

EPIGRAPHIC NOTES¹

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I. A-HASTA-PRAKṢEPAṆIYA

1) The proper and full understanding of inscriptions of the Indian sub-continent, whatever the language(s) in which they are composed, quite naturally depends to a high degree on the clarification of individual words, terms, idiomatic expression etc. Nevertheless not all scholars specialized in this field of studies or drawing in their work on inscriptions seem to be aware of the many semantic problems posed by this kind of texts — just as by most other ancient or mediaeval non-inscriptional texts. It cannot be

denied that, phenomena like the epigraphical hybrid Sanskrit apart², the languages used in inscriptions still show so many peculiarities that it is legitimate, nay even necessary to distinguish e. g. inscriptional Sanskrit as a special kind of sociolect from the other forms attested elsewhere. It would hence seem appropriate to keep the investigation of the semantical problems one is confronted with in reading e. g. Sanskrit inscriptions within the boundaries of inscriptional Sanskrit as such. However, practical as well as methodical reasons speak against this restriction: a particular word, etc., may not be attested in any other inscription; inscriptional Sanskrit in spite of all its special features was, of course, not entirely dislinked from the Sanskrit language as such, the mainstream, so to say, and its development; on the contrary it is *a priori* highly probable that it was closely related to 'administrative Sanskrit' — of which we know very little indeed because of the scarcity of pertinent documents. But there are at least two Śāstras which are likely to be influenced by, or to contain traces of 'administrative Sanskrit', viz. the Dharma- and Arthaśāstra. It is the former's relevance for inscriptional Sanskrit that I intend to demonstrate here, though for the time being by one example only³.

2) In "Appendix I: Privileges attached to Free Holdings" of his *Indian Epigraphical Glossary*⁴ D. C. Sircar lists the compound *a-hasta-prakṣepaṇīya*, adding references to *El*, i. e. *Epigraphia Indica*, 11 and 23; yet he does not give the meaning also, but instead states this compound to be "same as a (?)⁵ *a-bhaṭa-praveśa*, etc. Cf. *samasta-rājakīyānām* = *a-hasta-prakṣepaṇīya*". If the first of these references is followed up, one is faced with the fact that there is no entry *a-bhaṭa-praveśa*, but only *a-bhaṭa-prāveśya*, explained by Sircar as "same as *a-prāveśya*", the latter expression being commented upon thus: "refers to the freedom of the gift of land from the entry of royal agents; same as *a-bhaṭa-praveśa* etc. ..." In following up the second reference what one is led to is the entry "*sarva-rājakīyānām* = *a-hasta-prakṣepaṇīya* (CII 3), same as *a-bhaṭa-praveśa*, etc.", and under the preceding entry, viz. *samasta-rājakīyānām* = "same as *a-bhaṭa-praveśa*, *a-cāṭa-bhaṭa-praveśya*, *a-bhaṭa-cchātra-prāveśya* etc.", i. e. one is referred back to the very beginning of the "Appendix"!

Now, not everybody is fond of being sent from post to pillar — like in a municipality. But what really annoys one here is not the feeling of being the dupe, but the completely arbitrary use of the expression "same" — which already in itself is also not entirely unequivocal —, viz. in cases where even "being tantamount to" is not, or could not be, justified. What one would rather expect even from a 'glossary' is that the meanings of the various terms listed are also given. And as for *a-hasta-prakṣepaṇīya*, Sircar's 'method' appears to be particularly strange as the compound is trans-

lated and explained in the article of H. M. Bhadkamkar on "Navalakhi Plates of Siladitya I. — [Gupta-]Samvat 286" published in Vol. 11 of the *El*⁶, viz. in the following manner: "This word is equivalent to the Marāṭhi idiom *hāta ghāṭaṇe* (lit. to put one's hand in a matter). This phrase, therefore, should be rendered 'not to be meddled with' by and of the royal officers", this latter addition evidently being caused by the fact that in this inscription the expression *a-hasta-prakṣepaṇīya* is (already) preceded by *sarvarājakīyānām* (cf. line 26f. of the second plate).

But if the scholar using Sircar's "Glossary" takes into consideration that the "Index" of *El* 11 on p. 347 contains a printing mistake, viz. p. 117 instead of 177, it dawns on him how Sircar's statement in the "Preface"⁷ that "the words have been mostly taken from my *Indian Epigraphy* and the Indices and Glossaries appended to various epigraphical publications" has to be understood: apparently Sircar has simply extracted his material among others from the volumes of the *El* without taking the trouble of himself opening the book at the page concerned!

3) In his commentary on *Manusmṛiti* 8.316 cd (*aśāsivā tu taṁ rāja stenasyāpnoti kilbiṣaṁ*) — by which we are led into the *Dharmaśāstra* context of "Le voleur, le roi et la massue" recently studied in detail by Fezas⁸ — Bhāruci⁹ states by way of explanation that "the thief who is forcibly punished", i. e. who does not voluntarily approach the king and ask for punishment, "or even put to death is not released from guilt by that punishment alone. Therefore even one who has undergone such a punishment must still perform the penance."¹⁰ But he continues to say: *yaś ca svayam eva prāyaścittam ārabhate na tatra rājño hastaprakṣepo 'sti*.¹¹ *tathā ca vakṣyati "prāyaścittam tu kurvāṇaḥ"*¹² [9.240] iti. Derrett quite evidently scores a bull's eye when he renders this as follows: "And if he has already begun his penance on his own initiative the king must not interfere with this"¹³. Manu will raise the point at 'But those who perform the penance'. Unfortunately, however, Derrett does not explain how he interprets this latter remark of Bhāruci which is not entirely clear by itself. For what is taught at 9.240, is that "when the prior classes have performed the restoration as it is prescribed, they should not be branded on the forehead¹⁴ by the king, but they should have to pay the highest fine"¹⁵, and Bhāruci agrees¹⁵. Thus any of his readers cannot but wonder whether his remark on 8.316 cd has to be understood as clarifying that a thief who has already begun his penance on his own initiative¹⁶ is not branded, but has to pay the *uttamasāhasa* or rather that he has to be left in peace by the king. That is to say, the question raised by Bhāruci's remark is: What does "the king must not interfere with it" mean in terms of the administration of justice? Does it mean that the king should allow the culprit to first complete his

penance and only then fine him, or does it mean that the king should not also fine the thief if he has performed the prescribed *prāyaścitta*?

As Bhārucci's aim — like that of all the other Dharmasāstra commentators — cannot but be to demonstrate that the Manusmṛti is a homogeneous, consistent text, free of contradictions, there is however, no room for doubting that it is the first alternative which he has in view. To say of the king that he does not, or must not¹⁷, interfere with the *prāyaścitta* already begun by the thief, amounts therefore to the statement that the king, in this case, is free from the commitment¹⁸ to see to it that the expiation prescribed is imposed on the culprit and that it is carried out by him correctly and fully. His interference is not necessary because what it would effect is already done by the thief on his own.

4) The passage quoted from Bhārucci's *Manu-Śāstra-Vivaraṇa* shows that the expression *a-hasta-prakṣepaṇīya* found in certain inscriptions represents an irregularly formed compound, derived from or rather based on the sentence/syntagma *na* [x + affix of the locative] [y + affix of the genitive] *hastapṛakṣepo* [asti]. This is quite evidently an idiomatic expression, even though the still more basic syntagma *hastam/hastau pra-kṣip* is apparently not attested¹⁹; it is equally patent that it is used metaphorically, and the metaphor is also immediately intelligible even to people who do not know similar metaphorical idiomatic expressions from their own mother tongue²⁰.

Interestingly enough, the expression *hastapṛakṣepa* itself is attested in the Mallasarul copper-plate of Vijayasena²¹, but, of course, within a sentence containing the negative particle: ... *asya brāhmaṇasya pañca-mahā-yajña-pravarttanenopabhuñjānasya na kenacid etad-vamśajenānyatamena vā svalpāpy ābādha prakṣepo vā kāryyaḥ*...²², “nobody born in this family (i. e. of the donator Vijayasena) or any other person must make (i. e. cause) even a slight pain/distress/anguish for or interfere with the Brahmin [Vatsasvāmin] who uses [the land donated to him] by regularly performing the five *mahāyajñas*”²³. Though the construction is slightly different, there are similarities with the passage from the *Manu-Śāstra-Vivaraṇa*: here, too, it is an individual who is warned that he must not interfere and here, too, it is a religious activity which is the object of a possible interference. This interference, however, has to all appearances nothing to do with the donator's, or rather his descendent's duty/duties. It seems that in this case *hastapṛakṣepa* refers to anything that would ultimately disturb or hinder the sacrificial activities of the Brahmin.

5) The parallel from Bhārucci's commentary is, however, especially instructive in that it intimates, to say the least, that “non-interference” of the king means not more than that the king refrains from doing something that

forms part of his duties²⁴ and/or rights — if the particular context, viz. that of the king's interference with the domain of *dharma*, is rightly regarded as an accidental element only which can hence be ignored. This “non-interference” is therefore a deliberate act, and has to be distinguished also e. g. from a king's failure to do what he ought to do, in certain cases, justified by Medhātithi in a way both fair and convincing by its realism²⁵.

It is this terminological meaning from which one has to start when trying to interpret the expression (... *rājakīyānām*) *ahastapṛakṣepaṇīya* as used in inscriptions, e. g. that of Śīlāditya mentioned above (§ 2) or the two copper-plate inscriptions from Berar²⁶, as one of the usually many attributes of *grāma*, i. e. a village, given by a king. Njammasch, who in one of her studies of the inscriptions of the Maitrakas of Valabhi comes to speak of this expression at several places²⁷, proposes, when she quotes it for the first time, the literal translation “(the village or plot of land) must not even be touched with the hand by all men of the king”, i. e. by adding “even” she leaves her readers in doubt as to whether she has recognized the metaphorical character of the expression or not. Yet, she calls it a formula, and seems to be certain that it expresses the fact that “the bureaucracy of the state withdraws”²⁸ e. g. from a monastery, that “donations of villages to Buddhist monasteries were furnished with the usual administrative immunity”²⁹. It is true that in these cases a word in the locative is missing, i. e. it is not expressly stated to which particular duty of the *rājakīyas* the “privilege”, to use Sircar's term, refers, what it is which they must not “interfere with”; but does this fact alone warrant the conclusion that — not a particular act or type of acts it is that none of the *rājakīyas* must interfere with (whatever his special duty may be), but — the totality of possible administrative, etc., acts is meant? Certainly not. But it is, of course, logically equally possible that the qualification “all” (*sarva*) of the *rājakīyas* is meant to include this very totality of the various official functions or duties, which each of the *rājakīyas* has, respectively.

That is to say, I do not want to dispute the correctness of Njammasch's interpretation; I simply wonder on which evidence or deliberations it is based. For, quite evidently Sircar's ‘method’, viz. to simply contend the “sameness” of the expression at issue here and expressions like *abhatacātāpraveśya*³⁰, is not only just highly problematic in itself, but is also shown to be not applicable at all by the fact that in one and the same inscription³¹ both these expressions are used one after the other, that is to say, first *acātābhata-praveśya* and then *sarvarājakīyānām ahastapṛakṣepaṇīya*³². There are, of course, texts, e. g. the Buddhist *suttas*, etc., a characteristic feature of which is precisely the juxtaposition of — not just two, but — many quasi-synonyms. But is it probable that the device of

shooting many linguistic arrows at one and the same target should have been used by those who composed inscriptions on copper-plates of grants of villages? *ity alam ativistareṇa*.

Notes

¹ In borrowing this title from F. Kielhorn (Kielhorn, F. Kleine Schriften / Ed. by W. Rau. Wiesbaden, 1969. P. XVII) I should like to express my deep veneration for this great scholar and not by any means to intimate that I want to pit him.

² On which cf. the book: Damsteegt, Th. Epigraphical Hybrid Sanskrit. Leiden, 1978.

³ The relevance of the *Arthaśāstra* has been most convincingly demonstrated by my friend B. Kölver in a number of articles, viz. e. g. "Kauṭalya's *piṇḍakara*- reconsidered" // Indology and Law. Festschrift J. D. M. Derrett. Wiesbaden, 1982. P. 168ff. "Kauṭalyas Stadt als Handelszentrum: der Terminus *puṣabhedana*-" // ZDMG 135. Wiesbaden, 1985. P. 299ff. — Note that the notion of inscriptions as used by me includes legal documents, e. g. deeds of land etc.

⁴ Delhi-Varanasi-Patna 1966.

⁵ This "a" seems to be a printing mistake.

⁶ I. e. that part of the volume which was still edited by Sten Konov.

⁷ Viz. on p. X.

⁸ Cf.: Bulletin d'Études Indiennes. N 7-8 (1989-1990). P. 47-95.

⁹ As for the text, see: Bhāruci's Commentary on the *Manusmṛiti*... Vol. 1 / Ed. by J. D. M. Derrett. Wiesbaden 1975. P. 140: *yas tu rājā balād daṇḍyate vadhyate vā na tasya tena daṇḍena niṣkṛtiḥ asti. yataḥ tena daṇḍena daṇḍitenāpi satā prāyaścittam kartavyam eva. yaś ca svayam eva prāyaścittam ārabhate na tatra rājño hastaparakṣepo 'stī*.

¹⁰ Quoted from Derrett's translation, i. e. o. c. Vol. 2. P. 186. Subsequently Bhāruci states that "even though he has undergone his punishment he must still satisfy the owner of the property by restitution."

¹¹ The emphasis is mine.

¹² I have corrected the misprints of this quotation which were overlooked by Derrett.

¹³ Cf.: *Manu* 9.237:

*gurutalpe bhagaḥ kāryaḥ
surāpāne surādhvajāḥ /
steye ca śvapadam kāryam
brahmahany aśirāḥ pumāḥ //*

¹⁴ The translation quoted is that of Doniger, W. and Smith, Brian K. The Laws of Manu... Penguin Books, 1991. P. 224, because Derrett (o. c. [cf. fn. 10], p. 271) has clearly misunderstood the expression *yathoditam* of *Manu* 9.240 which reads as follows:

*prāyaścittam tu kurvāṇaḥ
pūrve varṇa yathoditam /
nāṅkyā rājā lalāṭe syur
dāpyās tūtamasaśasam //*

¹⁵ The remark he adds to his paraphrase of 9.240 refers to the next verse!

¹⁶ Is this expressed in 9.240 by the *ātanepada*?

¹⁷ In fact there is no mood expressed in the Sanskrit original.

¹⁸ Cf. e. g.: Lingat, R. The Classical Law of India... Berkeley-Los Angeles-London, 1973. P. 225ff.

¹⁹ Among the quotations given in *The Larger Petrograd Dictionary* s. v. *kṣip + pra* it is only the phrase *kakṣayor hastam prakṣipāmi* from the *Mṛcchakaṭika* which could be of interest, but in it the verb is clearly used in its primary meaning. Cf. also: *Mṛcchakaṭika* 9/21c: *dīptāgnau pānim antaḥ kṣipasi*.

²⁰ Cf. e. g.: "seine Finger/Händer von etwas lassen" in German.

²¹ Published by N. G. Majumdar // EI 23. P. 150ff.

²² I quote the text as is has been emended by Majumdar.

²³ On these cf. e. g.: 3.67ff.

²⁴ It is precisely for this reason that the rendering of *hastaparakṣepa* by "meddling with" (cf. § 2 above) is not really adequate.

²⁵ What I have in mind is a passage from his commentary on *Manu* 8.349 which reads thus: *na hi prasārya hastau rājā pratipurūṣam āsitum śaknoti*; note that this is meant to refute the opinion that a Brāhmin etc. should, or rather: is allowed, to bear (a) weapon(s) only in case of an *asaṁsthā*, "a total breakdown of the public order", after the death of a king.

²⁶ Cf.: EI 23. 1935-36. P. 204ff. (especially p. 211 and p. 221). Note that the reference to p. 17 is a mistake — which I am not able to correct.

²⁷ Cf.: *Beiträge des Südasien Instituts*, 1. Sonderheft 1993. P. 33, but also Heft 2. P. 30.

²⁸ Cf. *Beiträge des Südasien-Instituts*, 1. Sonderheft 1993. P. 33.

²⁹ Ibid. P. 37; cf. also: Heft 2. P. 30.

³⁰ In this case, too, one wonders whether '*praveśya* is really to be taken literally or if it does not only prohibit the entry of *cāṣas*, etc., in their official function.

³¹ Cf.: EI 23. P. 221 and 221.

³² The situation would, of course, be a different one if in one inscription the expression A were to be found at a place where in another inscription the expression B is used, and *vice versa*. But even in such a case one could not simply draw the conclusion that it has by necessity the "same" meaning as B.

«СМЕШАННЫЕ КАСТЫ» В «ЗАКОНАХ МАНУ»

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Дхармашастра Ману — «Ману-смирить» («Законы Ману») содержит обстоятельное перечисление каст (*джати*) с указанием их происхождения. Как и во всей литературе о дхарме (дхармашастрах), джати объявляются результатом «смешения» изначально существовавших четырех варн (почему их и называют «смешанными кастами»).