indic) normally used at that time in inscriptions.<sup>7</sup> At Nasik, the donor is called *dharmātman*, 'pious, dharmaminded'.

Another long inscription at Nasik in Cave 10 records some complex financial arrangements: having created a cave residence designed to accommodate twenty monks, Uṣavadāta additionally established a perpetual endowment, with capital of 3000 silver coins invested with two guilds of weavers at stipulated interest rates, the income sufficient to keep each of the monks supplied with robes and other necessities. An addendum dated three years later notes, almost in passing, a much larger, earlier gift of 70,000 silver coins (= 2000 in gold) to 'gods and Brahmins'. It is striking that this portion is more Sanskritized.<sup>8</sup>

A year or so later, the Sātavāhanas reclaimed their lost territory. Reasserting his sovereignty through public acts of benefaction, around the year 78, Gautamīputra Sātakarṇi (reigned c. 60–84 CE), decreed his own grants of farmland to Buddhist monks both at Karle and at Nasik.<sup>9</sup> Again, the immediate aim of these grants was to provide financial support for the monks: the share of revenue from the land that would otherwise have gone to the king was redirected to their support. In this case, as part of the arrangement, the fields were stipulated to be likewise exempted from a list of otherwise normal obligations to the king.

At Nasik, the king issued the order that certain lands be made over to the monks, and that the terms be duly recorded in a document—an order that was in turn recopied in durable form as an inscription in the rock:

... to that land we grant exemption: that it is not to be entered (by royal officers); not to be touched (by them); not to be dug for salt; not to be interfered with by the district officials; to enjoy all kinds of immunities. Invest it with these exemptions, and take care to have this field and these exemptions registered here. Ordered by (the king's own) words; written down by the officer Śivaguta; kept by the Mahāsāmiyas. The deed (*paṭṭikā*) was delivered in the 18<sup>th</sup> year, on the 1<sup>st</sup> day of the 2<sup>nd</sup> fortnight of the rainy season. Executed by Tāpasa.

His Karle endowment had similar stipulations.

Gautamīputra Sātakarṇi's grants speak of the legal immunities simply as, 'exemption pertaining to a field' (*khetasa parihāra*) and 'exemptions pertaining to monks' plowlands' (*bhikhuhala-parihāra*). Such endowed properties are elsewhere in these records called *deya-dhama* ('pious gift'), *dhama-dāna leṇa* ('cave that is a pious gift'), *dhama-setu leṇa* ('cave that is a bridge of dharmā'), or *dāna-gāma* ('gift-village'), and they represent a regularized practice with some precedents in the inscriptions of the emperor Aśoka Maurya three centuries earlier. Throughout his edicts Aśoka, influenced by Buddhist teachings, praised the importance of *dhamma* as personal virtue and civic duty, appointing officials to propagate it in his realms and to oversee religious groups. He often mentioned giving (*dāna*) to 'Brahmins and ascetics' or

<sup>7</sup> Ollett, 99 and 100; Mirashi, 39 and 43; Tsukamoto, Karl 26 and Nasi 10 (c. 70–78 CE). Ollett discusses the differences between the versions of the eulogy on pp. 39–40.

<sup>8</sup> Ollett, 96; Mirashi, 38; Tsukamoto, Nasi 12 (Nasik, c. 74 and 77). Mirashi erroneously gives the amount as 7,000 in silver coins.

<sup>9</sup> Ollett, 8–9 (the latter reaffirming an earlier grant); Mirashi, 11–12; Tsukamoto, Karl 32 and Nasi 2; six years later, another village was given at Nasik in place of the first, which did not produce revenue: Ollett, 10; Mirashi, 13; Tsukamoto, Nasi 3.

‘ascetics and Brahmins’ —as a virtuous practice, which he himself modeled by bestowing rock-cut ‘cave’ residences for ascetics in the Barabar hills. Inscriptions record that each cave ‘was given by King Piyadasi to the Ājīvikas’ Three caves in the nearby Nagarjuni hills were bestowed by his grandson Daśaratha. These gifts were declared to be valid ‘for as long as the moon and sun’ (*ācaṃdamaṣūliyaṃ*), that is, in perpetuity, a formulation used elsewhere by Aśoka regarding his decrees. The documentary function of these cave dedications is made evident in the fact that an effort was later made to efface the word *ājīvikehi* (‘to the Ājīvikas’), a falsification of the ‘property deed’ likely perpetrated by members of a rival order.<sup>10</sup> These earliest grant records were extremely simple, lacking those features of the Kṣaharāta and Sātavāhana inscriptions that refer to financial and fiscal arrangements or explicitly defined property rights. (The sole Aśokan precursor in this respect will be mentioned below.)

From the Sātavāhanas onward, endowments were often set up according to the rule of *akṣaya-nīvī*, ‘non-decreasing principal’ or ‘permanent endowment’, which applied either to donated land, which should be retained to generate revenue, or to other forms of capital invested to generate interest income.<sup>11</sup> The former type is the object of the oldest surviving copper-plate charter in India, the Patagandigudem plates (second half of the third century), which record a gift of a Śālaṅkāyana king of ‘plowland [that is made to provide] revenue for the monks’ (*halo bhikhubhogam*) by the terms of a permanent endowment.<sup>12</sup> Most such endowments (as at Patagandigudem) were conferred upon a Buddhist monastic group, and Gregory Schopen has discussed scriptural accounts depicting the Buddha as endorsing the practice of investing endowment capital as a means of funding monastic life.<sup>13</sup> Indeed, Schopen argues that the arrangement probably was first used to support Buddhist groups, only thereafter being employed also to fund Brahmin enclaves and temples. Yet there are also a few early instances of Brahmins as beneficiary of a permanent endowment (either directly or in the name of a Brahmanical deity): such is the purpose of a pillar inscription from the reign of the same king, at the Buddhist site of Nagarjunakonda, but dedicated to the temple of a deity called Puṣpabhadrasvāmin. Here again, the use of Sanskrit rather than Middle Indic in the record is a signal that that the temple was in Brahmin hands.<sup>14</sup>

The next centuries saw an increase in Brahmins receiving property endowments like those given to Buddhists. The surviving Sātavāhana donations include the Malavalli Pillar Inscription of Cuṭukulānanda Sātakarṇi, in Karnataka, which records a late-third-century CE ‘Brahmin endowment’ (*bamhadejja* = Skt. *brahmadeya*) in favor of a Brahmin named Koṇḍamāna to fund his ritual service of a god Maḷapaḷi;<sup>15</sup> the

<sup>10</sup> For discussion of these grants and the diplomatic conventions introduced by Aśoka and surviving in later charters, see Lubin, ‘Towards a South Asian Diplomatics’ (n 3) 40–44.

<sup>11</sup> Gregory Schopen, ‘Doing Business for the Lord: Lending on Interest and Written Loan Contracts in the Mūlasarvāstivāda-Vinaya’ (1994) 114 *Journal of the American Oriental Society* 527.

<sup>12</sup> Stefan Baums and others, ‘EIAD 55: Copper Plates from Patagandigudem (Kallacheruvu), Set I—Reign of Siri-Ehavalacāntamūla’ (*Early Inscriptions of Āndhradeśa*, 2017) <<http://hisoma.huma-num.fr/exist/apps/EIAD/works/EIAD0055.xml?&odd=teipublisher.odd>> accessed 7 November 2021.

<sup>13</sup> Schopen (n 11) 529–530. The passages he discussed come from the *Mūlasarvāstivāda Vinaya*, a body of scriptures that were used as a basis for Buddhist monastic law.

<sup>14</sup> Arlo Griffiths and Vincent Tournier, ‘EIAD 53: Octagonal Pillar from Site 34 at Nagarjunakonda—Reign of Siri-Ehavalacāntamūla, Year 16’ (*Early Inscriptions of Āndhradeśa*, 2017) <<http://hisoma.huma-num.fr/exist/apps/EIAD/works/EIAD0053.xml>> accessed 7 November 2021. Even earlier, the Hāthīgumphā inscription of king Khāravēla of Kāliṅga (modern Odisha; c. first century BCE) records that he ‘bestowed immunity on the caste of Brahmins’ (*bamaṇānam jātim parihāraṃ dadāti*): Kashi Prasad Jayaswal and Rakhil Das Banerji, ‘The Hathigumpha Inscription of Kharavela’ (1929) 20 *Epigraphia Indica* 71, 79, 88.

<sup>15</sup> No. 1195 in Lüders 1912; Rice 1902: 251–252 (no. 263). There is also the striking Naneghat inscription of Queen Nāganikā, which begins with an invocation of Brahmanical deities and continues with an account of the performance of the full range of Vedic sacrifices, complete with the lavish fees paid to the priests—gifts that included at least one village: No. 1114 in Lüders 1912; Mirashi 1981: 5–16 (no. 3, line 10). Buddhist Pali scriptures use the term *bamhadejja* in the sense ‘most excellent gift’ in keeping with the Buddhists’ ethicized appropriation of the attributive *brahma-*, e.g., *brahmadeyyan ti seṭṭhadeyyaṃ*, Buddhaghosa, *Sumaṅgalavilāsini*

grant includes ‘all exemptions’ including ‘no entry by officers’ (*abhaṭappavesa*). Another inscription added on the same pillar around 330 by a Kadamba king reaffirms a gift of 13 villages to support the rites performed for the deity.<sup>16</sup>

The earliest inscriptions of the Pallava kings (also in the South) employ the same exemption formulas. In the Maidavolu plates (c. 305 CE) and the Alavakonda plates from a few decades later, the practice of endowing Brahmin ritual services is apparently well enough recognized that the record refers in a sweeping fashion to ‘all exemptions of *brahmadeyas*’ and ‘these and all other rules for all *brahmadeyas*’.<sup>17</sup> This suggests that for the Pallavas this was already a well-known arrangement. The Pallava lists stipulate that the property thus conferred may not to be mined for salt, may not to be interfered with by the district officials, may not be (required to supply) draft-bullocks, may not to be entered by officers (*abhaḍappavesam*), and may not be required to provide provisions and lodgings.

The precise functions of the class of person designated by the word *bhaṭa* or *bhaḍa*, earliest attested in the immunity clause as well as in the *inscriptio* (the list of persons addressed) in these inscriptions, is not altogether clear. In later inscriptions, it is commonly paired with *cāṭa*, also poorly understood. Both terms have been frequently if inconclusively discussed, but from context it becomes apparent that they designate some sort of low-level royal servants who were regarded as a nuisance or source of oppression by ordinary citizens because they imposed a burden on private property in some way, e.g., in policing or tax collection. The fact that they are classed together with money-lenders (*kusīda*) in one charter suggests that demanding money or enforcement of other obligations may indeed have been involved.<sup>18</sup> In later centuries, this is more often used in the compound *cāṭa-bhaṭa*,<sup>19</sup> which also occurs in lists of those to whom royal orders are addressed, at the end of the roster of ‘all the king’s men’ (*aśeṣa-rāja-puruṣān*) or ‘dependents of the king’ (*rāja-pāḍopajīvinah*), but preceding the list of inhabitants (which is likewise organized in descending order of rank).<sup>20</sup>

The Hirahadagalli grant (c. 338 CE) lists several particular immunities<sup>21</sup> as examples of a larger set of 18, instructing a long list of royal servants to ‘exempt and cause others to exempt’ the property from such obligations, a bit of legalese that would become typical of later documents, beginning with some Pallava Sanskrit grants.<sup>22</sup>

246.11 on *Dīghanikāya* 87), and the *Pāli-English Dictionary* (s.v.) insists that this meaning holds even when the term applies to a gift to a Brahmin. However, the context here, including the named Brahmin beneficiary, together with the telling parallel use of the word *bhikkhuhala* in grants to Buddhist monks where the listing of exemptions is concerned, suggests that the epigraphical usage should in fact be considered distinct from the scriptural usage and/or Buddhist scholastic interpretation.

<sup>16</sup> Ollett, 51 and 78; Mirashi, 35;

<sup>17</sup> Maidavolu copper-plates: *sava-bamhadeya-pa[rīhā]ro ... etehi anehi ca sava-bamhadeya-majādāya-savaparihārehi* (lines 12–17); Alavakonda copper-plates of Viṣṇugopavarman, mid-4th c.: *annehiva bamhatejja* (i.e.: *bamhadeya*-) *savaparihārehim* (lines 17–19).

<sup>18</sup> A charter issued c. 617 by the Cālukya crown prince Viṣṇuvardhana I groups them with money-lenders, who along with the others are precluded from entering the property; see JF Fleet, ‘Sanskrit and Old-Kanarese Inscriptions: No. 191.—Satara Copper-Plate Grant of Vishnuvardhana I’ (1890) 19 *Indian Antiquary* 303. The grant is made to Brahmins to support the performance of the ‘five great sacrifices’, a late-Vedic doctrinal formulation.

<sup>19</sup> In the Old Javanese deeds, this position in the formula is taken by a diverse category called ‘collectors of royal revenue’ (*mañilala dravya haji*), which might loosely echo the sense of an expression common in Indian charters, ‘those who subsist on the king[’s grace/substance]’ (*rājapāḍopajīvin, pādapiṇḍopajīvin, pādaprasāḍopajīvin*).

<sup>20</sup> We find them among addressees already in the Pallava Hirahadagalli and Alavakonda charters. For a later, longer ranked list, see, e.g., the Rajibpur copper-plates (Furui 2015, lines 35–44).

<sup>21</sup> G Bühler, ‘I.—A Prākṛit Grant of the Pallava King Śivaskandavarman’ (1892) 1 *Epigraphia Indica* 2:

*akūrayollakavinesikhaṭṭāvāsaṃ adūhadadhigahaṇaṃ araṭṭhasaṃvinayikaṃ aḷaṅgulacchobhaṃ akaraveṭṭhikoṃjallaṃ apāraṃparabalivaddagahaṇaṃ atānakaṭṭhagahaṇaṃ aharitakasākāpuphagahaṇaṃ evamādīkehi aṭṭārasajātīparihārehi...* (lines 31–35). The exemption from entry by *bhaḍas* is the only one from Maidavolu that is missing in this list, but *bhaḍas* are mentioned earlier (in line 7) among those to whom the decree was addressed.

<sup>22</sup> For example, see Lubin, ‘Diplomatics’ 74–77.

Another new element in the Pallava plates was the inclusion of penalties for those who might violate the terms of the grant. This section later comes to include not only immediate penalties imposed by the king but also (and often exclusively) imprecations threatening repercussions in the next life on account of the sin incurred. In Indian land grants, this function is served by admonitory stanzas, found already in the Guṇapadeya charter of Queen Cārulevī and the Alavakonda grant (mid-fourth century), both of which quote a Sanskrit curse stanza in an otherwise Prakrit record.<sup>23</sup>

#### IV. Further Developments of Indian Foundation Charters

It is curious that even today some scholars continue to attribute to the Gupta dynasty (c. 320–550 CE) the main impetus for the practice of royalty issuing land-grant charters,<sup>24</sup> even though no such charters were issued directly in the names of Gupta kings. Others have pointed out that the practice was well established earlier, as in the examples discussed so far, and that, if anything, the Pallavas and Śālaṅkāyanas in the south embraced the practice before their northern contemporaries, the Guptas, and that the earliest surviving examples are the first-century CE stone inscriptions in western India.<sup>25</sup> Moreover, as already noted, the basic idea of tax-exemption on religious grounds and (separately) the gifting of property to religious professionals are both attested in Mauryan inscriptions of the mid-third century BCE. A long time gap ensues before the first surviving examples of fully fledged land-grant charters, those of the Kṣaharātas and Sātavāhanas, but those records themselves suggest that the institution was even then well-known. As Visvanathan notes, that format continues to be expanded and elaborated in the following centuries.

DC Sircar compiled a 21-page list of all the immunity clauses that occur in Sanskrit and Prakrit charters.<sup>26</sup> They may be classified into several groups:

- immunity from intrusion by various, specified officers of the state: e.g., the privilege ‘not to be entered by *cāṭas* and *bhaṭas*’,<sup>27</sup> not to be molested by district officials, etc.
  - later lists specify exclusion of ‘dependents of the king’ (*rājapādopajīvins*), a diverse class of officials and public servants;
  - these figures often appear among the addressees of the royal order (e.g., in sixth-century Maitraka grants, the king notifies ‘all his officers and appointees, *drāṅgikas*, *cāṭas*, *bhaṭas*, superintendents of revenue-collection, police, etc., and others concerned’;

<sup>23</sup> Such stanzas are drawn from a larger pool collected by Dines Chandra Sircar, *Indian Epigraphy* (Motilal Banarsidass, Delhi 1965) 170–201.

<sup>24</sup> So argue So argue Michael Willis, *The Archaeology of Hindu Ritual: Temples and the Establishment of the Gods* (CUP, Cambridge 2009) 81; and Jason D Hawkes and Riza Abbas, ‘Copperplates in Context: A Preliminary Investigation of the Study and Archaeological Settings of Land Grant Inscriptions’ (2016) 22 *Pratnatattva* 41.

<sup>25</sup> Meera Visvanathan argues that the practice originated with the Sātavāhana kings: Meera Visvanathan, ‘The First Land Grants: The Emergence of an Epigraphic Tradition in the Early Deccan’ in Mekhola Gomes, Digvijay Kumar Singh and Meera Visvanathan (eds), *Social Worlds of Premodern Transactions: Perspectives from Indian Epigraphy and History* (Primus Books, Delhi 2020). On Ikṣvāku inscriptions (3<sup>rd</sup>–4<sup>th</sup> centuries): Ingo Strauch, ‘Money for Rituals: *Akṣayanīvī* and Related Inscriptions from Āndhradeśa’ in Henry Albery, Jens-Uwe Hartmann and Himanshu Prabha Ray (eds), *Power, Presence and Space: South Asian Rituals in Archaeological Context* (Routledge, Oxford 2021).

<sup>26</sup> Dines Chandra Sircar, *Indian Epigraphical Glossary* (Motilal Banarsidass, Delhi 1966) 388–408.

<sup>27</sup> This clause is sometimes (e.g., in the Khoh copper-plates) followed by *cora-varjam* or *caura-varjam*, which is generally taken to mean ‘except for thieves’ or ‘free from thieves’. This has generally been interpreted as a limitation on the exemption from entry by royal officers, which would allow them to pursue thieves onto the property. Elsewhere the clause is longer: *cora-daṇḍa-varjam*, ‘except for thieves and fines’, and *cora-rājāpathyakāri-varjam*, ‘except for thieves and those who do what offensive to the king’. In the Navagram and Majhgawam charters of the same king (Hastin): ‘by means of a copper-plate charter the *agrāhāra* was conferred, except thieves’ (*tāmraśāsanagrāhāro ‘tisṛṣṭa[h] cauravarjjam*), which might be understood to say that the charter is intended to secure the property rights of the beneficiary from thieves or usurpers just as from demands of government agents.



- exemption from the obligation to provide lodgings, food, fodder, materials, or draft animals for royal officers;
- exemption from payments of tax or other financial obligations to rulers or their agents;
- exemption from the obligation to provide compulsory labor (corvée);
- exemption from the rule of escheat (the forfeiture to the state of the property of someone who dies without male heir);
- rights to control and use of water sources, forests, gardens, and means of ingress and egress;
- rights to plant areca nut and coconut trees without the usual need for permission;
- rights to build amenities, structures, and temples without permission;
- right to keep any property found buried or otherwise discovered within the bounds of the foundation;
- exemption from the juridical authority of the state, often stipulated as:
  - *sa-daśāparādha* or *sa-daśāpacāra*, ‘including [the right to adjudicate and punish] the ten crimes’;
  - *sa-cauroddharaṇa*, ‘including [the right] to eradicate thieves’;<sup>28</sup>
  - *sa-daṇḍa-doṣa*, ‘including [the right to assign] fines and guilt’.

Inhabitants of donated villages thus appear to have come under the jurisdiction of the beneficiary: obligations formerly owed to the king or other political authority would henceforth be directed to the Brahmin group (or temple), in perpetuity. The taxes thus redirected could include annual tribute payments (*bali*, probably a fixed sum), a fixed share of agricultural produce (by common convention, one-sixth), and various other levies on trades and crafts.

The clauses relating to juridical privileges may have arisen as an extrapolation of the exemptions from the entry of or interference from officers of the state or others who would otherwise have been able to make legitimate claims on private property. When juridical privileges were stipulated, beneficiaries had the authority to set penalties for ‘the ten crimes’,<sup>29</sup> and to retain monies paid as fines (*daṇḍa*), and thus, presumably, to wield power over person and property. Although the documents generally do not go into more detail about this juridical autonomy, the intent may have been to acknowledge that the religious groups were not only competent in matters of law but that it was proper for them to control their own jurisdiction. Nevertheless, one can imagine that the land-grant-holders ultimately relied on the power of the royal benefactor to delegate and document this authority over law (through the charter) and, if need be, to ensure the compliance of those falling within the jurisdiction thus created.

## V. Scriptural Authority Echoed in the Foundation Charters

<sup>28</sup> The meaning of this expression is clarified by Vijñāneśvara’s twelfth-century explanation of the words ‘he should have the thief seized’ (*hartāraṃ grāhayet naram*) in *Yājñavalkya Dharmaśāstra* 2.169: the seizing should be done ‘by those such as thief-eradicators (*cauroddharaṇika*)’. On *YDh* 2.273, Vijñāneśvara associates this official (*cauroddhartr*) with the official in charge of security on public roads (*mārgapāla*). The charter privilege, it seems then, was to have the right to arrest and try thieves without the obligation to involve public authorities.

<sup>29</sup> Textual lists of the *daśāparādhas* vary, but they are similar in that they are offenses that ‘the king himself should prosecute [even] when there is no complainant’ (*etāṃś cāvedakaṃ vinā svayaṃ rājā vicārayed*; *Smṛticandrikā* on the general rules of inquest [*darśanavidhi*], citing Nārada and Kātyāyana). Hence, the *sa-daśāparādha* clause appears to exempt the beneficiary from unwanted state interference in internal criminal matters.

What principle justified such arrangements? What was it about the status of Buddhist monks and Brahmins that could motivate a prince to forgo fiscal revenue, to set limits on state prerogatives, and even to yield the scepter (*daṇḍa*) of justice to a certain subset of the populace? What laws defined such a status? We know from other sources—normative texts—that the religious institutions mentioned here had by this time developed substantive and procedural laws for their internal governance: the Brahmins’ *Dharmaśāstras* and the Buddhists’ *Vinaya* (code of monastic discipline). These codes were compiled on sacred authority, articulated by human beings but (so they claimed) ultimately on a basis beyond mere human knowledge and convention or royal decree. The jurisdiction of these laws extended to all those ritually consecrated in accordance with them, regardless of country or kingdom. In a few places, the *Dharmaśāstras* take some notice of regional variations, but emphasize the greater authority of generally applicable rules on account of their transcendent origin.

Brahmanical *Dharmaśāstra*, the ‘doctrine on *dharma*’, was developed by theorists who coordinated the two spheres by subordinating all forms of worldly law—the customary rules of clan, village, and region, as well as the sovereign decrees of kings—to the higher law of *dharma*, on which only learned Brahmins were deemed competent to speak. They accomplished this by inserting all the rules of criminal justice and the adjudication of civil disputes (otherwise known, and largely borrowed, from the *Arthaśāstra*) into the chapters on *rāja-dharma*, the duties of the king in accordance with *dharma*.

Provisions are made in these books to define duties, capacities, and standards of conduct, and to provide mechanisms for resolving disputes and for punishing those who commit infractions. The *Dharmaśāstras*, which aspire (like the canon law) to regulate every aspect of society, propose two parallel and occasionally overlapping regimes of legal remedies: penances (*prāyaścitta*) and social sanctions for violations of ritual norms and ecclesiastical discipline, and fines and punishments (*daṇḍa*) to be imposed by the king or his representative in the courts.

And just as Buddhist scriptures endorsed the practice of monasteries accepting and managing the donation of a permanent endowment invested for its maintenance and for provisions for the monks, Brahmanical normative texts recommend that kings give land-grants to Brahmins: ‘[The king] should present Brāhmaṇa land grants (*brahmadeyas*) exempt from fines and taxes to the officiating priest, teacher, Chaplain, and Vedic scholars, gifts that are inherited by heirs of equal competence’ (*Arthaśāstra* 2.1.7); ‘After a victory, [the king] should worship gods and pious Brahmins [and] grant exemptions’ [to Brahmins within the conquered realm] (*Mānava Dharmaśāstra* 7.201).<sup>30</sup> In both the Buddhist and Brahmanical cases, the texts validate an already current practice with authoritative normative statements.

When we hear kings and their spokesmen speaking in their own voices, as we do in inscriptions, we do hear some broad endorsements of Brahmanical ideals of divine law—*Dharma* writ large—especially in the ornate panegyrics of sovereign power and the royal lineage that introduce the more prosaic, legal technicalities of the decrees. The Indo-Scythian king Rudradāman, in a decree inscribed in the year 150 CE alongside a set of Aśoka’s rock edicts at Junagadh (Girnar)—the first lengthy royal inscription composed entirely in Sanskrit—is depicted ‘with a mighty love of *Dharma* that he acquired by properly raising his hand [in court],’<sup>31</sup> that is, in terms that seem to echo Manu’s lawbook (*MDh* 8.1–3):

When the king is going to try a case, he should enter the court modestly accompanied by Brahmins and counselors ... and raising his right hand he should look into the cases of the plaintiffs every day

<sup>30</sup> *jitvā sampūjayed devān brāhmaṇāṃś caiva dhārmikān, pradadyāt parihārāṃś ca ...*; similarly, *Yājñavalkya Dharmaśāstra* 1.319.

<sup>31</sup> *yathārthahastocchrayārjitorjitadharmānurāgena*, Lorenz Franz Kielhorn, ‘Junagadh Rock Inscription of Rudradaman, the Year 72’ (1905) 8 *Epigraphia Indica* 36, lines 12–13; analyzed at 48n2.

in accordance with the standards of the region and those specified in the [Dharma]śāstra, lawsuits that fall under one or another of the eighteen avenues of litigation.<sup>32</sup>

This inscription is not an endowment charter; it commemorates the king's repair of a reservoir built originally by the Maurya king Candragupta and improved by Aśoka. Rudradāman is keen to present himself as successor to Aśoka, likewise a king ruling by dharma, but in this case the Brahmanical dharma, as is evident from the claims that he was learned in the Vedas (the Brahmanical scriptures) and other Sanskrit literature, and was 'sought out by all social classes (*varṇa*) for his protection as their lord'—employing the doctrinally freighted status category *varṇa* that is central to Brahmanical dharma—and by the formulaic allusion to his pious support of 'cows and Brahmins'.<sup>33</sup>

In a similar way, royal endowment charters commonly echoed scriptural or doctrinal ideals appropriate to the religious affiliation of the beneficiary, though it is striking that even many Buddhist endowments begin with a panegyric in which the donor's Sanskritic erudition, performance of Vedic sacrifices, or unstinting support of Brahmins features prominently (early examples already noted above). This pattern shows that scriptural ideals were given public recognition in the political order of wider society, and could form the basis for assigning special rights, protections, and privileges by royal decree. Although such exemptions were conferred by decree and recorded in a document, their legitimacy and value were evidently understood to derive from the norms of sacred teachings transmitted by religious professionals.

This is reflected too in the fact that the worthiness of the beneficiaries to receive financial support tends to be signaled by specifying their particular qualifications. For Brahmin recipients, that includes mention of the branch of Vedic learning to which they are affiliated by lineage, often noting their formal studies and attainment, and sometimes also what rites they have performed, or the deity they serve as priest. Brahmin charters specify that the recipients will be engaged in the six proper activities for a Brahmin: 'performing worship on one's own account and being engaged to perform it for others, studying and teaching sacred lore, and giving and receiving alms'—precisely the list given in Sanskrit rulebooks.<sup>34</sup>

Likewise, members of the Buddhist and other celibate ascetic orders are identified by ordination status, or referred to collectively (e.g., 'the order of noble mendicants'). Buddhist charters specify that the grant is made 'for use in supplying the requisites: robe, alms-food, bed and seat, and medicine for illness' and 'for the repair of what is broken or shattered' in the monastery, expressions appearing many times in Buddhist scriptures.<sup>35</sup>

## VI. Brahmins as 'Religious Professionals'

<sup>32</sup> *vyavahārān didṛkṣus tu brāhmaṇaiḥ saha pārthivaḥ | mantrajñair mantribhiḥ caiva vinītaḥ praviśet sabhām || tatrāsīnaḥ sthito vāpi pāṇim udyamya dakṣiṇam | vinītaḥ śābharanaḥ paśyet kāryāṇi kāryiṇām || pratyahaṁ deśadrṣṭaiḥ ca śāstradrṣṭaiḥ ca hetubhiḥ / aṣṭādaśasu mārgeṣu nibaddhāni pṛthak pṛthak ||* Patrick Olivelle, *Manu's Code of Law* (OUP, New York 2005) 167 [translation adapted], 659.

<sup>33</sup> *sarvva-varṇair abhigaṇmya rakṣaṇārtha[m] patitve* (line 9); *...go-brāh[m]a...r[ttha]ṃ* (line 15, with gap due to damage). The pairing of cows and Brāhmins as holy beings who should be protected and never harmed is common in Dharmaśāstra texts and in Sanskrit literature generally from the beginning of the Common Era: e.g., *MDh* 4.142, 5.95, 11.78.

<sup>34</sup> *yajana-yājana-adhyayana-adhyāpana-dāna-pratigrahaṇa*, prescribed in texts, e.g., *Baudhāyana Dharmasūtra* 1.18.2 and *Mānava Dharmaśāstra* 10.75 (versified); for inscriptional examples: Penugonda charter of the Śālaṅkhāyana king Hastivarman (late 4<sup>th</sup> c.); Khanapur charter of the Viṣṇukuṇḍin king Mādhavarman (6<sup>th</sup> c.); Koneki charter of the Cālukya king Viṣṇuvardhana II (668/9).

<sup>35</sup> *cīvara-piṇḍapāta-śayyāsana-glāna-pratyaya-bhaiṣajya-pariṣkāropabhogāya, khaṇḍa-phulla-saṅghappa or khaṇḍa-sphuṭita-śīrṇa-saṃskāra*, and variants.

So far, we have focused on the aims and implications of these foundation charters in general. Such grants presupposed that the beneficiaries merited support on the basis of their status as ordained members of a religious profession. As a consequence of that status, they were qualified to perform sacred functions (study, teaching, priestly duties, blessings, receipt of donations). Because celibate mendicants were expected to renounce worldly aspirations and material pursuits, the financial support would allow them to subsist while devoting their energies wholly to pious activities. Moreover, the very act of giving alms to them was itself supposed to yield automatically a spiritual or otherworldly benefit for the donor or the donor's family. This 'merit' (*puṇya*) was thought to accrue precisely because of the sacred status of the recipient made them a 'worthy vessel' for donations.

In the case of members of celibate ascetic orders (at first mainly Buddhist and Jaina, but later also some Brahmanical or other Hindu orders), the professional status was signaled by a formal ordination ceremony in which the conventional life of home and family was left behind, and a rule of celibacy and austerity was adopted, including subsisting on alms. Members of such orders were identifiable by distinctive dress and accoutrements of their profession. They lived apart from the rest of society, having 'left home' (*pravrajita*), living either in solitary residences or sanctuaries, or together in monasteries maintained by endowments.

The status of Brahmins living in endowed enclaves (*agrahāra*) or as temple priests supported by temple endowments was different in a fundamental way: most were non-celibates living *en famille*, and their status was acquired in the first place by birthright, though many sacred texts of the tradition affirm that 'true Brahminhood' was attained only by undergoing the rite of initiation (*upanayana*) into a temporary regimen of chastity and Veda study (*brahmacarya*), notionally considered to require 12 years of training under a preceptor (*ācārya*, *guru*), a sort of sacred apprenticeship. It was this training that entitled someone to perform priestly functions and to teach others.<sup>36</sup> Even after the period of studentship in youth and the ritually bathed graduate's return home, usually to marry and raise a family, proper Brahmin home life was presented as a web of intermeshed ritual obligations, days when even marital sex was disallowed, fast-days, and (as occasion demanded) penances. In keeping with their vows, Brahmins were supposed to maintain an elaborate code of ritual purity, entailing a high degree of social separation, especially in matters of food and choice of marital partners.

The *Āpastamba Dharmasūtra* and other early Dharma texts, the oldest of which were promulgated in the shadow of the Maurya empire, when the mendicant orders were ascendant, introduced the new notion that the rigorously rule-bound life of a pious Brahmin householder constituted an '*āśrama*', i.e., a mode of discipline comparable or even superior to that of a celibate mendicant (a *śramaṇa*): it was the 'discipline of one who remains at home' (*grhastha-āśrama*).<sup>37</sup> Manu's code emphasized the holiness of that state by embedding within the section on the householder the rules specific to a '*snātaka*', a Brahmin graduate bound by special vows and taboos.<sup>38</sup>

Brahmanical scriptures also extended this model of domestic piety to other birth-classes (*varṇa*)—those deemed Kṣatriya ('royal') or Vaiśya ('commoner')—provided that they underwent Vedic initiation under a Brahmin preceptor and adopted the Brahmanical ritual norms (suitably adapted to their ranks), which were said to constitute them as members of the Ārya ('noble') social classes. Those of the fourth and lowest birth-class, Śūdra, were by definition unqualified for this 'dharma of class and discipline', being

<sup>36</sup> Lubin, 'Vedic Student' (n 1).

<sup>37</sup> This is the hypothesis advanced and elaborated in the essays in Patrick Olivelle (ed), *Grhastha: The Householder in Ancient Indian Religious Culture* (OUP, Oxford 2019).

<sup>38</sup> Timothy Lubin, 'The Vedic Graduate: Snātaka', *The Oxford History of Hinduism: Hindu Law* (OUP, Oxford 2017).

theoretically of servile rank according to the Brahmanical literature. This ideology of four ranked classes took as its foundation myth a hymn from the *R̥g Veda* (10.90), which recounts the primordial sacrifice of a cosmic Man, from whose parts the entire universe was formed, including the four social classes arising from his mouth (the Brahmins), arms (Kṣatriya), thighs (Vaiśya), and feet (Śūdra). The Brahmins were depicted thus as born to their functions of reciting and teaching the Veda and eating offered food. This conceptual conjunction of sacred office and receiving of food would prove crucial to promoting the idea that Brahmins should be deemed home-dwelling holy men.

Vedic ritual manuals had from the start prescribed generous honoraria (*dakṣiṇā*), which could include food, to be paid by ritual sponsors to the Brahmin priests who officiated in their rites. But from the middle of the last millennium BCE, other occasions were found for feeding invited Brahmins, either after making offerings to the gods or to the ancestors (the *śrāddha* rites), in which cases the feeding ceremony was supposed to increase the efficacy of the preceding ritual offerings, or else as a form of merit-making in its own right. The larger the number fed, the greater the benefit to the donor. One Buddhist scripture lists the same occasions of feeding Brahmins as are found in Brahmanical sources: at the ancestor offerings, sacrificial divine services both domestic (*sthālīpāka*) and high-cult (*yajña*), and the guest reception ceremony.<sup>39</sup> The point of that passage was in fact to challenge the validity of birth-status as the basis for determining who deserves to be ritually fed, arguing that the ‘true Brahmin’ is any individual who exhibits Buddhist virtues. This is just one of many Pali Buddhist Suttas that subvert Vedic ritual norms by reformulating key Brahmanical concepts them in Buddhist terms. Another way in which this is done is to assert that the real value of a Brahmanical ritual lies not in the fire offering per se but in the feeding that follows, or that takes its place.<sup>40</sup>

Was the feeding of Brahmins really seen as analogous to the feeding of monks? Aśoka had set these groups on a par already in the mid-third century BCE, although feeding or alms-food are not specifically mentioned in the context of giving to ‘ascetics and Brahmins’.

A more explicit clue is the rule, tacked on near the end of book 3 of Kauṭilya’s treatise of polity, the *Arthaśāstra* (3.20.16), asserting that feeding Buddhist (*śākya*), Ājīvaka, or other non-Brahmanical mendicants in the context of offering rites is not merely incorrect by Brahmanical ritual norms; it should also be a punishable crime: ‘...for someone who feeds rabble recluses such as Śākyas and Ājīvakas at divine and ancestral rites, the fine is 100 paṇas’.<sup>41</sup> The *Yājñavalkya Dharmaśāstra* (2.240–242) adopts a similar rule: ‘someone who feeds Śūdra (i.e., non-Brahmin) recluses at a divine or ancestral rite’ should be punished with a 100-paṇa fine.<sup>42</sup> Manu’s code likewise warns against feeding ‘ascetics of heretical sects’ (*pāṣaṇḍins*) and pious frauds, advising rather that ‘at rites for gods and ancestors, one should honor bathed graduates of Vedic study or vows, Vedic scholars, or pious householders, avoiding any different from these’.<sup>43</sup> The very existence of such rules suggests that laypeople in that period were liable to view Brahmins and non-Brahmanical mendicants as functionally interchangeable for the purpose of ritual feeding.

<sup>39</sup> *Ambaṭṭha Sutta* 25 in the *Dīgha Nikāya* (v. 1, p. 97).

<sup>40</sup> Similarly, in Jainism, the feeding of mendicants is one of the four primary acts of piety for laypeople: a *dāna* vow taking the form of guest reception (*atithīnām pratipūjā*).

<sup>41</sup> *Śākyājīvakādīn vṛṣalapravrajitān devapitrkāryeṣu bhōjayataḥ śatyō daṇḍaḥ*: Patrick Olivelle, *King, Governance, and Law in Ancient India: Kauṭilya’s Arthaśāstra* (OUP, Oxford 2013) 221. Olivelle (622) regards this passage as an interpolation on the grounds that the group labels Śākya and Ājīvaka do not otherwise occur in classical Sanskrit treatises, though those groups are condemned in later commentaries; however, the parallel in *Yājñavalkya* is not much later than the final recension of the *Arthaśāstra*.

<sup>42</sup> Patrick Olivelle, *Yājñavalkya: A Treatise on Dharma* (Harvard UP, Cambridge, Mass. 2019) 192–193.

<sup>43</sup> *Mānava Dharmaśāstra* 4.30–31.

It was on authority of such doctrinal views that kings began making endowments called *brahmadeya*, ‘gift to Brahmins’, of land or money to establish and fund Brahmin *agrahāras*.<sup>44</sup> We have already seen some of the earliest examples, in which the grant was designated for one or more named individuals (by the middle of the first millennium, the lists of recipients could run into the hundreds or even thousands),<sup>45</sup> or in the name of a deity (which is comparable to endowments for monasteries being conferred upon the Buddha). By the Gupta era, grant charters typically would record the credentials of the beneficiaries by identifying them by the Vedic ‘branch’ and ‘school of practice’ (*śākhā* and *carāṇa*) in which they had studies, and (often) also their ‘clan’ (*gotra*) and ‘invocation of ancestral sages’ (*pravara*). These are main sets of criteria marking status within Brahmin communities, structuring marriage alliances (in the case of *gotra* and *pravara*) and priestly or scholastic training. Certain individuals were further identified as experts in particular fields (e.g., logic, grammar, law), as teachers, or as holding political office. In the charters, group-internal identifiers were listed along with public titles. Although *gotra* was a specifically Brahmin classification, Kṣatriya patrons including kings are known to have adopted the *gotra* of their Brahmin ‘chaplain’ (*purohita*), which was another way in which Brahmin prestige was publicly endorsed.<sup>46</sup>

The idea of the endowed enclave as a mechanism for feeding Brahmins at the king’s expense is encoded in the word *agrahāra* (or *agrāhāra*) itself, which a medieval commentator explained thus: ‘*agrahāras* consisting of fields, etc., are ‘offered’ (*har-*) ‘first’ (*agram*), i.e., for the purpose of feeding of Brahmins, and are sundered from the wealth of the king’.<sup>47</sup>

These settlements were supported by revenue from agricultural land and/or attached villages. The stated purpose of such grants was to support the study of Vedic scripture and scholastic works, the performance of Vedic rituals (*bali*, *caru*, *sattra*) or ritual service of a shrine deity (in a *devakula* or *devālaya*), and/or the periodic feeding of Brahmins (and sometimes also the poor) in a special ‘hall of merit’ (*puṇyāśālā*). Early examples that explicitly mention the feeding of Brahmins include the Kuṣāṇa (Central Asian) king Huviṣka’s permanent endowment at Mathura in the year 155, invested with a merchant guild, to support the feeding of the poor and monthly feeding of 100 Brahmins.

Grants to Brahmins were made to support scriptural study and Vedic ritual performances, or the worship services conducted for a deity enshrined in a sanctuary. Exactly as in the case of the grants to mendicants and monasteries, grants to Brahmins and temples were offered in the hopes of earning merit in

<sup>44</sup> An endowment to a Buddhist monastery could also said to follow the ‘rule for an *agrāhāra*’ (*agrāhārasthityā*), as in Schmiedchen, ‘No. 11: Ambalasa grant of Dhruvasena I, [Valabhī] year 208, Pauṣa ba. 8’ (526 CE) (Maitraka Inscriptions: Collections of Task Force B of the DHARMA project ERC n 809994, 2023 <<https://erc-dharma.github.io/tfb-maitrakaepigraphy>> accessed 31 August 2023); or the ‘rule for an *agrāhāra* in favor of a deity’ (*devāgrāhārasthityā*) (Yodhāvaka grant of Dharasena IV, 644 CE). This has been explained as Buddhist grants including ‘long and comprehensive stipulations largely inspired by Brahmanical endowments’; see Annette Schmiedchen, ‘Buddhist Endowments by Śaiva Kings under the Maitrakas of Valabhī in Western India (5th–8th Cent.) and the Yodhāvaka Grant of Dharasena IV, [Valabhī] Year 326’ (2021) 5 *Endowment Studies* 107, 132.

<sup>45</sup> E.g., the Paschimbhag copper-plates of the Candra king Śricandra, year 5, first half of the tenth century, provides for 6000 Brahmins (no. 37 in Ryosuke Furui, ‘*Brāhmaṇas* in Early Medieval Bengal: Data of Inscriptional References’ in Nobuhiro Ota (ed), *Zen-kindai Minami-Ajia Shakai Ni Okeru Matomari To Tsunagari (Clustering and Connections in Pre-Modern South Asian Society)* (Research Institute for Languages and Cultures of Asia and Africa, Tokyo University of Foreign Studies, Tokyo 2017) 200.).

<sup>46</sup> John Brough, *The Early Brahmanical System of Gotra and Pravara: A Translation of the Gotra-Pravara-Mañjarī of Puruṣottama-Pañḍita* (CUP, Cambridge 1953) 5. For a discussion of the use of such classifications in describing Brahmin donees in early eastern India, see for example Upinder Singh, *Kings, Brāhmaṇas and Temples in Orissa: An Epigraphic Study AD 300–1147* (Munshiram Manoharlal, Delhi 1994) 123–5; and Annette Schmiedchen, *Herrschergenealogie und religiöses Patronat: die Inschriftenkultur der Rāṣṭrakūṭas, Śilāhāras und Yādavas (8. bis 13. Jahrhundert)* (Brill, Leiden 2014) 159–65, where, for example, she calculates that 90 per-cent of Rāṣṭrakūṭa charters listed the *gotra* of recipients, and half recorded their Vedic affiliation.

<sup>47</sup> *agram brāhmaṇabhojanam tadarthaṃ hriyante rājadhanāt pṛthakkriyante te ‘grahārāḥ kṣetrādāyah*, Caturbhujā quoted s.v. *agrahāra* in Otto Böhtlingk and Rudolf Roth, *Sanskrit-Wörterbuch* (Kaiserliche Akademie der Wissenschaften, St. Petersburg 1855/1875; <<https://www.sanskrit-lexicon.uni-koeln.de/scans/PWGSscan/index.php?sfx=png&vol=1>>) 42.

this world and the next. Yet the donors clearly had worldly objectives in mind as well. A number of charters treat the grant as a reward to the beneficiaries for performing rites of blessing (*svastyayana*, *punyāhāvācana*) and the pacification (*śānti*) of inauspicious powers, services particularly valued by kings for ensuring their success in war and politics.<sup>48</sup> It is not rare that individuals named as beneficiaries in a *brahmadeya* appear to show up as officials in the king's administration,<sup>49</sup> which suggests that the *agrahāra* enclave was not viewed solely as a site of spiritual or metaphysical inquiry. The skills and training acquired there were viewed as having worldly applications as well.

## VII. The Political and Economic Implications of the Foundations

Patronage of this sort was predicated on the notion that there was a sacred sphere conceptually distinguishable from worldly affairs, even if it could be implicated in those affairs. Individuals and institutions inhabiting this protected sphere could and did participate in worldly (*laukika*) financial or commercial transactions, and the inscriptions certainly show that there was no 'separation of church and state' in the sense of a principled distance or mutual neutrality, but ancient and medieval documents show that religious individuals, groups, and institutions could claim and were often accorded a certain measure of autonomy and fiscal immunity from secular authorities—autonomy that was legally defined and protected.

Three centuries before Uṣavadāta, the emperor Aśoka Maurya, who praised the value of the *dharmas* taught by various religious groups and the merit to be earned by giving to 'Brahmins and ascetics', exempted the village where the Buddha had been born from making annual tribute payments (*bali*), in recognition of its holiness.<sup>50</sup> In the same breath, he endowed it with a portion of the eight parts into which the Buddha's ashes had been divided.<sup>51</sup>

Using an analogous expression, Kauṭilya's *Arthaśāstra* (2.21.18), an ancient treatise on statecraft compiled between the first and fourth centuries, exempted from customs levies (*śulka*) goods destined for Brahmanical ritual or sacramental uses.<sup>52</sup> In other words, Kauṭilya treated goods for use in religious ceremonies as duty-free—the examples mentioned there are rites and sacraments of the Brahmanical religion, which naturally reflects the overall Brahmanical orientation of this work.<sup>53</sup> A few centuries later, the (late-Gupta-era) *Nārada Dharmasāstra* (18.33–6) provides a list of privileges that Brahmins should enjoy. The list begins with various tokens of dignity and certain liberties related to alms-collecting and subsistence; it ends with three relating to river-crossings: 'the right to cross rivers without paying the toll

<sup>48</sup> Furuī (n 45) app I. Grants 24, 38, 42, 46, 47, 52, and 56 are issued to Brahmins bearing titles indicating that they held office with responsibility to ensure the performance of pacification rituals (*śāntivārika*, *śāntyāgārika*, *śāntyāgārādhikṛta*, *śāntigrhaprativaddha-śāntivārika*), from the ninth to thirteenth centuries.

<sup>49</sup> Timothy Lubin, 'The Polity of the Philosopher-Bureaucrat: Brahmanical Virtue as a Qualification for Public Office' in Piotr Balcerowicz (ed), *World View and Theory in Indian Philosophy* (Manohar, Delhi 2012).

<sup>50</sup> Rummidei pillar edict, using the term *ubalika* 'released (*ut-*) from *bali*'; cf. Kauṭilya's *ucchulka*, 'exempt (*ut-*) from duty-payment (*śulka*)'.

<sup>51</sup> Harry Falk, 'The Fate of Aśoka's Donations at Lumbini' in Patrick Olivelle, Janice Leoshko and Himanshu Prabha Ray (eds), *Reimagining Aśoka: Memory and History* (OUP, Oxford 2012). Falk notes (p. 207) that 'the term also seems to have a legal and/or fiscal connotation, exempting the village from royal jurisdiction and placing it directly under the rule of those clerics looking after it'.

<sup>52</sup> The only other reason he gives for applying this status is for the importing of military or high-value goods of the sort banned for export for reasons of strategic or economic security (2.21.23, 31).

<sup>53</sup> The oldest layer of the *Arthaśāstra* (c. first century BCE–first century CE) likely lacked most of the passages added in a third- or fourth-century 'revised edition' of that work, which was more thoroughly marked by the influence of *Dharmaśāstra*—those passages that emphasize the division of society into divinely ordained classes and ritual disciplines, as well as those bits that explicitly subordinate the authority of the king to Brahmin authority and the transcendent Dharma itself. On the process of redaction of that work, the state-of-the-art studies are Mark McLish, *The History of the Arthaśāstra: Sovereignty and Sacred Law in Ancient India* (CUP, Cambridge 2019); and Olivelle, *Kauṭilya's Arthaśāstra* (n 41) 3–31.

(*vetana*); the right to cross first; and exemption from duty (*śulka*) on these crossings as long as he is not engaged in commerce'.<sup>54</sup> The latter qualification underscored the fact that these privileges are predicated upon Brahmins' status as a religious professional: if the Brahmin is engaged in commercial, 'worldly' activity—activity Brahmins are only grudgingly allowed<sup>55</sup> and sometimes forbidden to follow according to their own normative texts<sup>56</sup>—the exemption does not apply.

So, exemption from fiscal obligations was granted in recognition of a publicly marked religious status linked on principle (if not always in practice) to a formal discipline and sacred professional functions, and was available to Brahmins of various sectarian persuasions, as well as to Buddhists, Jainas, and others, on the understanding that these were all comparable forms of *dharma*. Civil religion in ancient India, then as in the modern world, was a balancing act of granting a special separateness of religion (i.e., its transcendence) while acknowledging its role in securing the public welfare or the private welfare of the donor (i.e., its immanence).

The real-world political and economic implications of the widespread increase in the number of religious foundations have been a matter of debate among historians. One camp viewed it as a long-term drain on resources and power, tending to weaken central authority.<sup>57</sup> An opposing school of thought reached the opposite conclusion, arguing that such land-grants were in reality a productive tool for opening up undeveloped areas for settlement and agricultural production, for social integration of diverse groups and tribes under a stabilizing ideology and ethical order, and for state-formation.<sup>58</sup> The latter view has come to predominate.

In his review of earlier scholarship on the effects of Frankish immunities on public authority in early medieval Europe, Paul Fouracre warns against conflating 'general immunity from the legally constituted power of the state' with 'special exemptions', and religious grants with grants to laypeople. In India, texts and (later) formularies did provide for land-grants and tax exemption for secular beneficiaries (e.g., as rewards for service), but unlike in the religious grants, these were never made in perpetuity; they were normally revocable and lasted only for the life of the recipient. Fouracre points to a similar distinction in the Frankish case.<sup>59</sup>

Turning back to the South Asian records, we can see that *agrahāras*, despite their exemptions, did not constitute fully autonomous polities that might challenge the power of the state. One charter, for instance, of the Maitraka ruler Dhruvasena I was issued to a Brahmin in 536 CE 'from the victory camp situated at the *agrāhāra* of Kamalanīya',<sup>60</sup> which implies that the endowed property was treated as part of

<sup>54</sup> *brāhmaṇasyāparihāro rājanyāsanam agrataḥ | prathamam darśanam prātaḥ sarvebhyas cābhivādanam | agram navebhyah sasyebhyo mārgadānam ca gacchataḥ | bhaikṣahetoḥ parāgāre praveśas tv anivāritaḥ || samitpuṣpodakādāneṣv asteyam aparigrahāt | anākṣepaḥ parebhyas ca sambhāśas ca parastriyā || nadīṣv avetanas tārah pūrvam uttaraṇam tathā | tareṣv aśulkadānam ca na ced vāñijyam asya tat ||* (*Nārada Smṛti* 18.33–36, ed Richard Lariviere, *The Nārada Smṛti* [University of Pennsylvania, Department of South Asia Regional Studies, Philadelphia 1989]).

<sup>55</sup> 'Trade is not sanctioned for Brahmins (*avihitā brāhmaṇasya vanijyā*). In times of adversity, he may trade in permitted goods, eschewing these forbidden ones ...' (*Āpastamba Dharmasūtra* 1.20.10–15, tr Patrick Olivelle, *Dharmasūtras* [Motilal Banarsidass, Delhi, 2000], 59); 'Trade is "truth-cum-falsehood," and [a Brahmin] may sustain himself even by that' (*satyānṛtam tu vāñijyam tena caivāpi jīvyate*: *MDh* 4.6ab, tr. Olivelle [n 32], 124).

<sup>56</sup> 'He must never follow a worldly occupation (*lokavṛtta*) for the sake of livelihood, but subsist by means of a pure, upright, and honest livelihood proper to a Brahmin' (*MDh* 4.11, tr. Olivelle [n 32], 124).

<sup>57</sup> E.g., Ram Sharan Sharma, *Indian Feudalism: c. 300–1200* (University of Calcutta, Calcutta 1965); DN Jha (ed), *The Feudal Order: State, Society and Ideology in Early Medieval India* (Manohar, Delhi 2002).

<sup>58</sup> E.g., DD Kosambi, 'The Basis of Ancient Indian History' (1955) 75 *JAOS* 35; Brajadulal Chattopadhyaya, *The Making of Early Medieval India* (OUP, Oxford 1994); Hermann Kulke, *Kings and Cults: State Formation and Legitimation in India and South-East Asia* (Manohar, Delhi 1993).

<sup>59</sup> Paul Fouracre, 'Eternal Light and Earthly Needs: Practical Aspects of the Development of Frankish Immunities' in Paul Fouracre and Wendy Davies (eds), *Property and Power in the Early Middle Ages* (CUP, Cambridge 1995) 60–78.

<sup>60</sup> Schmiedchen, No. 21: Ghunada Plates of Dhruvasena I, [Valabhī] year 217, Āśvayuja śu. 13', ()



the royal realm. Rather, although the documents frame the grants as gifts (*dāna*) made by a gracious act (*anugraha*) of the sovereign (or a member of the royal family), they may be understood as creating an implicitly contractual relation between the religious beneficiaries and the donor. The property conveyed from Brahmin father to son provided the heir was ‘qualified’, i.e., meritorious. Insofar as the stated purpose of the grant was to support the performance of rites and study, it is conceivable that egregious deficiencies of heirs in that performance could result in forfeiture, though the rules dictated that Brahmin properties should be conveyed only to other deserving Brahmins.

Moreover, although the grants seem to empower and enrich the beneficiaries, their special status was limited also by certain factors. First and foremost, they relied on kings and other political authorities to continue to recognize and defend the privileges conferred: to prevent petty officials from making demands, and to defend the foundation from thieves and usurpers. Hence the threats of punishment (during the king’s reign) or otherworldly retribution (in future generations). The record has preserved instances of endowments being reconfirmed (after a challenge or usurpation) or replaced (swapping out old land or village for new); there are also examples of ‘regifting’ of property.

Brahmin beneficiaries of endowed property certainly derived status, wealth, influence, and power as a result. As Chris Wickham and Timothy Reuter observe about monastic exemptions in early medieval Europe, exemptions of this sort should not be seen as an infringement of royal or lay authority; rather, they are the exception that proves the rule of sovereign power.<sup>61</sup> What Fouracre says of Frankish immunities applies to the Indian charters equally well: the beneficiaries’ ‘increase in power over property and clients was a far cry from a weakening of public authority, if for no other reason than that those who received the privilege were amongst the most enthusiastic supporters of that authority, which they called upon to protect their property precisely via requests for confirmation of their privileges of immunity’.<sup>62</sup>

## VII. How Charters Helped to Institutionalize Brahmin Status as a Caste Status

We have seen that Brahmin foundations and monastic foundations were not only parallel in many ways; they were perceived to be so in antiquity. Kings, regardless of their personal sectarian allegiances, often distributed their favors across multiple traditions.<sup>63</sup> Some charters even combine grants to Buddhists and to Brahmins in the same document.<sup>64</sup> Meanwhile, as shown above, the parallelism between Brahmins as a priestly caste and monastic orders is reflected in doctrinal and normative works both Brahmanical and non-Brahmanical; in those sectarian contexts, the perceived analogy was a source of anxiety, leading to bitter disparagement of the religious ‘others’ as ‘heretics’ (*pāṣaṇḍa*)<sup>65</sup> and hypocrites who must be not be treated with the reverence properly due to those deemed holy in one’s own tradition. Either way, the parallelism depends on the notion that despite having family relations and maintaining households, Brahmins were still perceived as constituting what we would call a ‘religious profession under vows’: the males underwent an initiation that shared many features with monastic ordination ceremony; they were supposed to observe strict vows and undergo specialized training under a preceptor; even after marriage,

<sup>61</sup> Chris Wickham and Timothy Reuter (eds), ‘Introduction’, in Fouracre and Davies (n 59) 15.

<sup>62</sup> Fouracre (n 59) 80.

<sup>63</sup> See for example Alexis Sanderson, ‘The Śaiva Age: The Rise and Dominance of Śaivism during the Early Medieval Period’ in Shingo Einoo (ed), *Genesis and Development of Tantrism* (Institute of Oriental Culture, University of Tokyo, Tokyo 2009) 70–80.

<sup>64</sup> See for example Ryosuke Furui, ‘*Brāhmanas* in Early Medieval Bengal: Construction of Their Identity, Networks and Authority’ (2013) 40 *Indian Historical Review* 223, app I, grant no. 21 (Kailan copper-plate charter, seventh century).

<sup>65</sup> It is notable that this term used neutrally by the emperor Aśoka to refer to mutually distinct religious groups, all of whom teach some sort of *dharma* and all of whom he urged to treat each other with respect, is applied in sectarian texts only to ‘other’ groups, always with a negative valence.

their household life was symbolically framed and represented as a sort of ascetic discipline (*āśrama*), and they resided in Brahmin enclaves set apart from the rest of society.<sup>66</sup> The aim of many Brahmin endowment charters was to provide lands and revenue to support a Brahmin enclave (*agrahāra*) on terms nearly identical to those on which monasteries were endowed, sometimes including ceremonial feeding, which marked the recipients as venerable, worthy ‘receptacles’ (*pātra*) of merit-generating feeding. The differences were terminological: whereas food provided to mendicants was called alms-food (*bhāikṣa*), food provided to non-celibate Brahmins was simply ‘feeding of Brahmins’ (*brāhmaṇa-bhojana*), or it was homologized with an old Vedic ritual concept such as ‘worship of guests’ (*atithi-pūjā*) or ‘extended sacrifice’ (*sattra*)—the latter term becoming common in inscriptions as a name for a structure designated for such feeding.

Yet for all these analogies, the Brahmin enclave differed fundamentally from a Buddhist or Jaina monastery: the *agrahāra* contained whole families with children, rather than a corporation of celibates. The properties and the appertaining rights could be inherited from generation to generation, in accordance with the terms of the charters. Unlike in the case of monasteries, state support (and private patronage as well, which I have not addressed here) for Brahmin institutions thus was converted into ‘generational wealth’ that underwrote the further production of Brahmins’ cultural capital.<sup>67</sup>

The likely result was that Brahmins’ sacred professional status came to be conflated with and virtually indistinguishable from Brahmins’ inherited social status conferred by birth. Being born into a Brahmin family entailed certain privileges and perquisites that were legitimated on the grounds of sacred function and divine appointment notionally attached to the class as a whole, even to those members who had not yet undergone initiation and training, and even to those members who never did (provided that they did nothing to result in degradation and loss of Brahmin birth-status through ostracism).

The juridically constructed institution of the perpetually endowed tax-exempt religious foundation threw the prestige of kingship and the power of ancient and medieval royal states behind a theologically grounded claim of sanctity—in the Brahmin case, a preordained sanctity claimed to be innate in a whole caste of people. It is a case of royal decrees not just echoing the conceits of priestly doctrine, but building it into a systematic policy, attaching justiciable legal rights and privileges to a hereditary status. This substantially reinforced a conceptual slippage between mere Brahmin-by-birth (*jāti-brāhmaṇa*, *brahma-bandhu*) and the ‘ideal Brahmin’ (a Brahmin-by-virtue), whose virtuosic erudition or scrupulous ritual piety was the badge of worthiness. In this way Brahmins generally, regardless of personal merit or professional qualifications, were in a position to benefit from the reflected glory of the *agrahāra*-holder, and the *agrahāras* themselves secured theoretically inalienable property rights and fiscal immunities, and some degree of civil jurisdiction, that became a durable source of generational wealth, social authority, and political influence, the effects of which have endured long past the era when India ceased to have kings.

<sup>66</sup> It has been proposed that the frequent depictions in Sanskrit narratives of Brahmin sages and their families residing in forest hermitages called *āśramas* are meant to evoke the sanctity of the endowed *agrahāras* created by the charters: Johannes Bronkhorst, ‘Āśramas, Agrahāras, and Monasteries’ in Ivan Andrijačić and Sven Sellmer (eds), *On the Growth and Composition of the Sanskrit Epics and Purānas* (Croatian Academy of Sciences and Arts, Zagreb 2016).

<sup>67</sup> Although the manner and degree to which grant charters contributed to this process varied by region and period, the cumulative effect was substantial. For example, Ryosuke Furui (*Land and Society in Early South Asia: Eastern India 400–1250* [Routledge 2020] 106–8, 202–9) assesses the longterm knock-on effects of endowment policies for Brahmins in Bengal for ‘establishing their authority at royal court and trying to consolidate their dominance in rural society’ (202). Upinder Singh concludes her study of Odisha charters thus: ‘The evidence of the royal land grants indicates the emergence of Brāhmaṇas an important landed class with special privileges in the post-fourth century period’ (*Kings, Brāhmaṇas and Temples in Orissa: An Epigraphic Study AD 300–1147* [Munshiram Manoharlal, Delhi 1994] 296). *Mutatis mutandis*, similar conclusions are justified in several other regions during the same period.

One might further hypothesize that it is precisely this institutionalization and justification of Brahmin caste status, inscribed in thousands of charters across two millennia, spreading Brahmins themselves along with their doctrines and institutions over the entire Indian subcontinent and as far eastward as Indonesia, that superimposed over the varied local social hierarchies a formal, religiously charged teleology and a transregional scale for mapping social rank. This superimposition, sustained over centuries, had the effect of pressing diverse social ecosystems, especially the middle and dominant sections thereof, to reflect the Brahmanical social map. This pressure surely varied over time and space, but was strongest where Brahmin foundations were most numerous and well-endowed. It is under those conditions that one may most accurately speak of a 'caste system' and not merely a 'caste society'. It also points to new angles from which to analyze the similarities and differences between caste and race in other cultural contexts. In particular, it provides further examples of the ways in which law provides a forum for negotiation between religious and civil authorities, is used as an arena for competition between rival status groups, and supplies legal devices and documents that can formalize and legitimize status claims.