AUX ABORDS DE LA CLAIRIÈRE

Études indiennes et comparées en l’honneur de Charles Malamoud

sous la direction de

Silvia D’INTINO et Caterina GUENZI

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1. Nous tenons particulièrement bien ce projet et également les au/ l'École pratiques Institute for Asi/antiques (AHI membefs du Con/ François de Poit/lecturees, et à 5/réunies.
PATAÑJALI AND THE BEGINNINGS OF DHARMAŚĀASTRA:
AN ALTERNATE SOCIAL HISTORY
OF EARLY DHARMAŚŪTRA PRODUCTION

Patrick Olivelle
The University of Texas, Austin

Let me begin by quoting a memorable phrase of my friend and colleague Joel Brereton. We know that in life familiarity breeds contempt. In scholarship, however, familiarity breeds acceptance. We accept things that have been repeated so many times that they are considered established truth. One of the central tasks of good scholarship is to challenge such "established truths." My contribution today is to present evidence regarding a few issues that have been accepted by many scholars without much critical examination.

My paper seeks to present a new dating scheme for the earliest Dharmaśāstras - and, as a corollary, for other ancient Indian texts such as the Sanskrit epics. This dating also forces us to rethink the social, political, and economic context for the rise of the Dharmaśastric genre of literature. The new dating scheme is based on the examination of four factors: 1) the conception of 'dharma' and of 'dharmaśāstra' presented by the early grammarians Kātyāyana and Patañjali, in contrast to that presented in the early Dharmaśāstras; 2) the semantic history of the term and the concept of dvija (twice-born) applied to the upper three varṇas and especially to Brahmans; 3) the practice of wearing the sacrificial cord (yajñopavita) associated with Vedic initiation (aparajitā) and the status of a twice-born, especially of a Brahmin; and 4) the term and concept of trivarga, the goals of human existence that play a central role in Brahmanical theology.

Widely divergent dates have been proposed for the four earliest extant documents from the Dharmaśastric tradition, which, because of their aphoristic (sūtra) form, are generally referred to in modern scholarly discourse as Dharmaśūtras. I give below some of the more influential dating schemes proposed:

<table>
<thead>
<tr>
<th></th>
<th>Gautama</th>
<th>Baudhāyana</th>
<th>Āpastamba</th>
<th>Vasistha</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bühler</td>
<td>&quot;oldest&quot;</td>
<td>older than Āpastamba</td>
<td>500 - 450 BCE</td>
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<tr>
<td>Kane</td>
<td>600 - 400 BCE</td>
<td>500 - 200 BCE</td>
<td>450 - 350 BCE</td>
<td>300 - 100 BCE</td>
</tr>
<tr>
<td>Olivelle</td>
<td>mid 3rd C. BCE</td>
<td>late 2nd C. BCE</td>
<td>early 3rd C. BCE</td>
<td>late 1st C. BCE</td>
</tr>
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</table>
The influential history of Dharmaśāstras written by Robert Lingat\textsuperscript{1} clearly encapsulates the received wisdom regarding the origin of this genre of literature and the dates of its early texts:

The period in which the dharma-sūtras were compiled, like that of the sūtra literature in general, follows that of the brāhmaṇas. A start was made about the sixth century BC, one or two centuries before the rise of Buddhism, and theoretically the period ends with the birth of the śāstra literature, didactic treatises written in epic Sanskrit, several centuries before the Christian era.\textsuperscript{2}

This is the received wisdom that I would like to challenge. Much of the dating of the early texts on Dharma, like the dating of most other ancient Indian texts, is basically a house of cards based on nothing but hunches and on dates of other texts which are likewise unreliable. I base my arguments for the most part on Patañjali, whose date, the middle of the second century BCE, can be viewed as certain as one gets during this period of Indian history. At the outset, I will lay out my thesis and my arguments in summary form and develop them in the body of the paper.

I. My Thesis

1) Dharmaśāstra production began in the 3\textsuperscript{rd} century BCE, perhaps a bit earlier, as indicated by the references to Dharmaśāstra by two major grammarians Kātyāyana [3\textsuperscript{rd} C. BCE] and Patañjali [mid 2\textsuperscript{nd} C. BCE].

2) Most of the extant Dharmaśūtras, with the possible exception of Āpastamba, however, cannot go back to that period but to a period after Patañjali, that is, probably, the 1\textsuperscript{st} century BCE. If my arguments are accepted, we will have to rethink the entire period consisting of the first few centuries before and after the beginning of the common era and the dating of other significant texts of the period, such as the two Sanskrit epics. We would also have to reconsider the dates we have traditionally ascribed to various significant institutions, such as the āśrama system, the creation of which I ascribed to the 4\textsuperscript{th} century BCE.\textsuperscript{3}

II. My Arguments

There are several things that I had known for some time and I had even written about. But the problem was, as so often happens to most of us, that I had the dots but never thought of connecting them. This paper is an exercise in connection those dots.

1) Patañjali, and possibly even Kātyāyana if we are to trust the interpretation of Patañjali, considered dharme and dharmaśāstra as falling within the category of laukika, worldly, as opposed to the vaidika, the sphere of Vedic discourse. This is in total contradiction to the theology and epistemology of dharma articulated in the Dharmaśūtras.


\textsuperscript{2} R. Lingat, The Classical Law, p. 8.


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2) The term and concept *dvija*, twice-born, is of recent origin. In all likelihood it was a theological innovation created sometime after *Patañjali*. Yet, in most of the Dharmaśastras, again with the notable exception of Āpastamba, the twice-born is a central category in their theology and in their articulation of the *varna* ideology.

3) The *yajñopavīta* (or *brahmaśūtra*), the sacrificial cord commonly called the “sacred thread,” is such a central feature of the ceremony of Vedic initiation (*upanayana*) that in modern parlance it is often referred to as the “thread ceremony.” In the classical period, Brahmanical identity was often based on the constant and uninterrupted wearing of the sacrificial cord. Yet, the ancient rite of *upanayana* given in the *Ṛgvedasūtras* and the Dharmaśastras make no mention of the sacrificial cord. Its compulsory wearing by those who have undergone Vedic initiation is found for the first time in the Dharmaśastras of Baudhāyana and Vasiṣṭha, thus providing us a chronological boundary between these two later texts and the earlier ones of Āpastamba and Gautama.

4) The term and concept of *trivarga* (the three goals of *dharma*, *artha*, and *kāma*) entered into the Dharmaśastric theological discourse at a time even later than *dvija*. The term or concept of *trivarga* is absent in *Patañjali*, in all four Dharmaśastras, and in all the Vedic texts, although it occupies a somewhat central position in the metrical Dharmaśastras, beginning with Manu, in the Sanskrit epics, and, significantly, in *Kauṭilya’s Arthaśāstra* and in the *Kāmasūtra*. This provides a good check regarding the chronological boundaries between these ancient texts.

Clearly, not each of these arguments has the same weight or certainty; some may present counter-arguments. Yet, I think, the weight of the evidence presented in all four arguments taken collectively (the *samuccaya* view of the Brahmanical hermeneutics!) supports the claims I make in this paper.

II. 1 Argument from the Epistemology of *Dharma* and *Dharmaśāstra*  

Larivière and Wezler have argued, convincingly I believe, that the historical source of *dharma* in the Dharmaśastras is not the Veda but “custom” (*ācāra*), that is, the normative behavior and practices of various and varied historical communities. In seeing the Veda or some transcendent tradition as the single source of *dharma*, historians of Dharmaśāstra have brought into the theological position enunciated in most of the Dharmaśastras themselves as to the provenance of the *dharma* that they are teaching.


All extant texts on dharma begin with an epistemological discussion on the means of knowing (pramāṇa) dharma or on the sources of dharma. Although there are some differences in the texts, by and large, they point to three sources: Veda (or śruti), smṛti, and normative custom (ācāra). Gautama (1.1-2) provides the most explicit statement: “The root [or source] of dharma is the Veda, as well as the tradition and practice of those who know it [the Veda]” – veda dharmamūlam tadvidān ca smṛtiśāle. The category of smṛti is somewhat unclear; it may refer to the living memory of the Brahmanical community or to written sources of such immemorial customs. Clearly by the time of Manu (2.10) smṛti meant texts, because he equates the term with Dharmaśāstra. The Mīmāṃsā tradition of Vedic exegesis, which exerted a strong influence on the Dharmaśāstric tradition from its very inception, began to interpret the multiple sources of dharma as having their origin in a single source, the Veda. This is stated explicitly by Manu (2.7): “Whatever dharma Manu has proclaimed with respect to anyone, all that has been taught in the Veda, for it contains all knowledge.” Veda contains all knowledge and thus, a priori, should contain all dharma. This position is already hinted at in the above statement of Gautama when he qualifies that only the tradition and practice “of those who know the Veda” are authoritative. The authority of tradition and practice are here implicitly connected with the Veda.

Apastamba (1.12.10-12) provides the earliest evidence of the hermeneutical argument for this position when he claims that all rules were originally found in the Brāhmaṇas; but some sections of these were lost over time, and they can be recovered by observing actual practice: “All rules are described in the Brāhmaṇas. The lost Brāhmaṇa passages relating to some of them are inferred from usage.” Here we have the Mīmāṃsā concept of anumittasṛuti, that is, Vedic passages that are inferred to have existed on the basis of either smṛti or practice.8 The “lost Veda” argument will be used by later authors to underpin the authority of other sources of dharma within the theological fiction that the Veda is the sole source of dharma. The Mīmāṃsā view of dharma, then, is that the Veda is the sole means of knowing it; when a specific Vedic text is wanting with regard to a particular aspect of ritual or behavior, then one can use supplementary sources, such as smṛti and normative conduct, on the basis of which one can infer the existence of a Vedic text.

p. 169-190; P. Olive, “Dharmaśāstra”, p. 28-37. Even the later Brahmanical tradition is not unanimous in seeing the Veda as theologically the single source of dharma. Medhatithi, the author of the earliest extant commentary on Manu, in the context of the duties of the king, states explicitly that not all of dharma is based on the Veda: pravṛttaṇāvvamaḥḥaḥ iha dharmaṃ ugyante nā surve vedāntiḥ – “for the Dharmas stated here are based on other authoritative sources; not all are based on the Veda” (on Manu 7.1).

8. This doctrine was known to Apastamba (1.4.8), who says that “a Vedic text has greater force than a practice from which the existence of a corresponding Vedic text has to be inferred” – śruti hi bālyasya anumāṇikād ācārāt.
This theological claim camouflages the historical sources of dharma. Indeed, as Pollock has shown, the reason for the “idol of eternality and timelessness” is precisely the theological imperative that to be based on the Veda means to transcend time and historical context and change.

The historical reality is very different from this theological position. The dharma taught in the Dharmaśastras has little to do with the Veda but reflects the actual practices of local groups; the Dharmaśastras themselves are nothing but the textualization of such practice. Evidence from texts belonging roughly to the last three centuries before the common era indicates that this is not merely a historical conclusion of modern scholarship; it appears to have been the view of at least two major authors belonging to the early period of Dharmaśāstic textual production: the grammarians Kātyāyana and Patañjali.

Thus I argue that a theological development proposing the Vedic origin of dharma must have taken place after Kātyāyana/Patañjali.

Kātyāyana makes a distinction between what is found in the Veda (vede and vaiddika) and what is prevalent in the world (loke and laukika). The major use of these two categories is for grammatical purposes, giving examples from the Vedic texts and common speech, the two areas of language encompassed by the early Sanskrit grammars. At least in Patañjali’s understanding of Kātyāyana, the category of laukika (worldly) does not apply simply to what ordinary people say and do but to norms of behavior encoded in textualized form that are certainly Dharmaśāstic injunctions. The clearest example of such injunctions is found in Patañjali’s commentary on Kātyāyana’s Vārttika 5 (on Pāṇini 6.1.84; III: 57-8), which contains the expression yayānī laukikavoṣadikēsn. Here the examples given by Patañjali support the view that in teaching dharma (dharma-padesā) the injunctions refer not to individuals (anyayāva) but to categories or classes (ananyayāva). As laukika examples, Patañjali gives: brāhmaṇa na hantavyaḥ (“Brahmin should not be killed”), surī na peyā (“Liquor should not be drunk”), and pūrvaṇa brāhmaṇaḥ pratyattheṣaḥ (“An older Brahmin should be [greeted by] standing up”). In support of the laukika injunction that a younger person should rise when approached by an older person, Patañjali cites a verse, which is found also in Manu (2.120):

ardhavan prāṇāḥ hy ukrāṇanti yūnāḥ sākṣaḥ āyati  |
pratyayuṣadhīvādihāvyām punas tām pratipadyati iti  ||

For when an older person comes near, the life breaths of a younger person rise up, and as he rises up and greets him, he retrieves them.


10. See Kātyāyana’s Vārttika 2 on Pāṇini 1.2.45 (3: 217); 15 on 6.1.3 (III: 3); 5 on 6.1.83 (III: 55); 2 on 6.2.36 (III: 125).

11. The terms used here are anyayāva and ananyayāva, literally “part” and “non-part.” The terms are somewhat obscure, but they appear to refer to individuals (dravya or vyakti) and classes (jāti or okti).
Other laukika examples also show that they are actually Dharmaśātric in nature. Thus on Pāṇini 1.1.1 (I: 5, 8) Patañjali repeats the following maxims twice: abhakṣyo grāmyakukkuto bhakṣyo grāmyaśūkanaḥ (“It is forbidden to eat a village fowl; it is forbidden to eat a village pig”). Injunctions that are common in the Dharmaśāstras. He also gives the well-known maxim (on Pāṇini 1.1.1; I: 5) pañca pañcanākha bhakṣyah (“The five-finned [animals] may be eaten”).

What is significant here is that for grammarians both the Veda and the loka are pramāṇa, authoritative with respect to correct speech. This authoritative nature of loka is carried over into the Dharmaśātric framework when Patañjali cites injunctions. Clearly, not everything that is said or done in the world is so authoritative. Thus loka for Patañjali and most likely also for Kātyāyana referred to Dharmaśāstra. We have confirmation of this conclusion. The two examples – not killing Brahmans and not drinking liquor – cited above that Patañjali refers to loka at Pāṇini 6.1.84; III: 57-8, is cited by him again in his comments on Kātyāyana’s Vārttika 39 on Pāṇini 1.2.64. The Vārttika reads dharmaśāstran ca tathā (“And so also Dharmaśāstra”), and as an example of “Dharmaśāstra” Patañjali gives: brāhmaṇo na hantavyah sarā na pēyā (“Brahmin should not be killed; liquor should not be drunk”). Clearly, for Patañjali loka and dharmaśāstra are, if not synonyms, at least equivalents with respect to authoritative injunctions.

If Patañjali thinks dharma of dharmaśāstra is laukika, while the earliest extant Dharmaśātras think it is Vedic, then can we detect a theological development in this area between the earliest Dharmaśātric productions and the texts available to us?

An exception, however, may have to be made for Āpastamba. At the outset he merely states (1.1.1-3): “And now we shall explain the agreed customary Laws.” The authority is the agreement of those who know the Law. And the Vedas” – athā taiti sāmayācārikān dharmān vyākyāsyāmān dharmaśātrasamayaḥ pramānum | vedā ca | Āpastamba does not claim any source for dharma other than the samaya, a problematic term which may here mean agreement or acceptance, and ācāra, authoritative conduct or custom. The authority, presumably for deciding among competing claims, is the agreement or accord among the experts in dharma. The excellent and reliable commentator, Haradatta, explains samaya as pauruṣeyi vyavasthā

12. Also repeated on Pāṇini 7.3.14 (III: 320).
13. We see the expression sāmayācārikāṃ repeated at Āpastamba Dharmaśātra 1.7.31, and here it is given as a substantive: sāmayācārikā ṇauḥ eva sāmakeśācārikām eteṣa (“Also for one who has returned [home after the completion of studentship, this very [set of practices] is the accepted custom with regard to these”). The only other place where I have been able to find the expression sāmayācārikā is in Kautilya’s Arthashastra, where sāmayācārikām is given as the title of prakaraṇa 93 (5.5). The opening of the Āpastamba Gṛhyaśāstra 1.1.1) parallels his Dharmaśātra statement: aha karmāvā ācāreyā yāti gṛhyaṁ (“Next the rites derived from custom”). Here also, as the translator Hermann Oldenberg astutely notes in his parenthetical comment (“and not from the Śrauta”), a clear contrast is made between the Vedic rites given in the Śrautasūtras and the Gṛhya rites to be described in this text, which are based on custom.
("human statute/rule/law"). Then at the very end, almost as an afterthought, we have “and the Vedas,” which may even have been a later addition into the text. Even if it were original, the placement of the Vedas at the very end clearly devalues their significance.

The reliance on samayya and ācāra for discovering dharma makes it easy to understand some statements of Āpastamba with regard to how people may find out what dharma is in different contexts, statements that are unique and without parallel in the rest of Dharmaśastric literature. He emphasizes the difficulty of knowing dharma (1.20.6-8):

The dharma and adharma do not go around saying, "Here we are!" Nor do gods, Gandharvas, or ancestors declare, "This is dharma and that is adharma.

An activity that Aryas praise is dharma, and what they deplore is adharma.

He should model his conduct after that which is unanimously approved in all regions by Aryas who have been properly trained, who are elderly and self-possessed, and who are neither greedy nor deceitful. 14

At ceremonies for a dead person, people are asked to “do whatever else the women ask them to do” – yai striya ādush tat kurvanti (2.15.9). At the end of his treatise, Āpastamba returns to the epistemological question: where do we find dharma. And he says something quite surprising and quite at variance with the theological position that all dharma is ultimately derived from the Veda. He says (2.29.11): “The knowledge found among women and Śūdras forms the conclusion” – sā nīṣṭhā yā vidyā striṣu śūdreṣu ca, and (2.29.15):

“According to some, one should learn the remaining dharmas from women and from people of all varṇas” – striḥṣya sarvavarnasthitam bhavān pratyayād ity eke.

As we will see, even in our next argument, Āpastamba is the exception among the ancient writers on dharma.

II.2 Argument from the Use of Dvija

General introductions to Indian culture and religion present the concept of “twice-born” as a fundamental aspect of Indian or Vedic society. The widely used and excellent introduction to India’s cultural past, A. L. Basham’s The Wonder that Was India, comments on the class division of ancient Indian society: “A sharp distinction was made between the three higher classes and the Śūdra. The former were twice-born (dvija), once at their natural birth and again at their initiation, when they are invested with the sacred thread and received into Aryan society.”15 Similar comments are found in most textbooks and even in scholarly tomes. Clearly, modern scholarship takes the concept of dvija associated with the rite of Vedic initiation to be a fundamental aspect of

14. na dharmaḥdharmaiḥ ca vata iva iti | na devaṇādharmo na pitara iti śacaśate. "yam dharma" "yam adharmo iti | yati tv aśvāḥ kriyāṇāṃ praśaśanti sa dharmo yad garhante so dharmah | sarvašaṇapadeṣu ekānāśaśāḥ adhyāyaṃ vṛti tv atiśvāsādhiṃ śrutaṃ samayaḥ viṣṇūḥ viṣṇavantaḥ vṛddhānaṃ atmaṇavatām alobaṇācānaṃ adhikāraṇāh vṛttasyādhyām bhajeta | See also 2.29.13-14.
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ancient Indian reflection on society. Does this consensus stand up to scrutiny? I think not.

The earliest descriptions of the rite for becoming a Brahmakarin is found in two hyperbolic eulogies, the one in the Atharvaveda (11.5) and the other in the Satapatha-Brâhmana (11.5.4). In both places the initiation of the pupil is compared to the birthing process: the teacher becomes pregnant with the pupil, and the pupil becomes a fetus (garbha), and in the third night the pupil is born as Brâhmaṇa. This analogy parallels the more common conception that the consecration for a sacrifice (dikṣā) constitutes a new birth of the sacrificer (dikṣita) (Aitareya-Brâhmana 1.3.1; Satapatha-Brâhmana 3.2.1.11; J. Gonda, Change and Continuity in Indian Religion, p. 337). Even though, as in other initiation rites, the birth metaphor is used here, the term dvija is absent, as is any clear emphasis on the newly born status of the student. No connection is also made between this initiatory birth and the ideology of varṇa. Further, the initiates was probably an adult or a young man, with the mention of his long beard.

The most extensive descriptions of the rite of initiation are given in the Gṛhyasūtras, a class of texts devoted to domestic rites. The dating of these texts is problematic, but many of the early ones were probably composed prior to the rise of Dharmaśastric literature. None of the Gṛhyasūtras present the rite of Vedic initiation as the second birth of the boy. The teacher who initiates him is not referred to as his father, or the Śāivītāi verse that is taught to him regarded as his mother. Neither do these texts use the term dvija with reference to the initiated boy.

Indeed, the term dvija and the parallel dvijāti are absent in the entire Vedic corpus, including the Upaniṣads. They do not occur even in the subsequent ritual literature; the terms are absent in the Śrutasūtras and in most of the Gṛhyasūtras. They are also missing in the texts of the grammatical tradition.

16. J. Gonda notes: “The complex ceremonies and ritual acts, of tuition and observances was considered the preparation for a new birth; hence the name dvija- applied to the members of the first three classes (especially the brahmans) who had passed through the initiation into the Veda” (J. Gonda, Change and Continuity in Indian Religion, The Hague, Mouton, 1965, p. 233). However, this appellation was never used in the early period, and the connection of dvija to the new birth within initiation was made only through a new theological interpretation and at a much later date.

17. We do find the term dvijānam in the Rgveda 1.60.1; 1140.2; 1149.4, 5; 6.50.2. But none of these usages pertain to a person who has undergone Vedic initiation. The two births there probably refer to the birth of fire in heaven and on earth. The Rgveda-Khila (4.2.6) uses dvijāti with reference to humans, but the date of the Khila is uncertain and probably quite late. The only place where the term occurs in the Atharvaveda (Saunaka) is 197.1 (dvijānam). This has no parallel in the Paippālāda recension, and the parallel in Gitārājya Aranyaka (Paippālāsa) 10.36 has the term dvijāti, which even Śāraṇa thinks may refer to the two births in the sun and Brahmaṇa. So the reading, authenticity, and meaning of this term in Atharvaveda (Saunaka) is quite uncertain.

18. The exceptions are the Āgniśāstra Gṛhyasūtra (2.3.3, 14, 16, 19) and the Vaiśākhasa Gṛhyasūtra (5.8, 10; 4:12), both of which can be dated to the first half of the first millennium CE. It is also found in the Baudhāyana Gṛhyasūtra 2.9.14, but given that it occurs there within
which are generally good sources of terms in normal circulation. Yāska’s Nirukta, Pāṇini’s Āstādhyāyī, and Kātyāyana’s Vārttikas on Pāṇini do not mention these words. Quite surprisingly, even the voluminous Mahābhāṣya of the great 2nd century BCE grammarian Patañjali does not use this term.

Although in itself it does not provide conclusive proof, this chart of the occurrences of the terms dvija or dvijāti in the ancient literature is instructive:

<table>
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<td>Baudhāyana Dh</td>
<td>13</td>
</tr>
<tr>
<td>Vasiṣṭha Dh</td>
<td>13</td>
</tr>
<tr>
<td>Māṇava Dh</td>
<td>166</td>
</tr>
<tr>
<td>Rāmāyaṇa</td>
<td>214</td>
</tr>
<tr>
<td>Mahābhārata</td>
<td>1535</td>
</tr>
<tr>
<td>Yājñavalkya Dh</td>
<td>40</td>
</tr>
</tbody>
</table>

The absence of dvija or cognate terms with the technical meaning of a twice born human being in the theological vocabulary of the Brāhmaṇas, the early Upaniṣads, and most of the ritual sūtras indicates that something new was being signified by this term when it makes its appearance in the Dharmaśūtras. Curiously, then, a term that became central in the later theological and sociological discourse within the Brahmanical tradition, a term that is ubiquitous in modern scholarly descriptions of ancient Indian society, is missing in almost all texts prior to about the second century BCE. Even if we grant that its absence in Pāṇini and Kātyāyana can be explained because of their brevity and subject matter, it becomes much harder to explain its absence in Patañjali’s Mahābhāṣya, a long text that is within the mainstream of Brahmanical theology and contains references to many aspects of the varna system.

It appears, then, that the characterization of Vedic initiation as a second birth of the initiated boy and his designation as a dvija along with its close

a series of verses one may have reservations regarding its authenticity. The term also occurs in later sections (paribhāṣā, śekha) of some Gṛhyasūtras. See T. Luce, “The Transmission, Patronage, and Prestige of Brahmanical Piety from Mauryas to the Guptas”, in F. Squarciapino (ed.), Boundaries, Dynamics and Construction of Traditions in South Asia, Florence, Firenze University Press, 2005, p. 87, n. 23.

19. In looking at these raw numbers, one must make allowance for both the length of each text and the subject matter of some texts that may not have called for the use of this term.

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relationship to the varna system were theological innovations within the expert tradition dealing with dharma, a tradition that was itself probably something of a novelty and produced a rich literature from about the 3rd century BCE. The oldest extant text of this tradition, the Dharmaśāstra of Āpastamba (1.1.15-18), states: “He should never offend the teacher, for he gives birth to him by means of Vedic knowledge. That is his most excellent birth; his parents give birth only to his body.” This statement simply reiterates the discussions in the Atharvaveda and the Śatapatha-Brāhmaṇa referred to above. We detect, however, that at a very early stage in the history of the Dharmaśāstric tradition a theology that highlighted the rebirth aspect of Vedic initiation was brought to the foreground. Āpastamba, nevertheless, never uses the terms dvija or dvijaṭi either with regard to the initiated boy or with reference to the three upper classes (varna) of society, a practice common in later texts; these terms are absent in his vocabulary. So, we have another piece of evidence for the newness and novelty of this concept. Even one of the most ancient texts of the Dharmaśāstric tradition does not use the term. We shall not be far wrong in thinking that this innovation took place toward the end of the second century BCE or perhaps in the first century BCE.

It appears also from a significant structural feature of the Dharmaśāstras, including Āpastamba’s, that the Dharmaśāstric tradition was instrumental in giving prominence to Vedic initiation as the second birth of a man, a birth that makes him subject (adhitārīn) to dharma. Indeed, the rules of dharma are addressed to and applicable to only those who have had their second birth at initiation. This structural feature is the very opening of the Dharmaśāstras; they all begin with the rite of Vedic initiation, the rite that qualifies a person to engage in dharma prescribed in these documents. From Gautama onward, as we will see, such a person is called a dvijaṭi, a man with two births. The novelty, or even the revolutionary nature, of this structural innovation becomes obvious when we look at the parallel in the Gṛhyasūtras.

All the ancient Gṛhyasūtras, after a brief discussion of cooked offerings (pākayajña), begin with marriage and the establishment of a household with a new ritual fire. This is only to be expected, as the entire Brahmanical ritual system and way of life are centered on the married household. The Gṛhyasūtras then follow the married householder through his life, providing instruction about a variety of subjects, especially the procreation of children, their Vedic initiation and education, their eventual marriage, and finally death and funerary ceremonies. One would have expected the Dharmaśāstras to follow this model, given that they are also principally concerned with

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20. The exception is the Vasiṣṭha Dharmaśāstra. This text, unfortunately, has had a problematic transmission, and it is very unclear whether the structure of the extant text is original. The sequence of topics does not follow any logical plan and initiation and studentialship is dealt with in the middle of chapter 11.

21. The exception is the Hiranyakasipu Gṛhyasūtra, which begins with Vedic initiation. Given that it departs so radically from its counterpart, the Āpastamba Gṛhyasūtra, which it generally follows, it is an indication of this novel feature of the Dharmaśāstras influencing the composers of the Gṛhyasūtras.

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the married householder. The writers of Dharmaśāstras departed from this practice because of the new prominence given to Vedic initiation and the incipient notion of the twice-born man.

The Dharmaśātra of Gautama is the earliest extant text to use the term dvijāti, using it four times; he does not use dvija. Gautama also states that “initiation is a second birth” (1.8), but it is unclear whether his use of dvijāti is connected to the conception of initiation as a second birth. At least he does not make that connection explicit. The term dvijāti for Gautama is not limited to Brahmins; he uses it as a term that comprehends the three upper varnas. For example, at 10.1 he says: “Study, sacrifice, and giving gifts pertain to dvijātis” (dvijātināmadhyāyanam iṣyā dānam). In the very next sūtra he goes on to state that teaching, officiating at sacrifices, and receiving gifts are additional activities of Brahmins. It is probably that in the other three places also Gautama uses the term to comprehend the three upper varnas.

A pattern in the use of the two terms dvijāti and dvija begins to emerge in the Baudhāyana Dharmaśāstra. As is well known, only the first two Praśnas belong to the original sūtra; the last two Praśnas are later additions with large sections composed entirely in verse. In the first two two Praśnas dvijāti is used six times, while dvija is used only once (1.1.13), whereas it occurs six times in book four (5.3, 20, 21, 24; 7.9; 8.8). It is clear that Baudhāyana uses dvijāti generally to refer to the three upper varnas, once actually using the expression traya varnā dvijātayah (“the three twice-born varnas”) (2.5.4). Only once does he use the term with specific reference to Brahmins, and here he uses the compound dvijātipravara (2.3.29). A noteworthy point in the use of dvija in Baudhāyana’s work is that it always occurs in verses, probably indicating that this term entered the vocabulary late and with specific, if not exclusive, reference to Brahmins. The older term appears to have been dvijāti, and it was used more generally with reference to the upper three varnas.

There is an explosion in the use of dvija/dvijāti in literature close to or after the beginning of the Common Era, as we can see from the above chart. In all the Dharmasastraic texts that follow Gautama and Baudhāyana the twice-born is a central concept in their theology and the sociology based on the varṇa system. We see the extensive use of dvija/dvijāti also in the two Epics where the term is used in every book of them, although its distribution is uneven.

It is significant that there is no cognate term in Pāli with reference to Brahmins, and in Buddhist hybrid Edgerton gives only one example—Dvijātirāja as the name of the Buddha in a former life. Clearly, this concept was confined to later Brahmanical theology and did not have an impact on the Buddhist vocabulary. The earliest inscriptional evidence I have been able to trace is the Nasik Cave Inscription of Vasiṣṭhīputra Pulumāvi, circa 149 CE. The Arthaśāstra uses the term only once in probably a late passage.

22. See Gauṇama Dharmaśātra, 10.1; 12.1; 17.1; 21.4.
24. 1.7.1; 2.3.29; 2.5.4; 2.7.3; 2.18.14 (twice).
(1.3.8), and the Kāmasūtra does not use at all. In the Arthasastra passage (dvijātisūradhā, obedience to dvijāta) the reference is clearly to Brahmins within the context of the varna system. The absence of the term in these two texts, the final reeditions of which were carried out probably in the early centuries of the Common Era, indicates that the term was still restricted to theological discourse. That the term had become somewhat common by first or second century CE is indicated by its use by Aśvaghōsa in both his poems. He was, however, a man who was deeply versed in Brahmanical theology, and was himself probably a Brahmin before becoming a Buddhist monk.

II.3 Argument from Yajñopavīta

As I have noted above, in the classical and modern period of Indian history, the yajñopavīta, or simply upavīta or brahmaśūtra, is closely associated with the rite of Vedic initiation (upanayana). Yet, the earliest descriptions of this rite found in the Atharvaveda (11.5), the Śatapatha-Brāhmaṇa (11.5.4), and the Gṛhyasūtras make no mention of the yajñopavīta. The central element of the rite is the tying of the girdle, and thus the rite itself is often called muniṃbandhana. Nor is it mentioned in the description of the rite found in the Dharmaśūtras themselves. P. V. Kane expresses some surprise at this: “It is remarkable that Asvajātāyanī, Aṣṭamantakī Śūravaiṣhānī, and several other [gṛhya] sūtrakāras do not say a word about the sacred thread.”

The term yajñopavīta, however, does occur in the early literature, but the term there simply means a special way of wearing the upper shawl around the neck and chest. In the yajñopavīta mode it is worn “for the sacrifice,” that is, over the left shoulder and under the right arm, forming a sash. The opposite way is recommended for rites for ancestors. This shawl was probably “abbreviated” to a few strings or threads, but nowhere is it said that it is formally given to the initiate at the ceremony of Vedic initiation or that it should be worn all the time as a symbol of a person’s twice-born status. P. V. Kane observes: “This shows that originally upavīta meant an upper garment and not merely a cord or threads.” Kane’s final conclusion is worth citing in full:

From the above passages, from the fact that many of the ghṛyasūtras are entirely silent about the giving or wearing of the sacred thread in upanayana and from the fact that no mantra is cited from the Vedic Literature for the act of giving the yajñopavīta... it is most probable, if not certain, that sacred

25. Buddharacarita, 1.44, 45, 47, 48, 84; 2.36, 7.13; 9.80; 11.71 (but here with reference to fire); Saundaramadbura, 2.25, 51; 8.19; 18.1.
27. We find this prescription in Āpastamba Dharmaśāstra 16.18; 1.15.1; 2.4.21-22 (various activities when yajñopavīta is worn); 2.19.16 (wearing it while eating); Gautama Dharmaśāstra 1.36.
28. This is actually recommended in Āpastamba Dharmaśāstra 2.4.22: api vā sūtram evopavītārhi – “or else, just a thread/string for the sake of the upavīta.”
thread was not invariably used in the older times as in the times of the later sūtras and in modern times, that originally the upper garment was used in various positions for certain acts, that it could be laid aside altogether in the most ancient times and that the cord of thread came to be used first as an option and later on exclusively for the upper garment.  

While all early literature, including the Gṛhyaśūtras and Patañjali, is silent on the yaññopavīta as an emblem of the twice-born, even the two earliest Dharmaśūtras, those of Apastamba and Gautama make no mention of it.  

We come across a clear reference to it for the first time in the Dharmasastra of Baudhāyana. At 1.8.5-6 it gives the procedure for manufacturing the sacred cord using three threads.  

At 1.5.5 (and also in Vasiṣṭha 12.14) it is said that a snātaka, a man who has completed his Vedic studies, wears two yaññopavītas. The implication is that the Vedic student wears one, and perhaps a married householder wears three, showing a mature theology of the yaññopavīta incorporated into the theology of the āstama system. Both Baudhāyana (2.3.1) and Vasiṣṭha (8.9) say that a Brahmin should wear the sacred string always (nityya yaññopavīti). So, by the time of these two texts the yaññopavīta had been transformed from an upper garment to a complex set of strings, and from being worn at special ritual occasions to being obligatory at all times and a symbol of one’s twice-born status.  

An interesting side note to this is the discussion on the yaññopavīta and its formal abandonment during the rite of renunciation (saṃyāsa) found in the Saṃyāsa Upānisads. The debate whether a person who has abandoned the yaññopavīta can still be considered a Brahmin shows that during the composition of these texts such wearing had become an essential part of Brahmanical identity. Several Saṃyāsa Upānisads enjoin the discarding of the yaññopavīta during this rite: Aruna 1.6; Kathāsruti 42, 39; Paramahamsa 46. The Śāntala Upāniṣad (67) asks the question explicitly: “How can a man without a yaññopavīta be a Brahmin.” Many solutions are offered, including the interpretation of abandonment as an internalization. Yet, this entire ritual process and the theological debates would be moot if the wearing of the yaññopavīta had not become normative and an identity marker for Brahmins. Given our discussion about the history of the yaññopavīta, it is clear that none of these Upānisads can be dated to a period before the first century BCE, and that in all likelihood they belonged to a period some time after that.

31. The only place where the term occurs in Gautama is 1.36 in the context of the ritual sipping of water (ācmanana), where the person sipping is said to be yaññopavīti. Given the ritual context, it appears likely that, as in Apastamba (1.15.1; 2.19.16), here also the meaning is simply that the upper shawl should be worn in the ritual position.
32. The manufacture of the sacred strings becomes differentiated according to the varṇa of the wearer, different kind of fiber being used for the three varṇas: see Manu 2.43-44.
II.4 Argument from Trivarga

My final argument centers on the term and concept trivarga, and its associated concept of purusārtha. The term trivarga simply means a group or set of three. It has been used for many such sets in the Śrauta- and the Gṛhyaśūtras.34 However, within the cultural history of India the term is best known with reference to the three areas of human endeavor and aspiration: dharma (Law, righteousness), artha (wealth, success), and kāma (pleasure).

Trivarga, much like dvija, is a novel term in Brahmanical theology. It entered the theological vocabulary even later than the term dvija. I also believe that the trivarga concept was first developed not in the mainstream theology of Brahmanism but within the ideology of the Arthaśāstric tradition focused on the life and activities of kings.

In Kauṭilya’s Arthaśāstra we find trivarga occupying center stage with reference to the aspirations of an ideal king. This is spelled out in detail in the chapter devoted to an ideal king (1.7), and repeated frequently elsewhere (see 9.7.60–64). And at 1.7.6 it gives Kauṭilya’s opinion (which is generally the accepted view or siddhānta) that artha is supreme and the other two are subordinate to it.

Kāmasūtra the three play a more central than in possibly any other Sanskrit text.35 It begins (1.1.1) with reverence paid to dharma, artha, and kāma (dharmārthakāmebhyyo namah), because as the very next sūtra says, these are the subject matter of the treatise. In the fifth sūtra it says that initially the creator Prajāpati produced a treatise of 100,000 chapters on the trivarga. Given its dependence on Kauṭilya’s Arthaśāstra, the Kāmasūtra follows the Arthaśāstric tradition of giving centrality to trivarga in organizing human activities, especially in the court and in the lives of upper-class rich young men to whom the Kāmasūtra is addressed.

The term, however, is absent in the entire Vedic corpus, in Patanjali, and in all four Dharmaśūtras. Within the main-stream Brahmanical tradition, it makes its first appearance in Manu (2.24; 7.27) in two somewhat passing comments. The Rāmāyaṇa mentions it twice (1.6.5; 4.37.22), while it is used a total of 51 times in the Mahābhārata.36 It is interesting that on both occasions in the Rāmāyaṇa trivarga is associated with kings, with Daśaratha at 1.6.5 and with the description of a righteous king in Rāma’s address to Sugriva at 4.37.22. Significantly, the term plays a rather prominent role in Aśvaghoṣa’s Buddhacarita. The term or the three goals appear at 2.14, 41; but they become a centerpiece (along with the parallel concept of purusārtha) of the arguments

34. See, for example Lōtiyaṇa Śravāṇa 4.12.8; Āśharaṇa Jyotiṣa 9.3; Kūtiyaṇa Śravāṇa 8.6.8; Jāmbiṇīya Gṛhya 2.8 (16); Drāhiyaṇa Śravāṇa 12.4.11.
35. 1.1.2, 5, 16; 1.2 (title); 1.2.1, 15, 41; 6.6.5, 6, 12 (twice). The last three are taken from or dependent on the Arthaśāstra 9.7.60–64.
36. 108.40; 109.23; 171.3; 3.119.21; 5.121.22; 122.32, 36; 6.10.59, 69; 9.4.28; 11.2.19; 12.12.17; 15.3; 28.42; 56.4; 57.17; 59.30, 31 (twice), 38, 76; 69.64 (twice), 67 (twice); 118.10; 121.13; 123.5, 8; 136.20; 137.95; 138.57; 161.3, 28, 46; 183.9; 184.10, 17; 185.3; 187.55; 276.15; 308.88, 129 (twice); 316.47; 13. 32.20, 21; 118.24; 128.56; 129.15; 131.40; 14.37.14.
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used to dissuade the future Buddha from renouncing his kingdom (10.28, 30; 11.58). Here too, the concept is applied principally to a king and his duties.

In the Mahābhārata, on the other hand, the concept appears to be integrated into the conception of human life in general. Unlike dvija, the concept of trivarga did not enter the mainstream theological vocabulary as a central concept until after the time of Manu. It probably entered Manu’s vocabulary in a somewhat peripheral way because of its incorporation of a lot of Arthaśāstric material into his text, especially in the sections on the king and judicial procedure (Chapters 7-9).

The conclusion that one can draw from this is that there is a clear temporal and theological distinction between the Dharmasūtras and the literature that preceded them or were contemporaneous with them and the literature that follows, including the metrical Dharmaśastras and the Sanskrit epics. We would not be far wrong in assigning this transition of the concept from the purely Arthaśāstric vocabulary into mainstream Brahmanical theology to around the first century CE.

Conclusions

In using the above arguments and criteria, first, we must be careful not to overreach. Such arguments are most convincing when they can be used cumulatively, when several of them become applicable to a particular text. Second, presence is a stronger argument than absence. So the absence of dvija in a text, for example, does not make it automatically earlier than the first century BCE; such absences can be due to a variety of reasons and not just chronology. However, the presence of that term is a stronger argument for dating a text to a period after the theological innovation that brought the term into prominence.

Under these criteria, we can tentatively provide the following chronology to the early Dharmasūtras:

Āpastamba: 3rd to early 2nd C. BCE
Gautama: late 2nd to early 1st C. BCE
Baudhāyana: mid 1st C. BCE to early 1st C. CE
Vasiṣṭha: early to late 1st C. CE

We detect a clear break between Āpastamba and Gautama, and an even more pronounced chronological gap between these two and Baudhāyana and Vasiṣṭha. We may also want to keep in mind in this regard that it was in the mid-2nd century BCE that Patañjali for the first time articulates an ideology demarcating a Brahmanical sacred and cultural geography – the āryāvarta – a region where dharma prevails and where good Sanskrit is spoken. This region deliberately excludes the heartland of the Maurya empire. This concept is absent in literature earlier than Patañjali; it is absent also in Āpastamba and Gautama. The concept of a sacred geography first articulated in the grammatical tradition becomes incorporated into the broader Brahmanical discourse only in the Dharmasūtras of Baudhāyana (1.2.9-12) and Vasiṣṭha (1.8-16).
This piece of evidence strengthens the argument for a clear chronological break between these two documents and the two earlier Dharmasūtras.

Concomitantly, if we are to follow these arguments with reference to other Sanskrit texts of the period, my earlier assumption of the 2nd century CE for both Manu and Aśvaghosa are confirmed.\textsuperscript{37} I think the final redaction of the Sanskrit epics must also be placed at the earliest during the first centuries of the common era, because they, and the Mahābhārata in a special way, exhibit a developed stage of theology incorporating these significant new elements.

The question then remains: what were the social, cultural, and religious contexts of the post 2nd century BCE north India that prompted these theological innovations: 1) dharmo of Dharmaśāstras as basically Vedic; 2) the upper varnas, especially the Brahmin, as twice-born (dvija/dvijāti), and the centrality of Vedic initiation in the theology of the religious life of upper classes; 3) symbolism of the yajñopavīta as an emblem of the twice-born status of the three upper varnas, and of Brahmins in a special way; and 4) the process whereby the Arthaśāstraic conception of trivarga became absorbed into mainstream theology represented by metrical Dharmaśāstras and the Sanskrit epics. I will leave this as a question, an important question, which is beginning to be answered especially in the context of the Sanskrit epics and their relationship to Aśoka and the Mauryan reforms. But that is not adequate. We must look seriously into what was happening in northern India around the beginning of the Common Era. There were the repeated invasions by foreign armies and the establishment of foreign rule by the Śakas and the Kushanas. It was also at around this time, we much remember, that the Sanskrit millennium and the “Sanskrit Cosmopolis,” about which Pollock has so eloquently spoken, took place.\textsuperscript{38} These new phenomena cannot be unrelated.

References

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