

## The Beating of the Brahmins (Uttarādhyayana 12)<sup>1</sup>

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In his book *Juridical studies in ancient Indian law*, Ludwik Sternbach has shown how Indian narrative literature can often be read in the light of the law-books.<sup>2</sup> More recently, analysing the motif of the "shattered head split" in the Brahmanic and Buddhist traditions, Prof. S. Insler has suggested that one category of these tales also probably relates to some ancient custom to which Manu and others refer in passing.<sup>3</sup> In the present paper an attempt is made to see whether there exist any connections between criminal law and some of the situations depicted in a Jain pamphlet, viz. the 12th chapter of the canonical *Uttarādhyayana-sūtra*.

But first, after a summary of the Utt narrative, it will be argued that the motif of the divine punishment befalling boasting, slandering, violent brahmin youths which features in this lesson appears as a sort of negative counterpart to the solemn proclamation of Truth<sup>4</sup> which in the same development is made by an unexpected witness.

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<sup>1</sup> Abbreviations. — Languages: AMg. = Ardhamāgadhī; Pa. = Pāli; Sk. = Sanskrit. Texts: AŚ = *Arthaśāstra* (Ed.-Trsl.-Study: R.P. Kangle, *The Kauṭīliya Arthaśāstra* I, II, III, Bombay 1960, 1963, 1965, Univ. of Bombay Series, Sanskrit, Prakrit and Pali, 1, 2, 3); Mn = *Mānava Dharma-Śāstra* (ed. Jolly, London 1887; trsl. Bühler, *Sacred Books of the East* 25, Oxford 1886); Utt = *Uttarādhyayanasūtra* = *Uttarajjhāyā* (ed. Jarl Charpentier, Uppsala 1921-1922 [= Ee]; trsl. Jacobi, SBE 45, 1895 (generally followed below); Puṇyavijaya-Bhojak, Bombay 1977, Jaina-Āgama-Series [= JAS] 15). — Pa. texts are quoted as in *A Critical Pāli Dictionary*: D = *Digha Nikāya*; Ja = *Jātaka*; Vin = *Vinaya Piṭaka*.

<sup>2</sup> Ludwik Sternbach, *Juridical studies in ancient Indian law*, Delhi ... [1965-1967]. Part II, *Indian tales and the Dharma- and Artha-sources*, cf. p. 1-3. Also see the review by J.M. Derrett, JAOS 1969.1, p. 185-7: "The legal aspects of daily life are conventionally undervalued and underexamined ... far more of *dharma* and *nīti* was generally known to, and appreciated by, the general literate public of India than would be expected by the antilegal ... academic of our age" (p. 185).

<sup>3</sup> Stanley Insler, "The shattered head split and the epic tale of Śakuntalā", *Bulletin d'Etudes Indiennes* 7-8 (1989-1990), p. 97-139, especially p. 102-109 (for the reference to M. Witzel's article, "The case of the shattered head", *ibid.* p. 97).

<sup>4</sup> Cf. Pa. *saccakiriya*, Sk. *\*sarya-kriyā*. For a general survey of this belief, see W. Norman Brown, "Duty as Truth in ancient India", in *Proceedings of the American Philosophical Society*, 116 (1972), 252-68. Reprinted in *India and Indology*. Selected articles by W. Norman Brown. Edited by

For whereas the hero, the śramaṇa Harikeśa-bala, is safe immediately after such a declaration has been made, his enemies who harass him with false arguments and molest him physically meet with severe beating which nearly results in death. Finally, an attempt will be made to see whether the offences and punishment mentioned in Utt 12 can, *mutatis mutandis*, be compared with the grave faults and supreme penance prescribed in the Buddhist religious codes, viz. the 4th *pārājika*, i.e. a kind of religious death for "whatever monk should boast, with reference to himself, of a state of further-men, sufficient ariyan knowledge and insight, though not knowing it fully..."<sup>5</sup>

As far as Utt 12 is concerned, it extolls asceticism (*tapas*), deprecates birth and social status (*jāti*),<sup>6</sup> and is especially famous as a vigorous antibrahmanic pamphlet — a topic which recurs in the 25th lecture of the same canonical book. Further the arguments developed and the wording used in its 47 stanzas can be and have been compared with the text of the well known Buddhist *Mātanga-Jātaka*<sup>7</sup>: the main characters of the latter are in many respects similar to those in the Jain *Harikeśabalādhyayana*: on one side the challenger, a virtuous caṇḍāla, on the other brahmins and he or those who side with them. Jarl Charpentier pointed to these similarities, systematically compared the two texts and, in Utt, detected several layers, some more some less ancient.<sup>8</sup> More recently, Ludwig Alsdorf and Michihiko Yajima have each devoted a study to several points of textual criticism:<sup>9</sup> they have thrown more light on

Rosane Rocher, Delhi ... [1978], p. 102-119, *ubi alia*. Also see, in particular, for a number of examples and many useful remarks, H. Lüders, *Varuṇa*. Aus dem Nachlass hrsg. von L. Alsdorf. II, Göttingen 1959, p. 486-509, "Die Satyakriyā".

<sup>5</sup> Vin I 90; cf. *The Book of the Discipline* (Vinaya-Piṭaka), Vol. I (Suttavibhaṅga). Translated by I.B. Horner. See p. xxiv-xxv.

<sup>6</sup> Cf. Utt 12.4, and, very clearly, 12.37:  
*sakkaṃ khu dīśai tavo-viseso na dīśai jāi-visesa koi*,  
"Here can be clearly seen the excellence of penance, can be seen that birth confers no excellence whatever" (ed. and trsl. by L. Alsdorf, *Kl. Schr.* [infra, n. 9], p. 244).

<sup>7</sup> Ja IV 375-390 in the Pa. tradition: 24 gāthās.  
For other antibrahmanic pamphlets, see A. Wezler, "A slap in the face of the Brahmins". Introducing a little-known Jain text of polemical objectives", in *Jain studies in honour of Jozef Deleu*, Tokyo 1993, p. 485-501, *ubi alia* (cf. the Addenda, p. 501).

<sup>8</sup> ZDMG 73 (1909) 171-188 *passim*, summarized in the chart p. 188. Also see Charpentier's edition, notes p. 323ff.

<sup>9</sup> L. Alsdorf, "Uttarajjhāyā studies", *III* 6, (1962), p. 110-136 [3. 'Utt. 12 (Hariesijja) and 25 (Jannajja)', p. 128-136] = *Kleine Schriften*, hrsg. von Albrecht Wezler, Wiesbaden 1974, p. 225-251 [243-251]; the references below will be to the *Kl. Schr.* — M. Yajima, "A note on Uttarajjhāyā 12 and Pāli Mātanga-Jātaka", *CAS Studies* 5, University of Poona 1980, p. 179-185.

the composition of these vivid tracts which, in fact, can be shown to be clever patch-works of stereotypes currently used throughout the Indian "ascetic" literature.

Leaving these problems aside, the present paper will mainly deal with the conflict opposing the śramaṇa and brāhmaṇas, that is with some aspects of what Prof. K. Bruhn, in his "Sectional studies in Jainology" has defined as pertaining to "SITUATIONS" and to "THE EXISTENCE OF A MONK"; incidentally the Harikeśabalādhyayana points to some of the damage caused by pride (*māṇa*), especially by pride in birth (*jāi-maya* = *jāi-mada*).<sup>10</sup>

1. The small drama enacted in Utt 12 can be summarized as follows. The characters are: on the one hand the "muni" Harikeśabala who was born in a śvapāka family, but is a perfect restrained "bhikṣu" (1-3b), here begging for alms (3c-d), and, on the other hand brahmins on their sacrificial ground (*bambha-ijjammi*, 3), with their young attendants (*kumāra*);<sup>11</sup> moreover Yakṣa(s) and Bhadrā (a princess by birth) who will side with Harikeśabala.

(1) As the emaciated and miserably clad ascetic, on his begging tour, approaches the enclosure of the sacrifice, the brahmins mock and rebuke him (3-7). In an attempt to win them over, an invisible Yakṣa-devotee of the muni, speaking in his place, states that his condition is that of a well-controlled, chaste śramaṇa (*samaṇo ahaṃ saṃjāḍ bambhayārī*),<sup>12</sup> who lives on alms (9c); he concludes: "let the ascetic receive what is left of the rest" of the sacrificial meal (*sesāvasesaṃ lahaṃ tavassī*, 10d). In return the brahmins utter threats, so that their many attendants all rush forward and "beat the sage with sticks, canes and whips",

<sup>10</sup> Cf. "Field VI" and "Field V", in *Middle Indo-Aryan and Jaina studies* (Panels of the VIIth World Sanskrit Conference), Leiden 1991, p. 36-51; and, on the other hand, "The concept of māṇa (Pride) in Jaina dogmatics", in *Jain studies ... Jozef Deleu*, p. 163-206.

<sup>11</sup> Utt 12.3c *bambha-ijjammi* is explained by the commentator Bhāvavijaya as *brāhmaṇānām ijjā yajanaṃ yasmin sa brahmējyas tasmin*.

Utt 12 seems to avoid calling the youngsters 'brāhmaṇas' (AMg. *māhaṇa*, *passim* in this text). But the full-fledged *māhaṇa* teachers consider them as belonging to their group, cf. 12.12 and, especially, 12.18ab:

*ke ettha khattā uvajoiyā vā ajjhāvayā vā saha khaṇḍiehim*  
..... *khalejja jo ṇaṃ?*

"Are there here no distributors of food, no priests who tend the fire, no teachers with their disciples ... who will beat him?" (on this passage, see L. Alsdorf, *Kl. Schr.* p. 246-7).

<sup>12</sup> Note the recurrence of *saṃjāḍ bambhayārī*, infra 22; and the insistence on *bambha* all through the 12th *adhyayana*.

..... *bahū kumārā*

*daṇḍehi vittehi kasehi c'eva samāgayā taṃ ist tālayanti* (19).

(2) At this point, the beautiful Bhadrā, now the purohita's wife, steps in and, solemnly referring to her own personal experience when she was offered to, and refused by, the sage, testifies to his unswerving chastity:

*jeṇ' amhi [jeṇāmi JAS] vanta isinā sa eso* (21d),

"he is the sage who has rejected me".

Insisting on his chastity she adds:

*eso hu so ugga-tavo mah'appā jit'indio samjaḍ bambhayārī*

*jo me tayā nēcchai dijjamāṇiṃ piṇṇā sayam Kosalieṇa rannā* (22),

"He is that austere ascetic, of noble nature, of subdued senses, self-controlled, chaste, who would not accept me when my own father, King Kauśalika, gave me to him".<sup>13</sup> For their part, the Yakṣas, "appearing in the air with hideous shapes", "beat the people" (*taṃ jaṇā tālayanti*) so that the brahmins' disciples, "with rent bodies, vomiting blood" (25), are seen "bowing their back and head, and holding out their hands, ... with streaming eyes, vomiting blood, look(ing) upwards, their eyes and tongues protruding, broken like so many logs of wood" (29-30).<sup>14</sup> Harikeśa will later explain: "The Yakṣas attend upon me, therefore they have beaten the boys":

*jakkhā hu veyāvadiyaṃ karenti tamhā hu ee nihayā kumārā* (32).

(3) Realizing and proclaiming Harikeśa's superiority, the teacher(s) humbly ask him for forgiveness and for the favour (*aṇuggah'aṭṭhā*) of offering him a "dish of boiled rice seasoned with many condiments":

<sup>13</sup> Translation after Jacobi.

<sup>14</sup> Jacobi's translation (with minor changes):

Utt 12.25: *te ghora-rūvā ṭhiyā antalikkhe (A)surā taṃ taṃ jaṇā tālayanti;*

*te bhinna-dehe ruhiram vamaṇe pāsittu ...*

12.29: *avahediya-piṭṭhis'uttamaṇge pasāriyā-bāhu a-kamma-ceṭṭhe*

*nibbheriy'acche ruhiram vamaṇe uddham-muhe niggaya-jīha-nette*

[Ee: *nijjheriy'acche*; on 29 see Ee p. 325f.; JAS p. 139 notes; Yajima p. 182 n.11].

12.30: *te pāsīyā khaṇḍiyā kaṭṭha-bhūe vimaṇo visanno aha māhaṇo so*

[Ee *khaṇḍiya-k.*; but see JAS p. 139 n. 18].

*bhuñjāhi sāl' imaṃ kūraṃ nāṇā-vañjaṇa-samjuyam* (34).<sup>15</sup>

The sage, who is precisely on the point of breaking a month's fast, accepts the meal:

... *paḍicchai bhatta-pāṇam māsassa ū pāraṇae mah'appā* (35).<sup>16</sup>

(4) Subsequently the brahmins are taught the "right method of sacrificing" (37ff., 40ff.), viz. the spiritual sacrifice, the essence of the Law.

2. The root of the conflict in Utt 12 clearly lies in the incompatible interpretations of "brahmanhood" by the two parties.

The stubborn so-called brahmins who are completely indifferent to the fact that they actually resort to violence (*himsagā*), do not control their senses (*a-jiindiyā*), do not live a chaste virtuous life (*a-bambhacāriṇo*), who "are stuck up by pride of birth" and social rank (*jāi-maya-paḍithaddhā*)<sup>17</sup> are totally unaware that their behaviour is, and can be shown to be, the very negation of *real* brahmanhood; hence their commonly accepted social status is in complete opposition to the ultimate Truth which, on the contrary, is practised by the śramaṇa.

In some respects this situation is reminiscent of the controversy between the Buddha and the infatuated Ambaṭṭha in the *Dīgha Nikāya* (I 94.20ff.): although he ultimately stems from the line of a slave girl, he boasts of, and is currently accepted as, being a brāhmaṇa. In particular he falsifies his ancestry to the Buddha until the Yakṣa Vajrapāṇi appears in the air above him with an iron hammer in his hand, threatening

<sup>15</sup> Note the *anuṣṭubh* (most of the narrative is written in *triṣṭubh*).

<sup>16</sup> A detail which adds to the giver's merits. The disputation concerning the "true brāhmaṇa" is thus intertwined with practical considerations on *dāna* and on the perfect beneficiary of the gift.

The same connection can be noted in the *Mātaṅga-Ja*, cf. Ja IV 387.1ff.: *dānassa mahapphala-ṭṭhānam na jānāsi ... mā etesaṃ dussilānaṃ dānaṃ adāsi, silavantaṇaṃ dehi*, "you do not know the recipient liable to yield abundant fruit for your gift... do not make a gift to these bad characters, give to the virtuous" (387.5\*-6\*, 13\*-14\*; 25'; compare 379.18).

On "The micro-genre of *dāna*-stories in Jain literature", see Nalini Balbir, *Indologica Taurinensia* 11 (1983), p. 145-161, especially 148ff., on the breaking of their first fast by the Jinas (and on the glory which accrues to the donor, compare Utt 12.36).

From a strictly Jain point of view, the gift offered in Utt 12 is far from perfect. For not only the taker but also the donor and the alms should all be pure (cf. N. Balbir, p. 148). In the present context, even though the clever redactor expressly states the vegetarian nature of the food ultimately offered to Harikeśa (34, supra), the givers are *aṇāriya* (4), *himsaga* (5), qualifications which implicitly refer to the animal-sacrifice of the old brahmanical tradition; hence the alms cannot be pure. For lists of improper donors and improper food, see S.B. Deo, *History of Jaina monachism*, Poona 1956 (Deccan College Dissertation Series 17), p. 170ff., 173, 282, 301ff.

<sup>17</sup> Utt 12.5 [*-paḍibaddhā* JAS, cf. p. 136 n. 12; Ee p. 323]; cf. 37 (quoted supra, n. 6).

to split Ambaṭṭha's head if he does not tell the truth about his birth and rank to the Bhagavat (ibid. 95.7-13).<sup>18</sup> Such tales have been explained as referring to an ancient "method of punishment for a variety of crimes" which "consisted in beating the perpetrator to death with a blunt instrument of some type".<sup>19</sup>

This is a penalty similar to that which, in Utt 12, is inflicted upon the supporters of the unworthy brahmins by some terrible looking Asuras/ Yakṣas standing in the air.<sup>20</sup> The boys' ordeal stops after their teacher has solemnly proclaimed the real state of affairs, i.e. the youngsters' stupid ignorance of the true superiority of ṛṣis and munis like Harikeśa over the so-called brāhmaṇas. He actually makes a full *public* apology:

*bālehi mūdhehi ayāṇaehī jaṃ hīliyā tassa khamāha bhante:  
maha-ppasāyā isiṇo havanti na hū muṇi kova-parā havanti* (31),

"Forgive, sir, these ignorant, stupid boys, that they injured you; sages are exceedingly gracious, nor are the saints inclined to wrath".<sup>21</sup>

Fundamentally a similar course of events is related in the Mātaṅga-Ja: Maṇḍavya, who has food distributed to 16 000 brahmins, endeavours to frighten away the caṇḍāla ascetic Mātaṅga who stands by, waiting for alms (Ja IV 379.9-382.18). In return, Maṇḍavya and the brahmins find themselves with necks twisted, arms stretched, eyes white as if they were dead (383.13-22). Maṇḍavya's mother, who understands the situation, looks for Mātaṅga and asks him about the matter: "Who is it who made my son so?"<sup>22</sup> To which Mātaṅga replies: The powerful Yakṣas, who escort the ṛṣis.<sup>23</sup>

In the Utt story (as in the Mātaṅga-Ja) the boys' punishment appears as the reversal of the previous situation when they attacked Harikeśabala (18f.). Their attack is checked by the Yakṣas' intervention, but this, in turn, is prompted by the solemn

<sup>18</sup> See Insler, op. cit. p. 102ff., who also refers to comparable stories in the Brahmanic literature.

<sup>19</sup> See S. Insler, op. cit. p. 104ff., for references to Manu.

<sup>20</sup> Cf. supra, Utt 12.25.

<sup>21</sup> Jacobi's translation.

<sup>22</sup> Ja IV 383.25\*-29\* = 385.6\*-9\*:

*āveṭṭitaṃ piṭṭhito utamaṅgaṃ / ... ko me imaṃ puttam akāsi evaṃ?*

<sup>23</sup> Ibid. 385.11\*-14\*: *yakkhā have santi mahānubhāvā / anvāgatā isayo... / yakkhā hi te puttam akāṃsu evaṃ.*

Proclamation made by the purohita's wife, Bhadrā.<sup>24</sup> In effect, she is *the* witness qualified to testify to the perfect self-control and chastity of Harikeśa<sup>25</sup> — the virtues which are deemed essential for a śramaṇa. Bhadrā's declaration, therefore, amounts to an "Act of Truth".<sup>26</sup>

3. This procedure, as W. Norman Brown writes, is based on the <sup>①</sup> ancient Indian "belief that Truth has a power which a person with the right qualifications can invoke to accomplish wonders or miracles".<sup>27</sup> It "is effective because it is based on the rare phenomenon of personal duty completely fulfilled".<sup>28</sup> W. Norman Brown adds that "it is ... frequently based upon the quality of some other being who is used as a dynamic reference, rather than a quality of the one who makes the Truth Declaration".<sup>29</sup> This is precisely the situation in Utt 12: Bhadrā testifies to the ascetic's virtue and, as a result, actually "extinguishes the aggressors' wrath",

*kuddhe kumāre parinivvavei* (20d).<sup>30</sup>

She goes on to admonish them, quote relevant aphorisms (23; 26f.), and advise every one to make obeisance and go for refuge to the sage (*sisēṇa eyaṃ saraṇaṃ uveha*, 28a). Thus the purohita's wife and the Yakṣas' action do not overlap but complement each other; by combining both the poet implicitly reminds us of the Yakṣa-Yakṣiṇī couples who flank the Tīrthaṃkaras. At the same time, the interplay between the Yakṣas and Bhadrā gives a kind of human touch to the whole scene, which culmi-

<sup>24</sup> Utt 12.24: *eyāṭ tise vayaṇāi soccā paṭṭi Bhaddāi su-hāsiyāṃ  
isissa veyāvaḍḍi'atṭhayaṇe jakkhā kumāre vinivārayanti*,

"having heard these well-spoken words of (the purohita's) wife Bhadrā, the Yakṣas, in order to assist the ṛṣi, keep the boys off." — For 24d, the Cūrṇi reads *vinivāyayanti* = *vinipātayanti* (a variant noted by Śāntisūri, cf. JAS p. 139 n. 3; Charpentier, p. 325).

<sup>25</sup> She is qualified by her personal experience: she knows undoubtedly that Harikeśa has in no way been tempted by her charms, though she had been offered to him (cf. Utt, supra; also the Utt commentaries, summarized in SBE 45, n. 1).

<sup>26</sup> For another example of a Truth Act in the Jain literature, see W. Norman Brown, op. cit., p. 109 and n. 13.

<sup>27</sup> Op. cit. p. 102. He emphasises that far from being any empirical truth, in such cases, "it is Truth as the metaphysical basis of the cosmic order" (p. 110; 112), and that "Perfection in Truth" is needed (p. 105). Further "the success of the Act is not dependent in any degree upon the favor or grace or will of any deity. It operates only at the will of the person who possesses the Act..." (p. 109).

<sup>28</sup> Idem, op. cit. p. 110.

<sup>29</sup> Idem, op. cit. p. 105.

<sup>30</sup> Bhāvaṇijaya: *parinirvāpayati; krodhāgni-vidhyāpanena sītī-karoti*.

nates in the praise of *tapas*,<sup>31</sup> which, moreover, introduces the definition of the true sacrifice (38-47) — a topic which will not be considered here.

4. Let us now turn to Manu and to the Arthaśāstra. In both texts verbal injury and physical injury are examined jointly: Mn 8.6b mentions *pāruṣye daṇḍa-vācike*, while in the AŚ, chapter 3.18 is entitled *vākya-pāruṣyam*, chapter 3.19 *dāṇḍa-pāruṣyam*.

As far as *vākya-pāruṣya* is concerned Kauṭilya mentions three aspects, "defamation, vilification and threat": *vākya-pāruṣyam upavādaḥ kusanam abhibhartsanam iti*. Physical injury is also said to be threefold, "touching, menacing and striking": *daṇḍa-pāruṣyam sparśanam avagūṇam prahatam iti*. It is clear that the brahmins and their attendants, in Utt, are guilty of the two categories of offences. Summarizing the prescriptions detailed in the above two AŚ chapters Kangle notes that "the punishments in these two sections are generally regulated on the basis of *varṇas* ...", but that, "in fact, sliding scales have been laid down in these matters".<sup>32</sup> It will be observed that there is no trace of talion law or of some sort of "mirror-penalty" in these two chapters: here fines are the normally prescribed punishments for the above offences, which, in fact, concern only individuals. This has probably not always been the case, at any rate when the State, or the king, or more generally the social order, is involved. For, from AŚ 4.10, "it appears that the various types of corporal punishments prescribed for theft and similar offences came to be replaced by money fines, which are called 'redemptions' from the corporal punishments" (as can be seen from the title *ekāṅgavādha-niṣkṛayaḥ*, 'redemption from the cutting of individual limbs').<sup>33</sup> As a matter of fact, alternative punishments are proposed elsewhere: "in case of striking with hands or feet persons of the highest *varṇa* and elders ... (the punishment shall be) the cutting off of one hand and one foot or a fine of seven hundred (4.10.12); or, again: "for a Śūdra calling himself a Brahmin, for one

<sup>31</sup> Utt 12.37, quoted supra, n. 6, of which the second part runs:  
*sovāga-putto Harikesa-sāhū jass' erisā iddhi mahānubhāgā*,  
 "a śvāpāka is the monk Harikeśa who has such miraculous power" (text and trsl. as in Alsdorf, op. cit. p. 244).

<sup>32</sup> Cf. Kangle III p. 229. The dispositions proclaimed in AŚ can be compared with Mn 8.268-78; 279-87.

<sup>33</sup> See AŚ 4.10 and Kangle's Translation p. 325, note; Study p. 237.

concealing temple property ... blindness or a fine of eight hundred" (4.10.13).<sup>34</sup>

No such alternative is provided in Mn 8.279f.: "whatever the (limb) with which a man of low (origin) strikes and hurts a man of higher (rank) even that limb shall be cut off",

*yena kena cid aṅgena himsyāc cec śreṣṭham antyajah  
 chettavyaṃ tat tad evāśya.*

This is more or less the course of events in Utt 12: the youngsters are beaten as they themselves had beaten Harikeśabala. The punishment is thus inflicted according to a system which, though probably obsolete, is recorded in dharma- and artha-sources; the Utt narrative seems to corroborate the surmise that we encounter the survival of ancient practices in the tales "where there appears intercession by a divinity of some sort who holds the instrument of potential death in his hands".<sup>35</sup>

Remarkably, like the law books, the Harikeśa story also considers two sets of injuries: first, various sorts of verbal injuries, perpetrated by the brāhmaṇa elders, secondly, the physical injuries perpetrated, at the instigation of the masters, by the attendants. As in Mn or the AŚ, the two sets are tightly connected, though only the youngsters pay for the offences. But it is clear that, when they see the torment suffered by the latter, the teachers do fear for their own lives so that they hasten to recognize their fault in order to escape the punishment normally inflicted for verbal injury. On the other hand, the Harikeśa story is based on a paradox. The offences of the brāhmaṇas, though inflicted by members of the highest social *varṇa* on a man stemming from one of the lowest social groups, are particularly serious as they are directed against a perfect śramaṇa, a muni. Thus, from the point of view of Truth, the victim is infinitely superior to his aggressors: in this case, the *true* hierarchy is the reverse of the commonly accepted social order, but there is no way to fight the latter except by resorting to its methods and principles.

Further observations can be made about verbal injury. Whereas AŚ (3.18, su-

<sup>34</sup> Kangle's translation of AŚ 4.10.12: *varṇottamānām gurūṇām ca hasta-pāda-laṅghane ... eka-hasta-pāda-vadhaḥ, saptaśato vā daṇḍaḥ*; and of 4.10.13: *śūdrasya brāhmaṇa-vādino deva-dravyaṇi avasthātāḥ ... andhatvam, aṣṭaśato vā daṇḍaḥ*.

<sup>35</sup> Cf. S. Insler, op. cit. p. 107.

prā) would seem to be comparatively more lenient in this case than in the case of physical injury, other chapters deal severely with such offences. It is stated in 4.11.21 that "he shall cause the tongue to be rooted out of one who reviles the king ...".<sup>36</sup> Neither is the Dharmaśāstras' attitude very mild. As recalled by S. Insler, Mn 11.56 specifies that "dishonesty about one's rank or ancestry" (are offences) equal to slaying a Brāhmaṇa, that is to a *mahāpātaka*.<sup>37</sup> Further, according to Mn, a Śūdra "who insults a twice-born man with gross invective, shall have his tongue cut-out".<sup>38</sup> A reflex of these prescriptions concerning verbal injury can be seen in Utt 12, where the two gāthās 25 and 29 describe the beaten youngsters as "vomiting blood", *ruhiram vamanāte*. To sum up, the divine punishments suffered by the guilty boys are dictated by the nature of their (and their teachers') crimes, are in accordance with the true, the spiritual, hierarchy existing between the two parties,<sup>39</sup> and thus reflect the prescriptions collected in the law books.

One point more may be added. In any contest, and especially "in all cases of violence ... of defamation and assault", great importance is attached to the hearing of evidence from witnesses.<sup>40</sup> In the present circumstances the witness is Bhadrā, a woman, whose words will be taken into account, though in ordinary matters a woman's testimony would not be accepted. But she is the one "who has personal knowledge" of Harikeśa's behaviour, when she went to him "in a forest".<sup>41</sup> Here again, fiction fits

<sup>36</sup> AŚ 4.11.21: *rājākrośaka-mantrabhedakayor ... jīhvām utpāṭayet*.

<sup>37</sup> Bühler's translation of Mn 11.56:

*anṛtaṃ ca samutkarṣe .... / .... samāni brahmahatyayā;*  
compare Mn 11.55:

*brahmahatyā surāpānam .... / mahānti pātakāny āhuḥ.*

<sup>38</sup> Cf. Bühler's translation of Mn 8.270:

*ekajātir dvijātims tu vācā dārunayā kṣipan*  
*jīhvāyāḥ prāpnīyāc chedam ...*

Also see Mn 8.271-272, prescribing the thrusting of a red-hot iron nail, or the pouring of hot oil, into the mouth of those guilty of some verbal injuries.

<sup>39</sup> Jean Fezas draws my attention to the fact that, given the impunity enjoyed by the brāhmaṇas in the law books, only a divinity, in the narratives, can inflict punishments upon them. More than that: in Utt 12, the attendants pay the price of the verbal injury of which their brāhmaṇa teachers are guilty!

<sup>40</sup> Mn 8.72: *sāhaseṣu tu sarveṣu ...*

*vāg-daṇḍayoḥ ca pārūṣye na parikṣeta sāksinaḥ,*

"In all cases of violence ... he must not examine the ... witnesses (too strictly)", cf. Bühler's translation.

<sup>41</sup> Cf. Mn 8.69-70: *anubhāvī tu yaḥ kaścit kuryāt sāksyaṃ vivādinām*  
*antarveśmany arāṇye vā śarirasyāpi cāryaye*

with legal requirements.

To sum up, though the higher goal extolled by Harikeśa contradicts the commonly accepted social values upheld by the brahmins, nevertheless the śramanic argumentation necessarily conforms to principles which in effect are in force in the State and are laid down in law books. Hence the latter can throw light on narratives.

5. Conversely, narratives relating to falsification of birth or rank, or of spiritual status, could perhaps help elucidate the conceptual context of "the curious fourth *pārājika*" registered in the Buddhist *Prātimokṣa*. It concerns the offence "involving defeat", a case which is examined at length in all the *Vinayas*. The Pāli *Vinaya* can be taken as an example.<sup>42</sup> This *pārājika* is "concerned with the offence of 'claiming a state or quality of further-men' (*uttarimanussa-dhamma*). I.B. Horner notes that "it is by no means a pure condemnation of boasting or lying in general" — which would only require "expiation" (*pācittiya*): "it is the particular nature of the boast or the lie which makes the offence one of the gravest that a monk can commit: the boast of having reached some stage in spiritual development, only attainable after a long training in the fixed and stable resolve to become more perfect ...".<sup>43</sup> The *Prātimokṣa* rule itself runs thus: *yo pana bhikkhu anabhijānaṃ uttarimanussa-dhammaṃ attūpanāyikaṃ alam-ariya-nāna-dassanaṃ samudācareyya iti jānāmi iti passāmiṭi, tato aparena samayena samanuggāhiyamāno āpanno visuddhāpekkho evaṃ vadeyya: ajānaṃ evaṃ āvuso avacaṃ jānāmi, apassaṃ passāmi, tucchaṃ musā vilapin ti, ayaṃ pi pārājiko hoti, asaṃvāso ti*.<sup>44</sup> "Whatever monk should boast, with reference to himself, of a state of further-men, sufficient ariyan knowledge and insight, though not knowing it fully, saying: 'this I know, this I see'; then not long afterwards, he, being pressed or not being pressed, fallen, should desire to be purified and should say: 'Your reverence, I said that I know what I do not know, see what I do not see, I spoke idly, falsely, vainly,' then he also is one who is defeated, he is not in com-

*stry apy asaṃbhava kāryam ...*

"But any person whatsoever, who has personal knowledge (of an act committed) in the interior apartments (of a house), or in a forest, or of (a crime causing) loss of life, may give evidence between the parties."

On failure (of qualified witnesses, evidence) may be given (in such cases) by a woman..." (Bühler's translation). Cf. AŚ 3.11.29-30.

<sup>42</sup> Vin III 87-109. Translation by I.B. Horner, *The Book of the Discipline* I p. 151-190; also see her remarks in the "Translator's Introduction", p. xxivf.

<sup>43</sup> Op. cit. p. xxv.

<sup>44</sup> Vin I 90.32\*-91.2\*\*.

munion".<sup>45</sup>

To judge by the examples given in the Vin, those who were guilty of such lies mostly had wished thus to secure material advantages for themselves. Therefore the Buddha is said to have proclaimed: "This is the chief great thief: he who claims a non-existent state of further-men ... What is the reason for this? Monks, you have eaten the country's almsfood by theft".<sup>46</sup> According to I.B. Horner, "the claiming of a state, or states, of further-men, to which the claimant was not entitled, could have only appeared as a most heinous offence to people by whom a teaching on becoming, on becoming more perfect, of going further, was held in much esteem"<sup>47</sup>. On the other hand, in the light of the Buddhist and Jain narratives, and of the Artha- and Dharma-sāstra prescriptions quoted above, it is clear that, by thus boasting of having attained "a state or quality of further-men", monks could endanger the regular hierarchy normally prevailing in the Buddhist Community, hence endanger the very survival of the Three Jewels. Evidently, this crime is particularly heinous, and it is but natural that it should meet with the utmost opprobrium, so that the guilty monk incurs the fourth pārājika, which amounts to a sort of religious death.<sup>48</sup>

To conclude: taken together the above texts clearly show that whatever the differences or even oppositions between the communities in ancient India, they all accepted as valid the same basic beliefs and fundamental principles: in the various cases which have been examined in this paper, hierarchy is seen to be one of the major structures of the Indian society — and identity.

<sup>45</sup> Translation I.B. Horner, B.D. I p. 157f. — Because the monk who is guilty of such lies apparently often had thereby secured material advantages for himself, it is but natural that he is proclaimed "not to be in communion" and "not to be a (true) son of the Sakyans", *asamaṇo hori asakyaputtiyo*, Vin III 92.28.

<sup>46</sup> Horner's translation of Vin III 90.20ff.: *ayaṃ aggo mahācoro yo asantaṃ abhūtaṃ uttarimanuss-dhammaṃ ullapati; taṃ kissa hetu? theyyāya vo bhikkhave raṭṭha-piṇḍo bhutto ti*.

<sup>47</sup> B.D. I p. xxivf. — Also see her book *The early Buddhist theory of Man Perfected*, [1936], repr. Amsterdam [1975], p. 111ff.

<sup>48</sup> Compare the fate of Devadatta according to several Buddhist traditions: when he pretends to be, or tries to be considered as, the Buddha, and he prepares to ruin the Saṃgha, blood spurts from the apertures in his face; according to some he falls dead (cf. the summaries by André Bareau, *Bulletin de l'Ecole Française d'Extrême-Orient* 78 (1991), p. 94; 100; 112f.; 115). Similarly, because he is superior to everyone, the Buddha cannot greet brahmins who are worn, old ...". "For, brahmin, whom a *tathāgata* should greet or rise up to or offer a seat to, his head would split asunder", *yaṃ hi brāhmaṇa tathāgato abhivādeyya va paccuṭṭheyyā vā āsanena vā nimantheyya, muddhāpi tassa vipateyyā ti*, Vin III 2.12 f. (Transl. I. B. Horner, B.D. I, p. 2-3 (and n. 1, ubi alia).