Writing and the Recognition of Customary Law in Premodern India and Java

TIMOTHY LUBIN
WASHINGTON AND LEE UNIVERSITY

Explaining what made ancient Greek law unusual, Michael Gagarin observes that most premodern legal cultures "wrote extensive sets (or codes) of laws for academic purposes or propaganda but these were not intended to be accessible to most members of the community and had relatively little effect on the actual operation of the legal system." This article addresses the implications of writing for customary or regional law in South and Southeast Asia. The textual tradition of Dharmaśāstra ("Hindu law"), which canonizes a particular model of Brahmin customary norms, can certainly be called a "scholarly" exercise, and it was also intended as propaganda for the Brahmanical cosmopolitan world order. But it also formulated a procedural principle to recognize the general validity of other, even divergent, customary norms, though for the most part such rules remained *lex non scripta*. On the other hand, inscriptions provide evidence that writing was used for diverse legal purposes and offers glimpses of actual legal practice. In these records, customary laws are sometimes laid down as statutes by decree of a ruler or community body, or are simply invoked as long-established customary rules. But even when Dharmaśāstra texts are not directly cited, their influence over the *longue durée* is discernable in the persistence of śāstric legal categories and terms of art. This influence is even more evident in Java, where legal codes on the Dharmaśāstra model were composed in Javanese, and where the inscriptions came to exhibit a closer connection with śāstric discourse than is found in India.

INTRODUCTION

Modern lawyers sometimes have trouble seeing custom or "folk law" as law at all, at least in a formal sense. The ninteenth-century legal theorist John Austin's classical formula held that law consists of the commands of a sovereign backed by the threat of sanctions. Custom in itself is mere habit until it is gets adopted by judges (and thus tacitly by the sovereign).[1]

More recent positive law theorists have tended to insist that in the absence of a constitution, a legislative apparatus, and a bureaucratic state able to provide for enforcement, there can be no legal rules per se, only maxims or customs. To have law, said the positivists, there must be a "basic norm" (*Grundnorm*: Kelsen 1949) or a "rule of recognition" (Hart 1994 [1961]), that is, a rule with broad acceptance in accordance with which all other laws derive

This article began as a lecture at the University of Virginia, 24 February 2011. The research was largely conducted under the auspices of the Institut français de Pondichéry during 2009–10, with the support of a Fulbright-Hays FRA fellowship. Revisions were made during the following year with a sabbatical fellowship from the American Philosophical Society and from a Lenfest Sabbatical Fellowship (Washington and Lee University). I am grateful to these institutions for their support. I have benefited from comments by Patrick Olivelle, David Brick, Arlo Griffiths, and anonymous readers for the *Journal*.

1. Austin 1995 (1832): 34–36, 141–42, 238–39.

their validity.[2] Custom, ostensibly based on common acceptance alone, Hart considered insufficient to serve legal functions.

In the last half-century, the legal positivist model has been attacked from various sides, largely by puncturing the grand Austinian notion that everything in law hangs on the rules. Ronald Dworkin, arch-nemesis of the positivists, faulted them for ignoring (or waffling on) the legal uses of principles (i.e., moral propositions invoked to influence legal argument), and more fundamentally for asserting that a value-neutral definition of legal validity is an adequate theory of law. Legal realism directed our attention away from rules altogether and toward the (often informal) ways in which legal work actually gets done.[3] And the anthropology of law has insisted that societies without state-based law, constitution, or written statutes are not on that account devoid of law.

Legal pluralism, one of the chief outgrowths of the anthropology of law, began by emphasizing another situation of recognition: the recognition of customary law by the "centralist" law of the state, especially the colonial state and post-independence successor states.[4] More broadly, legal pluralists seek to show how "the law" can never be a single, hermetic, state-driven machine, but is always a fluid, complex web of interconnected sets of standards—pluralism in the "strong sense." In most nation-states today, the "official" law claims ultimacy, selectively recognizing the rules of other social associations—corporate regulations, professional guidelines, industrial standards, etc.[5] The recognition of law in pluralistic settings is of course just a subset of Hart's recognition, lower links in the chain of validity.

In British India, for example, colonial lawyers developed ways to recognize laws based on indigenous custom. Although they had begun, in the late eighteenth century, to look for "black letter law" in the "Shasters" (Dharmaśāstras)—by consulting Brahmin pundits, and then by translating the "Laws of Manu" into English—they soon enough came to realize that this was not the basis of the law as most Indians knew it.[6] Rather, as the French priest Bouchet recognized in 1714, it was oral and customary, but not for that reason indeterminate.[7] The British courts thus sought to draw on it through the testimony of native informants; then, importing the principle of precedent, a written version (albeit an often quite distorted one) emerged through accretion in the form of "judge-made law," which in the view of British jurists had the benefit over customary legal practice in that it could be clearly fixed and thus consistently applied.

But was pre-British (and non-Mughal) Indian law wholly unwritten? And did it lack a rule of recognition? We do not need to reconcile or decide between theoretical approaches

2. These two concepts differ mainly in intellectual rationale: Kelsen's "Grundnorm" is a neo-Kantian ideal deduced (without recourse to social facts) from the legalistic treatment of certain norms, while Hart's "rule of recognition" purports to be derived from observation of how legal professionals look to a source or "pedigree" for a law's validity (Bix 2005: 35–36).

3. Davis (2006) argues that in spite of a natural-law veneer in the form of Dharmaśāstra's putative derivation from a transcendent source (the Veda or *śruti*), Hindu law in practice, and even to some extent in theory, is defined by its "social working."

4. This is John Griffiths' (1986: 6 and passim) "pluralism in the weak sense." For a recent example, see South Africa's Recognition of Customary Marriages Act 120 of 1998. He spoke of "legal centralism" as the ideology that only the official law of a nation-state counts as law, an idea which he dismissed as a "myth" and an "illusion" (pp. 4–5). I prefer to use the term "centralism" descriptively to characterize a legal system that claims ultimate authority and may choose to recognize as law select elements of "subordinate" or "secondary" legal or quasi-legal systems. Centralist state law in fact "is often a secondary rather than a primary locus of regulation" (Galanter 1981: 20).

5. These are the standards of what Moore (1973) called "semi-autonomous social fields"; see also John Griffiths 2003.

6. Rosane Rocher has lately provided a cogent account of the steps in this process (R. Rocher 2010).

7. Lariviere 1984 translates and discusses Bouchet's letter.

to admit that even in a largely customary legal culture "rules is rules": written rules may be accorded a special value that makes them notably different from other legal standards, in coercive force, in jurisdiction, or simply in relative weight. Given a system with some sort of means of recognition, many sorts of standards—moral or ritual precepts, maxims, customary norms, and principles—can be formally recognized as law, and so put to uses such as endowing with rights, imposing an obligation, facilitating litigation, or justifying state violence.

RULES IN INDIC LAW

We should consider whether premodern Indian society had law in Hart's sense (or in Ronald Dworkin's, which acknowledges the legal applications not only of rules but of principles and policies),[8] and if so, what mechanisms we can discern for the recognition of customary norms and other standards *as* law. Was there a difference in theory or in practice between different sorts of standards? And what effects did writing have on the process? If one important effect was to formalize a rule, to clarify its jurisdiction, or to spell out its consequences, does it make sense to regard this as a mode of recognition? What can the premodern Indic evidence contribute to comparative discussion of recognition of laws?

WRITING

Explaining what made ancient Greek law unusual, Michael Gagarin observes that most other premodern legal cultures "wrote extensive sets (or codes) of laws for academic purposes or propaganda but these were not intended to be accessible to most members of the community and had relatively little effect on the actual operation of the legal system" (2008: 1). This characterization applies well to Dharmaśāstra, generally speaking, but not to all legal uses of writing in India. Dharmaśāstra certainly can be regarded as a "scholarly" exercise—"Hindu jurisprudence"[9]—and it was intended as propaganda for the Brahmanical cosmopolitan world order.

But writing also served other functions in India. An enormous number of inscriptions on stone and copper plates have survived, and these presuppose and sometimes explicitly attest to the use of palm leaves and other perishable materials for the purpose of framing and transmitting such documents. These documents, commonly called *lekha* ('writing, writ') or *pattra* ('leaf'), are used to record decrees (most commonly to confer land rights and other benefices), settlements in a public or private dispute, or charters of customary rules. Donative decrees and settlements doubled as deed or title to property rights and privileges, and there are a number of instances in which the record refers to its own capacity to forestall or resolve future disputes over such rights. The use of inscriptions to promulgate statutes of general application is rare in India, but not unheard of. The durability of the written document is paramount. Records often close with a formula invoking their validity in perpetuity, "as long as the moon and sun endure," and warning future rulers not to violate their terms.

In Southeast Asia, from Burma to Borneo, the importation and appropriation of Indian cultural habits and institutions, including legal ones, took the form both of inscriptions (initially in Sanskrit, but then bilingual and in local languages), and of law-codes superficially

8. Dworkin 1978: 22–45.
9. Davis's expression (e.g., 2005 and 2006 passim).

modeled on Dharmaśāstras but mostly local in language and content.[10] This development is particularly instructive in its contrast with the closest analogy in India, where the regional Dharmaśāstras, few as they were, were composed in Sanskrit (e.g., the *Laghudharmaprakāśikā* or *Śāṃkarasmṛti*, from Kerala).

In all these spheres, there are signs that the interplay between Dharma texts and inscriptions fostered the emergence of formal legal institutions that were tied simultaneously to local social bodies and state structures, and to an overarching, transregional conception of legitimate authority. What is most likely to be left out of account are unwritten norms—rules that, to proponents of legal realism and legal pluralism, have legal functions even though they are not part of a formal code. We will see some of these as they show up in inscriptions.

In what follows, we will briefly consider what the early Dharmaśāstra had to say about regional and parochial norms, before turning to the epigraphy to illustrate the range of legal functions that writing could serve in practice. Our examples come from a wide range of times and places. There is room here for only the barest sketch of the historical context; in any case, for some types of records the numbers are too few to permit a highly nuanced view of local distinctions. At the same time, the basic legal functions of inscriptions (and their palm-leaf or paper analogues) seem to have remained fairly stable over time and space for over a millennium at least. Indeed, it has been shown that in South India, the source of the largest number of inscriptions, even palm-leaf legal documents produced in the mid-nineteenth century "are written in a documentary language which has been in vogue since medieval times"; indeed, "they resemble very closely medieval inscriptions in style, format and contents and so they indirectly help in a better understanding of the inscriptions."[11]

DHARMAŚĀSTRA

Dharmaśāstra ("Hindu law") canonizes a particular model of Brahmin customary standards (*ācāra*)—those practiced in the "Land of the Āryas" (Āryāvarta)[12]—and it does so in a mixture of edifying maxims and substantive apodictic rules on specific points. It is likely that many of these were considered normative within particular Brahmin circles at particular times, though we cannot now know where or when exactly.[13] Futhermore, the śāstra-authors took it as part of their task to compile traditional precepts, but not always to reconcile them when they diverge. The result is in some sense a code—a systematic arrangement—but one ill-suited to direct application as a code of statutes in a court of law (as the British would learn).

Dharmaśāstra also contains numerous procedural rules, including some that could be called rules of recognition, at least within a Brahmin milieu. The most basic of these, found

10. E.g., the Javanese *Adhigama, Pūrvādhigama, Devāgama,* and *Kuṭāra-Mānava*, the Burmese *dhammasatthas* or *dhammathats*, and the Thai *thammasats*.

11. Subbarayalu (1991: xiii) made this observation in publishing a collection from one family in the Tiruchirapalli District. These records, consisting of inscribed palm leaves bearing the legal fee stamps typical of the colonial legal system, do indeed often mimic the structure and idioms of the inscriptions. Besides Subbarayalu's unique volume, Zoë Headley and S. Ponnarasu, likewise under the auspices of the Institut français de Pondichéry and with funding from the British Library, are coordinating a project to rescue and digitize 40,000 legal documents of the Tamil region, ca. 1650–1950. This archive will provide a much wider base for a study of indigenous legal writing in the early modern and colonial eras.

12. "The region to the east of where the Sarasvatī (River) disappears, west of Kālaka forest, south of the Himalayas, and north of Pāriyātra mountains is the land of the Āryas. The practices of that land alone are authoritative" (*prāg ādarśāt pratyak kālakavanād dakṣiṇena himavantam udak pāriyātram etad āryāvartam | tasmin ya ācāraḥ sa pramāṇam | Baudhāyana-Dharmasūtra (BDhS)* 1.2.9, Olivelle 2000: 198–99).

13. Ludo Rocher (1993: 267) suggests that rules in Dharmaśāstra "were, indeed, at some time and in some place 'governing the life and conduct of people.'"

in several forms, seek to establish what counts as dharma. For example, the *Āpastamba-Dharmasūtra* (*ĀpDhS*) begins:

> *athāto sāmayācārikān dharmān vyākhyāsyāmaḥ | dharmajñasamayaḥ pramāṇam | vedāś ca | ĀpDhS* 1.1.1–3
> 1.1.1. Now we shall explain the laws consisting in agreed-upon practice. 2. The consensus of *dharma*-knowers is the standard. 3. And the Vedas.

Elsewhere in that work, a pair of maxims reinforces the predominance of collective human authority over any transcendent source of dharma:

> *na dharmādharmau carata āvaṃ sva iti | na devagandharvā na pitara ity ācakṣate 'yaṃ dharmo 'yam adharma iti | yat tv āryāḥ kriyamāṇaṃ praśaṃsanti sa dharmo yad garhante so 'dharmaḥ | ĀpDhS* 1.20.6–7
> 1.20.6. *Dharma* and *adharma* do not go around saying, "Here we are!" Nor do gods, Gandharvas [angels], or ancestors declare, "This is *dharma* and that is *adharma*." 7. An activity that Āryas praise is *dharma*, and what they deplore is *adharma*.[14]

Although the *Āpastamba* here seems to relegate Veda to secondary status, the general view stipulates that *ācāra* is valid only to the extent that it does not contravene scripture. Scripture is even invoked on a few occasions to justify one rule over another, for example, to support the paternity claim of a biological father over his child in an adulterous union (*ĀpDhS* 2.13.5–6; cf. *BDhS* 2.3.34; *VDhS* 17.9).

On the other hand, the very next sentences warn readers that some of the conduct depicted in scripture is not legitimate in the present day, since the ancients had "extraordinary power" that people lack in later ages (2.13.7–9). The sūtra goes on to consider several practices attributed to "some" or to "some regions": the giving away or formal sale of children, primogenitary inheritance, and other unequal divisions of an estate (2.13.10–2.15.1). These practices are declared invalid on the basis of textual authority: "That is forbidden by the śāstras" (*tac chāstrair vipratiṣiddham*). After some further examples of good customary practices, the discussion closes: "By this, the rules followed in regions and families are explained" (*etena deśakuladharmā vyākhyātāḥ*).

Gautama-Dharmasūtra 11.19–22, after listing the textual sources of Dharma, specifies that "the dharmas of regions, castes, and families are also authoritative if they are not in conflict with the sacred scriptures. Farmers, merchants, herdsmen, moneylenders, and artisans exercise authority over their respective groups. [The king] should dispense Dharma after he has ascertained the facts from authoritative persons of each group."[15] *Baudhāyana-Dharmasūtra* (1.2.1–9) goes so far as to recognize specific deviant regional norms, though it admits that Gautama accepts only those practices found in Āryāvarta.

Vasiṣṭha-Dharmasūtra, the latest of the sūtras (1st c. B.C.E.), expresses what becomes the consensus view (1.17): "Where Vedic warrant is lacking, Manu has endorsed the dharmas of one's region, caste, or family" (*deśadharma-jātidharma-kuladharmāñ śrutyabhāvād abravīn manuḥ*). Compare this with a provision of the South African Constitution of 1998: "§211(3). The courts must apply customary law when that law is applicable, subject to the Constitution

14. Adapting Olivelle's translation (2000: 56–57). A stanza quoted in *Vāsiṣṭha-Dharmasūtra (VDhS)* 1.16 states directly what is implicit here—the traits that qualify someone to declare what is or is not Dharma: "Whatever men eminent in the three-fold Veda and learned in *dharma* call *dharma*, that is *dharma*, [capable] of purifying oneself and others" (*traividyavṛddhā yam brūyur dharmaṃ dharmavido janāḥ | pavane pāvane caiva sa dharmo nātra saṃśayaḥ || iti*) (my translation).

15. *deśajātikuladharmāś cāmnāyair aviruddhāḥ pramāṇam | karṣakavaṇikpaśupālakusīdikāravaḥ sve sve varge | tebhyo yathādhikāram arthān pratyavahṛtya dharmavyavasthā |.*

and any legislation that specifically deals with customary law." This section recognizes pertinent customary law so long as such law does not violate the Constitution and other relevant constitutionally valid laws (the proviso in this case being to ensure that no customary law be recognized that violates the constitutional principle of equality before the law). In both of these examples, customary rules are allowed to supplement or extend the centralist law so long as they are not allowed to supersede it.

Hart argued that such norms cannot by definition rise to the status of "laws" until some procedural rule is established to define what counts as law. For the most part, he regards customary rules as too informal to count as laws. Apart from the few examples like those cited above, classical Dharmaśāstras rarely commited local norms to writing. The passages cited above, though, do provide explicit procedural rules for determining the status of customary norms as valid Dharma: the customary practice (*ācāra*) of well-trained Āryas within the boundaries of Āryāvarta is deemed a valid supplement to textual sources (and in fact provided the basis of Smṛti texts [Śāstra] in the first place); local norms (*deśadharma*s, *kulācāra*, etc.) are also valid, at least so long as they do not conflict with Veda or Śāstra—and some (e.g., the Baudhāyanas) were inclined to allow them even when they did conflict.

In the modern world, norms generally are accorded legal force only when reduced to writing. On the face of it, in India we seem to find the reverse situation. Unwritten rules appear usually to have been the only ones accepted in court hearings. Davis (2010: 13–15) describes Dharmaśāstra as a form of jurisprudence, designed for establishing legal principles and training legal minds. This characterization suits perfectly the later products of the tradition: the commentaries and topically arranged compendia of the medieval age. The versified codes transmitted under the names of Manu, Yājñavalkya, Nārada, Bṛhaspati, and others, however, though they surely served such purposes as well (Gagarin's "propaganda"), outwardly take the form of rules: part constitution, part procedural law, part substantive laws, often quite detailed, defining crimes and torts, prescribing courtroom process, and proposing penalties and other remedies. They have their roots in older rulebooks, the codes that spell out the standard forms of Vedic ritual practice. The dispute over whether they contain laws or not pivots not so much on how they are framed as on the absence of direct evidence that they were applied in legal practice.

But direct evidence for everyday life in premodern India is patchy in the extreme: plentiful in a few areas of life and sparse in many more, leaving vast swaths in total, cavernous obscurity. In what follows, I will shine the lantern on a few inscriptions, twinkling nuggets of legal practice that lie exposed to view in the bedrock of the epigraphic record. Although the evidence is scattered, it will be sufficient to show that writing in classical and medieval India served a wide range of legal purposes, well beyond those of the Dharmaśāstra.

LEGISLATION

Now let us say for the moment that Gagarin is right that the Greeks' peculiarity is that they used writing to legislate and to publicize laws, and let us acknowledge the usual view that Indians (like many other premodern peoples) did not do so, but rather used writing only for propaganda, scholarship, and documentation. How then should we account for the existence of inscriptions that either record or invoke explicit rules that seem to have the character of fixed laws?

The "Charter of Viṣṇuṣeṇa"

As in many other ancient societies, the royal decree seems to serve as a basic mechanism of formal legislation, at least where its purpose is to institute or endorse a rule or set of rules

to govern conduct on a regular basis. Examples of this are rare, especially in the early epigraphy, but they are not altogether absent. The most famous example is known as the "Charter of Viṣṇuṣeṇa" (592 C.E.),[16] a list of over seventy rules based on the customary rules (*ācāra*) of a merchant-community (*vāṇig-grāma*), by whom a Maitraka-era ruler had been petitioned (*vijñapta*) to document and publish them in writing in a "charter of statutes" (*sthiti-pātra*).[17] The notion that a king should have a record of his subjects' customary laws in writing is well established in śāstra. The *Kauṭilīya Arthaśāstra* (*KAŚ* 2.7.2) explicitly prescribes that the Bureau of Official Records (*nibandha-pustaka-sthāna*) should keep a record of the "laws, conventions, customs, and canons with respect to regions, villages, castes, families, and associations" (*deśa-grāma-jāti-kula-saṅghānāṃ dharma-vyavahāra-caritra-saṁsthānam*).[18]

The Maitraka dynasty, founded in Saurashtra in western India by a regional vassal of the imperial Guptas, reigned from Valabhi from the late fifth century through the middle of the eighth. Viṣṇuṣeṇa, a contemporary of the Maitraka ruler Dharasena II, issued the charter in his authority as *mahāsāmanta*, a title which during the sixth century in this region came to be adopted by feudatories; in this charter, it is included along with four other titles, together constituting the 'five titles' (*pañca-mahāśabda*), first used by Dhruvasena I (525–45) in deference to the Gupta emperor.[19] By the middle of the century, the Maitrakas had ceased to pay allegiance to the Guptas,[20] and their own governors in turn began to style themselves *mahāsāmanta*; such seems to be the case of Viṣṇuṣeṇa.

Viṣṇuṣeṇa's charter is an unusual record, and given how little we know from other sources about its social and political context, much of the technical terminology it uses—official titles, legal categories, names of particular taxes and fees—remains rather opaque. Nevertheless, it is possible to recognize that these statutes are broadly intended to set certain limits on how the state and its representatives may impose on its subjects, and on the merchants in particular, but the statutes also regulate civil harms, trade practices, and legal process, and set fees and fines of many sorts. Here I offer the first complete translation of the inscription.[21] (Given our lack of knowledge about the context and particular usage of the terms of art employed, the precise force of many of these rules cannot be explained. Where an asterisk precedes a rule, the rendering should be considered particularly tentative and uncertain.)

16. In interpreting this document, I have considered the discussions of Sircar 1958 and 1984, Kosambi 1959, Gopal 1963, Sohoni 1987, Virkus 2004, and Ray 2004.

17. Naturally, the translation of technical terms like *pātra* (= *pattra*) and *sthiti* can only be approximate. *Pattra* (lit., 'leaf') is, however, always a physical document, whether written on a leaf, a sheet of copper, or stone. The term *sthiti*, which like 'statute' is derived from the verb 'to stand', definitely denotes a rule clearly formulated by an authoritative person or body, as opposed to a customary standard or norm expressed less formally. In India, as elsewhere, these categories have probably never been not altogether distinct.

18. Translation after Olivelle 2013: 111. In a personal communication, Olivelle notes an illustrative example described by Devaṇṇabhaṭṭa in which an Ābhīra tribesman admits all the evidence presented that he has committed adultery but claims innocence on the grounds of tribal custom, recorded in the king's books, which overrides other legal considerations (*Smṛticandrikā*, vol. 3.1, p. 24).

19. On the meaning of *sāmanta* and of the title *mahāsāmanta* 'subordinate neighboring king': Gopal 1963; on the *pañcamahāśabdas* (*mahākārttākṛtika-mahādaṇḍanāyaka-mahāpratīhāra-mahāsāmanta-mahārāja*): Sircar 1958: 167; 1966: 175, 177.

20. Gopal 1963: 26 n. 2, citing the the Wala copperplate grant of 588 as evidence.

21. I have benefited much from comments and suggestions from Patrick Olivelle, Oskar von Hinüber, and Mark McClish. Harald Wiese generously shared with me a draft of the translation and analysis that he and Sadananda Das are in the course of preparing. They have sought to rethink some of the knottiest passages in wholly new ways, based in part on their analysis of the structure of the charter, and when their work is complete it may throw new light on some of these.

[lines 1–4] *svasti lohāṭāvāsakāt paramabhaṭṭārakaśrībāvapādānudhyāto mahākārttākṛtika-mahādaṇḍanāyaka-mahāpratīhāra-mahāsāmanta-mahārāja-śrī-Viṣṇuṣeṇaḥ [ku]śalī [sa]rvvān eva svān rāja-rājaputra-rājasthānīyāyuktaka-viniyuktaka-śaulkika-coroddharaṇika-vailabdhika-cāṭa-bhaṭādīn anyāṃś ca yathāsaṃbadhyamānakān ādeśavikṣepakāriṇa[ḥ] dhruvādhikaraṇaṃ ca samājñāpayaty . astu vaḥ saṃviditaṃ yathā vijñāpto haṃ vaṇig-grāmeṇa yathāsmākaṃ lokasaṃgrahānugrahārtham* ***ācārasthitipātram*** *ātmīyaṃ prasādīkurvvantu. tan mayā bhūtapūrvvasya janapadasyābhūtapūrvvasya ca parirakṣaṇasanniveśanāyātmīyaṃ* ***sthitipātraṃ*** *prasādīkṛtaṃ*

Prosperity! From the Lohāṭā-residence, the supreme majesty, who meditates on the feet of his father, the great overseer, great bearer of the rod of justice, great chamberlain, great feudatory, great king, his highness Viṣṇuṣeṇa, being in good health, commands all his kings, princes, palace officials, outpost officials, tax officers, thief-apprehenders, *vailabdhika*s, and police and military personnel (*cāṭa-bhaṭa*), and others responsible for executing orders or dispatching agents as far as they may be concerned in this,[22] and the Central Court of Justice:[23] Let it be known to you that I have been petitioned by the merchant-group thus: for the unity and welfare of our people, may [your highness][24] graciously issue your own charter of customary statutes. So I have graciously issued my own charter of statutes in order to protect and settle the countryside, both the previously established [areas] and those which are not.

[Basic property rights]

[sthiti 1] *āputrakaṃ na grāhyam* ।
The property of a man with no son may not be seized [by escheat].[25]

[sthiti 2] *unmarabhedo na karaṇīyo rājapuruṣena* ।
The king's officer should not 'violate the threshold' [i.e., forcibly enter a home].[26]

[Protections against wrongful prosecution]

[sthiti 3] *udbhāvakavyavahāro na grāhyaḥ* ।
A contrived (*udbhāvaka*) suit should not be entertained.

[sthiti 4] *śaṅkayā grahaṇam nāsti* ।
Arrest on suspicion is not to be made.

[sthiti 5] *puruṣāparādhe strī na grāhyā* ।
A woman should not be arrested for the crime of her husband.

[sthiti 6] *kṣemāgnisamutthāne chalo na grāhyaḥ* ।
In the event that a safely laid fire spreads, no frivolous complaint shall be entertained.

[sthiti 7] *svayaṃhrasite karṇṇe chalo na grāhyaḥ* ।
In the event of a "self-shortened ear," no frivolous complaint shall be entertained.[27]

[sthiti 8] *artthipratyartthinā vinā vyavahāro na grāhyaḥ* ।
No suit is to be entertained where a plaintiff or a defendant is absent.

22. Njammasch 1997 presents a partial treatment of official titles and address formulas in Maiṭṛka records.

23. Or "tariff-collection office," if *dhruva-* here is short for *dhruvasthāna*, explained by Sircar as "a station for the collection of the king's fixed grain share" (1966: 96).

24. The royal third person plural is used.

25. The numbering of the rules (as in Sircar) and most of the rule-final *daṇḍa*s have been supplied here.

26. Kauṭilya uses a participle derived from verbal root (*bhid-*) underlying *bheda* in a more general prohibition against "someone breaking into a sealed house" (*samudraṃ gṛham udbhindataḥ*). For *unmara*, cf. Pali *ummāra* 'threshold' (Cone 2001: 506).

27. This seems to mean a self-inflicted injury for the sake of falsely incriminating another (cf. sthiti 37); this may have been an idiom to designate to all such feigned injuries.

[sthiti 9] *āpaṇe āsanasthasya chalo na grāhyaḥ* |
A frivolous complaint shall not be entertained from someone who is seated in the market.

[Fees and other obligations]

[sthiti 10] *gośakaṭaṃ na grāhyaṃ* |
An oxcart may not be seized.

[sthiti 11] *sāmantāmātyadūtānām anyeṣāṃ cābhyupāgame śayanīyāsanasiddhānnaṃ na dāpayet* |
One may not require anyone to provide bed, seat, or prepared food when royal vassals, ministers, envoys, or others come through.

[sthiti 12] *sarvvaśreṇīnām ekāpaṇako na deyaḥ* |
[The fee for] a single shop is not to be paid to all guilds.[28]

[sthiti 13] *sarvvaśreṇībhiḥ khovādānaṃ na dātavyaṃ* |
All guilds are exempt from paying the *khovā*-fee.

[sthiti 14] *rājakule 'dhikaraṇasya ca rājārgghikā deyā* | *anyeṣām adeyā* |
The "king's perquisite" is to be presented in the royal court or to the [appropriate] department; it is to be given to no one else.

[sthiti 15] *vārikasya haste nyāsako na sthāpanīyaḥ* |
A *nyāsaka* ('deposit'?) is not to be placed in the hands of a manager.[29]

[sthiti 16] *paraviṣayāt kāraṇābhyāgato vāṇijakaḥ pararaṣe na grāhyaḥ* |
A merchant come on some business from another district may not be detained in someone else's case.

[sthiti 17] *āvedanakena vinā utkṛṣṭī na grāhyā* |
A general outcry should not be accepted in the absence of a formal complaint.

[sthiti 18] *vākpāruṣyadaṇḍapāruṣyayoḥ sākṣitve sārī na grāhyā* |
A *sārī*[30] may not be accepted as witness in a case of verbal or physical assault.

[sthiti 19] *ḍheṅkukaḍḍhakanīlaḍumphakāś ca viṣṭiṃ na kārayitavyāḥ* |
*Ḍheṅkukaḍḍhaka*s and indigo-makers may not be compelled to perform corvée.

[Protections against arbitrary or unreasonable detention]

[sthiti 20] *prapāpū[ra]kagopālāḥ rājagraheṇa na grāhyā[ḥ*]* |
Water-carriers and herdsmen are not to be detained by the royal agent.[31]

28. I understand this to be a rule protecting a shop-keeper from having to pay fees to multiple guilds.

29. See Silk (2008, ch. 5) on the meaning of *vārika* as a monastic functionary in Buddhist sources. He observes that this sometimes verged on a rather menial status, as in the case of the *upadhivārika,* something like a sexton or caretaker in the monastery, responsible in various sources for tending the monastery when the monks were away, cleaning, setting out seats and incense, and announcing the date every evening (110–13). In this respect, it can be reconciled with the explanation of some epigraphical usage proposed by Tewari (1987: 210): "household attendants of the kings whose main duty was to fetch water and attend to the bath of the king," although the association with bathing in particular is based on a dubious connection with the word *vāri* 'water'.

30. According to Sohoni (1987: 277), "words spoken by talking birds" (!?). Could *syālī* 'wife's sister' be meant? *KAŚ* 3.11.28 puts the *syāla* 'wife's brother' at the head of its list of persons excluded from serving as witness, and although most of those listed are allowed in cases of assault, the *syāla* is one of three explicitly excluded even in that case.

31. Cf. *BṛhSm* 1.1.165: *gavāṃ pracāre gopālāḥ sasyārambhe kṛṣīvalāḥ* in connection with summons to court (*āhvāna*), and in the list of those who should not be detained (*anāsedhyaḥ*).

[sthiti 21] *gṛhāpaṇasthitānāṃ mudrāpatrakadūtakaiḥ sāhasavarjjam āhvānaṃ na karaṇīyaṃ* |
While they are at home or in the market, persons should not be summoned to court by messengers with sealed letter except in the case of violent crime.

[sthiti 22] *pareṇārthābhiyuktānāṃ vādapratisamāsane yajñasatravivāhādiṣu āhvānaṃ na kārayet* |
One may not summon those accused by another[32] in a case to refute the charges while [they are involved] in a *yajña* (Vedic sacrifice), a *sattra* (longterm Vedic performance),[33] a wedding, or the like.

[sthiti 23] *ṛṇādānābhilekhitavyavahāre akāṣṭhalohabaddhena kṛtapratibhuvena guptir upāsyā* |
In the case of a written complaint for the nonpayment of a debt, one who has provided a surety may expect [the court's] protection,[34] and not be fettered by wood or iron (i.e., by cangue or joug).

[sthiti 24] *varṣāsu svaviṣayāt bījārttham āgatakakarṣakāḥ svāminā na grāhyāḥ* |
Cultivators who have come from their own districts during the rainy season for seed may not be detained by a landowner.

[Market regulations]

[sthiti 25] *āṣāḍhamāsi pauṣe ca draṣṭavyaṃ mānapautavaṃ ādāne rūpakaḥ sapādaḥ saha dhārmmikeṇa* |
Weights and measures are to inspected in the months of Āṣāḍha (June-July) and Pauṣa (December-January); as fee (*ādāne*): 1¼ rupees including charity tax (*dhārmika*).[35]

[sthiti 26] *asaṃvādya vyavaharataḥ śulkādikaṃ ca dhānyādi praveśayato niṣkāśayato vā śulkam aṣṭaguṇaṃ dāpyaḥ* |
An eightfold tax [i.e., 10 rupees] is to be paid by one who is doing business and bringing in or disposing of taxable grain or the like without consent [of the authorities].

[sthiti 27] *peṭavikavārikeṇa paṃcarātrake paṃcarātrake karttavyam argghanivedanaṃ anivedayato vinaye rūpakāḥ ṣaḍ dhārmmike pādaḥ* |
Announcing of prices should be done every fifth night by the *peṭavika-vārika* (market [?] manager);[36] as fine for him who does not so announce: 6 rupees; ¼ rupees as charity tax.

[sthiti 28] *uttarakulikavārikaiḥ mānabhāṇḍameyagate bahir nna gantavyaṃ* |
Managers of the higher families may not go out [of the market] when measures, vessels, or goods are missing.

[sthiti 29] *uttarakulikavārikāṇām eva karaṇasaṃnidhau chātreṇa trir āghuṣitānā[ṃ*] nirupasthānād vinaye rūpakadvayaṃ sapādaṃ saha dhārmmikeṇa* |

32. Cf. *YDh* 2.9c: "One may not countersue someone before [his original] complaint has been resolved, nor may a [new] complaint be brought against him by someone else" (*abhiyogam anistīrya nainaṃ pratyabhiyojayet, abhiyuktaṃ ca nānyena*).

33. *Bṛhaspati-Smṛti* 1.1.136–37: "he who is engaged in a *sattra* ritual or in marriage rites" (*sattrodvāhodyataḥ*) is among those "who may not be detained" (*nāsedhyāḥ*).

34. Cf. *Kātyāyana-Smṛti (KātySm)* 117: "But if the plaintiff does not provide a suitable surety for his suit, he should remain under guard, and pay wages to the officer at the end of the day" (*atha cet pratibhūr nāsti kāryayogyas tu vādinaḥ | sa rakṣito dinasyānte dadyād bhṛtyāya vetanam*).

35. *dhārmika* used in this sense is not found elsewhere; it appears to be a mandatory surcharge of some sort, perhaps ostensibly intended to support charitable or religious purposes. The word *dharma* is commonly used in inscriptions to denote a pious act or benefaction.

36. The meaning of *peṭavika* is unknown. Sircar (1958: 173) suggests a possible connection with Marathi *peṭh* ("a trading town or emporium").

If managers even of the higher families do not present themselves before the court registrar when called up thrice by the *chātra* (summoner) they are subject to a fine of 2¼ rupees including charity tax.

[sthiti 30] *vyavahārābhilekhitakakaraṇasevakasyāmadhyāhnād ūrdhvaṃ nirupasthitasya vinayo rupakāḥ ṣaṭ sapādās saha dhārmmikeṇa* |
For a clerk responsible for recording cases who is not present from midday onwards, the fine is 6¼ rupees including charity tax.

[sthiti 31] *āmadhyāhnād ūrdhvam uttarakulikavārikāṇāṃ chalo nāsti* |
From midday onwards, [if the court clerk is absent?] managers of the higher families may not bring a frivolous complaint (*chala*).[37]

[Other fines, taxes, and fees]

[sthiti 32] *argghavaṃcane rūpakatrayaṃ sapādaṃ saha dhārmmikeṇa* |
For deceptive pricing, [the fine is] 3¼ rupees including charity tax. [See the set pricing in 27.]

[sthiti 33] *mudrāpacāre vinaye rūpakāḥ ṣaṭ sapādāḥ saha dhārmmikeṇa* |
For misuse of seals, the fine is 6¼ rupees including charity tax.

[sthiti 34] *sthāvara[vya]vahāre sāmantaiḥ avasitasya vinaya rūpakaśatam aṣṭottaraṃ 100 8* |
In a real estate suit, if it is settled by neighboring land-holders (*sāmanta*s), the fine [for the losing party] is 108 rupees.[38]

[sthiti 35] *saṃvadane rūpakāḥ catuspañcāśat* |
[But] if [the court] is informed, [the fine is] 54 rupees.

[sthiti 36] *jayike bhāṣā phālāvane cā rūpakatrayaṃ sapādaṃ* |
A statement (i.e., certificate?) for the winning party, and for settling the tax-assessment: 3¼ rupees.[39]

[sthiti 37] *ullaṃbane karṇṇatroṭane ca vinayo rūpakāḥ saptaviṃśat* |
For suspending [someone] and for tearing the ear, the fine is 27 rupees.[40]

[sthiti 38] *vākpāruṣyadaṇḍapāruṣyayoḥ vinaye rūpakāḥ ṣaṭ sapādāḥ* |
For verbal or physical assault, the fine is 6¼ rupees.

[sthiti 39] *kṣatadarśane rūpakāḥ aṣṭācatvāriṃśat* |
When the injury is visible, 48 rupees.[41]

[sthiti 40] *gavāṃ tauṇḍike vi[ṃ*]śopakāḥ paṃca* |
When cows [damage property] with their mouths, [the fine is] five-twentieths [of a rupee].

[sthiti 41] *mahiṣyās ta[d*]dviguṇam* |
Twice that if it is done by a water buffalo.[42]

37. This and the preceding sthiti both appear to concern complaints brought late in the day, when the proper official was apt to be absent. As in sthitis 6, 7, and 9 above, the word *chala* seems to mean a complaint falling short of a properly registered case. The term is discussed further below.

38. My translation follows the suggestions of Gopal (1963: 22), who points out that here and in similar Dharmaśāstra rules, the term *sāmanta* should be understood as 'neighbor'.

39. My translation assumes that we have here an early form of the land-assessment term surviving in Gujarati *phāḷavaṇī* and Marathi *phāḷaṇī* ("Settling the *phāḷā* [cess upon the ryots]": Molesworth 1857: 553). The phonological disparity might well be due to Sanskritic back-formation from a Prakritic form, or simply inconsistent orthography. Other interpretations of *phālāvane* that have been offered make little sense.

40. Suspending and cutting of ears (and nose) are punishments listed in the *Arthaśāstra* (4.8.22; 4.10.10, etc.), but here malicious injuries seem to be meant.

41. *VDh* 5.66–67 prescribes a fine of 32 *paṇa*s if there is no blood, but if there is blood, 64 *paṇa*s.

42. A double fine for harm done by a buffalo is likewise prescribed, e.g., in *YDh* 2.159 and *NDh* 11.28.

[sthiti 42] *madyabhājanasyāvalokye rūpakāḥ paṃca* ।
For inspection of a wine vessel, 5 rupees.

[sthiti 43] *prathamabhājane dhārmmi[ke] adhikaraṇasya rūpakadvaya[ṃ] sārdha[ṃ*] rū 2½* ।
For a first [use of a] vessel, 2½ rupees as charitable dues [payable directly] to the court.

[sthiti 44] *anāpṛṣṭvā sandhayato dvitīye 'hani taddviguṇaṃ dāpyaḥ* ।
For one who brews on a second day without asking leave, he should pay twice that amount.

[sthiti 45] *surākara[ṇa]syāvalokye rūpakatrayaṃ dhārmmike rūpakaḥ sapādaḥ rājārgghikayā madyacāturthadvayaṃ 2* ।
For inspection of a brewery, [a fee of] 3 rupees, 1¼ as charity tax, and 2 quarter-measures of wine as "king's perquisite."

[sthiti 46] *kāṃsyadosyāyudhānāṃ ā[ṣā]ḍhī paurṇṇamāsī bharolakanirodhena grahaṇaka-praviṣṭaṃ bhavati* । *grahaṇakeṣu daṇḍako nānusaraṇīyaḥ* ।
* [A portion?] of brass [and] *dosya* weapons/utensils goes into the *grahaṇaka* [royal storerooms?] by weighing and restricting (? *bharolakanirodhena*) at the full moon of Āṣāḍha;[43] a penalty [? *daṇḍaka*] may not be added at the storerooms.[44]

[sthiti 47] *rājakīyagañje kalvapālavārikeṇa cāturtthaśoṭīhastena meyaṃ muktvā nānyat [ki]ṃcit karaṇīyaṃ* ।
After the *kalvapāla*-officer, with a quarter-*śoṭī* measure in his hand, has dispatched the measured material to the royal storehouse, he has no other duties.

[sthiti 48] *nīlakuṭyādānaṃ [ḍ]uṃphakena deyaṃ rūpakatrayaṃ rū 3* ।
A *ḍumphaka* must pay 3 rupees as indigo-vat fee.

[sthiti 49] *ikṣuvāṭādānaṃ rūpakāḥ dvātriṃśat rū 30 2 dhārmike rūpakadvayaṃ sapādaṃ rū 2¼* ।
For a sugar-cane grove, 32 rupees; the charity tax, 2¼ rupees.

[sthiti 50] *allavāṭasyāto 'rddhādānaṃ* ।
The fee for an *alla*[45] plantation is half that.

[sthiti 51] *yantrakuṭyādānaṃ rūpakatrayaṃ rū 3 dhārmmike rūpakaḥ sapādaḥ* ।
For an oil-press the fee is 3 rupees; the charity tax, 1¼ rupees.

[sthiti 52] *varṣaparyyuṣitā vaṇijaḥ prāveśyaṃ śulkātiyātrikaṃ na dāpanīyāḥ nairggamikaṃ deyaṃ* ।
Merchants who have resided [abroad] for a rainy season (or for a year) may not be required to pay entry tax and customs duty,[46] [but] departure tax must be paid.

[sthiti 53] *bhāṇḍabhṛtavahitrasya śulkātiyātrike* । *rūpakāḥ dvādaśa* । *rū 10 2 dhārmmike rūpakaḥ sapādaḥ rū 1¼* ।
As customs duty for a conveyance full of merchandise, 12 rupees; as charity tax, 1¼ rupees.

43. Marking the end of the fiscal year, according to *Arthaśāstra* 2.7.7.

44. Kosambi (1959: 288): "46). The (royal share of) bell-metal utensils is accepted at the (royal) warehouse after mass inspection and weight-checking, on *Āṣāḍha* full-moon. No (other) fee at the (royal) warehouse."

45. Kosambi: "wet-ginger"; Sircar notes that *alla* means 'wet' in Pali and 'ginger' in Prakrit, but also observes that the Sanskrit form *ārdraka* 'ginger' occurs in no. 60.

46. Sircar (1958: 176 n. 5) notes that the *Divyāvadāna* uses *atiyātrā* in the sense of 'fare for crossing a boundary' (Cowell and Neil, 1886: 92, ll. 27–28). *Varṣa-paryuṣitā* might be expected rather to mean 'who have resided through the rainy season', but the order in which the levies are mentioned suggests that the merchants are arriving from outside first and then departing again.

[sthiti 54] *mahiṣoṣṭrabharakasya rūpakāḥ paṃca sapādāḥ 5¼ saha dhārmmikena* ।
For a buffalo-load or camel-load of goods, 5¼ rupees including charity tax.

[sthiti 55] *balīvarddādānaṃ rūpakadvayaṃ sārdhaṃ rū 2½ dhārmmike pādaḥ ¼* ।
The charge for a bull is 2½ rupees, ¼ rupee for charity tax.

[sthiti 56] *garddhabhabharakādāne rūpakaḥ sapādaḥ rū 1¼ saha dhārmmikena* ।
As charge for a donkey-load of goods, 1¼ rupees including charity tax.

[sthiti 57] *ato 'rddhena poṭṭalikāsa[ṃ]kācitakādānaṃ avalambakasya viṃśopakāḥ paṃca* । *¼* ।
Half of that is the charge for packages carried with a yoke; for one dangling [bag], 5/20, i.e., ¼ [rupee].

[sthiti 58] *palaśatasya viṃśopakadvayaṃ saha dārmmikena* ।
For [a package] weighing a hundred *pala*s, 2/20 including charity tax.

[sthiti 59] *yathoparilikhitabhāṇḍādānāt dhānyasyārddhādānaṃ* ।
For grain, the charge is half of the charge for merchandise as written above.

[sthiti 60] *ārdrakalakaṭāyāḥ śulkātiyātrike rūpakaḥ sapādaḥ saha dhārmmikeṇa rū 1¼* ।
As customs duty for a *lakaṭā* of ginger, 1¼ rupees including charity tax.

[sthiti 61] *vaṃśabhṛtavahitrasya rūpakāḥ ṣaṭ sapādāḥ saha dhārmmikena rū 6[¼]* ।
For a conveyance full of bamboo, 6¼ rupees including charity tax.

[sthiti 62] *[ska]ndhavāhyaṃ dhānyaṃ śulkaṃ na pradāpayet* ।
No tax shall be charged for grain carried on the shoulders.

[sthiti 63] *kaṇikkākustumbarīrājikāprabhṛtīnāṃ varṇṇikāgrahaṇe setikā grāhyā* ।
A *setikā* [two handfuls] may be taken as sample of cumin seed, black mustard seed, coriander seed, and the like.[47]

[sthiti 64] *vivāhayajñotsavasīmantonnayaneṣu ca śulkaṃ na pradāpayet* ।
There shall be no tax charged in connection with weddings, Vedic sacrifices, festivals, and pre-birth ceremonies.

[sthiti 65] *varayātrāyāṃ śulkādiyā[tri]ke (-ātiyātrike) rūpakāḥ dvādaśa* । *rū 10 paṭṭakadhārmmike rūpakadvayaṃ sapādaṃ rū 2¼* ।
For the customs duty applicable to the procession of the groom in a wedding, 12 rupees, and 1¼ as document-charity tax.

[sthiti 66] *madyavahanakasyādāne rūpakāḥ paṃca* । *rū 5 dhārmmike rūpakaḥ sapādaḥ rū 1¼* ।
As charge for a conveyance of liquor, 5 rupees, 1¼ as charity tax.

[sthiti 67] *kha[llabha]raka[sya] rūpakaḥ sapādaḥ saha dhārmmikena rū 1¼* ।
For a skin-load [of liquor], 1¼ rupees including charity tax.

[sthiti 68] *kelāyāḥ saṃkācitakasya ca ato 'rddhādāṃ* ।
And half of that as charge for a *kelā* [of liquor?] carried with a yoke.

[sthiti 69] *pādaghaṭasya viṃśopakāḥ paṃca* । *saha dhārmmikena* ।
For a quarter-measure pot [of liquor?], 5/20 including charity tax.

[sthiti 70] *kaṭumadye śīdhucāturthatrayaṃ 3* ।
In the case of bitter liquor [or: vinegar?],[48] a three-quarter measure of *śīdhu*.

47. Following Sircar's understandings of *setikā* and *varṇikā* (Sircar 1984: 10).
48. Thus Kosambi.

[sthiti 71] *chimpakakolikapadakārāṇāṃ yathānurūpakarmmaṇaḥ janapadamūlyād rājakule 'rdhādānaṃ* ।

For dyers, weavers, and cobblers, the charge owed in the palace is half the public rate for comparable work.[49]

[sthiti 72] *lohakārarathakāranāpitakumbhakāraprabhṛtīnāṃ vārikeṇa viṣṭiḥ karaṇīyā* ।

Blacksmiths, chariot-makers, barbers, potters, and the like shall perform corvée by order of the manager.

[lines 29–31] ***ye cānye [pū]rvvavalamānakācārās*** *te 'pi mayā samanujñātāḥ yato 'nyarājabhir api asmadvaṃśajair anyair vvā sāmānyam ācandrārkārṇṇavagrahanakṣatrakṣitisthitisamakālīnaṃ putrapautrānvayaṃ yaśaḥkīrttiphalam adhivāṃchadbhir idam asmat pradattānugrahasthiti pātraṃ anumodanīyaṃ pratipālanīyaṃ ceti ॥ dūtako 'tra sandhivigrahādhikaraṇādhikṛta-Bhaṭṭakaḥ saṃ 600 40 9 śrāvaṇaśu 5* । *svahastaḥ śrī-Viṣṇuṣeṇasya* ॥ —

And whatever customary norms may already be current, those too I approve, so that other kings born in our lineage too, or equally others, may approve and observe this gracious charter of laws that has been presented by us desiring a succession of sons and grandsons to endure as long as the moon, sun, sea, planets, stars, earth, and land, with glory and fame as its fruit. The herald here is Bhaṭṭaka, Chief Officer in the Office of Pacts and War Decrees. Year 649 Śrāvaṇa bright 5th. Signed by Śrī Viṣṇuṣeṇa's own hand.

[lines 32–34] *svasti Darpapurāt sāmantāvantiḥ kuśalī [sa]rvvān evātmīyān anyāṃś ca yathā-sambadhyamānakān bodhayaty astu vo viditaṃ yathā mayaiṣāṃ vaṇiggrāmasya Lohāṭaka-grāme pra[ti]vasato yeyaṃm* ***uparilikhitā sthitivyavasthā*** *śrī-Viṣṇubhaṭena dattā sā mayāpy anumatā yata eṣām* ***uparilikhitasthitipātravyavasthayā*** *prativasatā[ṃ] svapaṇyena cātmānaṃ varttayatāṃ ṇa kenacit paripanthanā kāryeti saṃ 300 50 7 kārttikaba 7*

Hail! From Darpapura, the vassal lord Avanti, being in good health, informs all his own and others whom it may concern: Let it be known to you that, by me, **the above-recorded charter of statutes** of the merchant group residing in Lohāṭa-village, issued by Śrī Viṣṇubhaṭa, is endorsed by me as well, so that no one may obstruct those who are residing here in accordance with the **above-recorded charter of statutes in writing**, and who by their own commerce are sustaining themselves. Year 357 Kārttika dark 7th.

To Sircar (1958: 169), these "look like prevalent customary laws without much modification." It is true that many of these rules have no close parallels elsewhere, but Sircar and others have allowed the novelties to blind them to signs of textualism. It is has not been noted before how many of these rules use technical terminology distinctive of the Dharmaśāstra literature, especially to designate basic legal categories and roles. These include terms for legal process: *vyavahāra* ('lawsuit'), *āvedana* ('formal complaint', no. 17; cf. *YDh* 2.5); for persons appearing in court: *arthin* ('plaintiff') and *pratyarthin* ('defendant'), *sākṣin* ('witness', no. 17), *abhiyukta* ('the accused', no. 22; cf. *YDh* 2.9ff.); and for the formal grounds of litigation: *vākpāruṣya* and *daṇḍapāruṣya* (verbal assault and physical assault, nos. 18 and 38), *ṛṇādāna* ('nonpayment of debt', no. 23). Nos. 27 and 32, dealing with the mechanism for the daily setting of prices at market and the fine for 'price manipulation' (*argha-vañcana*), parallel the precepts in *YDh* 2.249–51.

49. Kosambi understands this to mean that these craftsmen are expected to perform their work in the palace at half the normal rate. Sircar proposes that *kolika* = *kaulika*, *chimpaka* = Prakrit *chimpaya*, Gujarati *chipo*, and that *padakāra* might be shoemaker or a walking hawker of goods (Hindi *paukār*). Hemacandra uses the word *chimpa* to describe calico fabric.

Forms of the verb *grah-* are used in the charter in at least two distinct senses: for the seizure or detention of persons or things by state authorities, and for acceptance of complaints (*chala*) or a suits (*vyavahāra*) in court. Something quite like the latter usage occurs in *Manu*:

> *svabhāvenaiva yad brūyus tad grāhyaṃ vyāvahārikam* |
> *ato yad anyad vibrūyur dharmārthaṃ tad apārthakam* || *MDh* 8.78
> Only what [witnesses] declare candidly should be accepted as valid for a suit;
> anything different that they may deceitfully declare has no validity for *dharma.*

The word *chala* is not used there, although a similar suggestion of deceit or false pretense is implied by *vibrūyuḥ. Chala*,[50] both in Dharmaśāstra and in Nyāya thought, is understood as misrepresentation or misleading disputation (*MDh* 8.49; *YDh* 2.19; *Nyāya-Sūtra* 1.2.10–18), but here it appears to have a slightly different if similarly negative sense. In sthitis 6, 7, and 9, *chala* relating to certain (unclear) circumstances is rejected; the other rules with which these are grouped (sthitis 5 and 8) concern the acceptance of a lawsuit (*vyavahāra*). In this context, *chala* may mean 'frivolous complaint' or 'unsubstantiated charge'. The one other occurrence of the word is in sthiti 31, which should probably be understood in light of the preceding two sthitis. All three concern *uttara-kulika-vārika*s, a class of market managers apparently of a higher order. Sthiti 30 prescribes a penalty if (what appears to be) the registrar of cases in the lawcourt is absent after midday, while 31 stipulates that there shall be no *chala* on the part of those market managers during that same time. With no more to go on, I interpret this to mean that the court will not consider complaints even from high market officers that come in late in the day without properly registering a case. The implication may be that such a complaint would be more likely to be frivolous or unsubstantiated.

Arthaśāstra 3.20.22 does use the word in a comparable way, to denote invalid legal claims: judges should initiate cases for those who are unable to do so for themselves, and "may not dismiss [such cases] on the pretext of place, time, or 'enjoyment' [i.e., another party's claim based on longtime possession and use of the property in question]" (*na ca deśa-kāla-bhogac-chalenātihareyuḥ*). Dismissing a case on the basis of a false pretext or spurious claim is itself a punishable offense (*KAŚ* 4.9.15). Indeed, our charter may provide a better understanding of a maxim found here and in Dharmaśāstra:

> *evaṃ kāryāṇi dharmasthāḥ kuryur acchala-darśinaḥ* |
> *samāḥ sarveṣu bhāveṣu viśvāsyā loka-sampriyāḥ* || *KAŚ* 3.20.24
> In this way, Justices should try lawsuits without engaging in deceit, being impartial to all persons, inspiring trust, and being loved by the people. (Olivelle 2013: 222)

I suggest that the first line ought to be understood as: "In this way, justices should try lawsuits without considering false claims. . . ."

Although the Dharmaśāstras use the word *grāhya* to affirm or deny what statements are "admissible" in a suit,[51] they and the *Kauṭilīya Arthaśāstra* also use forms of *grah-* to mean 'arrest, detain' (e.g., *KAŚ* 2.36.38, 3.11.22–24, 4.8.5, 7.5.22; *YDh* 2.283). But whereas *YDh* 2.266–69 offers a number of possible justifications for "arrest on suspicion" (*śaṅkayā grāhyaḥ*) and the *Arthaśāstra* allows arrest of a "suspect" (*śaṅkitaka*) within three days of the

50. On the term *chala* in this record, Sircar writes (1966: 72): "(IE 8–8), meaning uncertain; probably, a pretext. (EI 30), probably, a plea, or persecution, prosecution."

51. E.g., *YDh* 2.20, 78; *BṛhSm* 1.1.170–75; 1.2.17; 1.3.2, 27; 1.8.43; *KātySm* 193, 206.

crime (4.8.5), this is by contrast explicitly and (it seems) generally prohibited by the fourth statute of our charter.[52]

The fifth rule has a parallel in the *Arthaśāstra*. *KAŚ* 3.11.22–24 stipulates that a wife may not be arrested (*agrāhya*) for her husband's unpaid debt unless she was a formal party to it (or unless they belong to certain groups; cf. *YDh* 2.48; *NSm* 1.15–16), though a husband may be arrested for his wife's debt if it arose from his leaving her without financial support.

There are at least two ways of explaining the obtrusive presence of this legal terminology. Either it reflects the influence of the Brahmanical codes, or else the Brahmanical śāstras may be codifying legal conceptions and institutions already current in practice. The fact that the inscription is in Sanskrit rather than Prakrit makes the former scenario of top-down influence a bit more likely; if the legal terms were drawn from common use in the courts, one might have expected more Prakritisms even in a Sanskrit record. On the other hand, the use of the word *chala* found here might reflect a usage distinct from that of scholastic discourse.

Of course, this need not be an either/or dichotomy. It is likely that Dharmaśāstra has picked up and formalized elements of an untextualized practical legal system; it should not be astonishing if systems of legal practice have been influenced by some of the technical elements of Sanskritic discourse. But there are other signs that this charter was drafted by someone quite conversant with Dharmaśāstra. For example, among those excused from peremptory summons to court are "those engaged in *yajña*, *sattra*, or wedding rites, and the like" (sthiti 22). One can understand a rule protecting the sanctity of a wedding or funeral ceremony, but the *yajña* (Vedic sacrifice) at the head of the list stands out as a particularly Brahmin concern, and one certainly wonders why the *sattra* is mentioned: *sattra*s are Vedic rites that can be performed only by Vedic Brahmin priests, so it should in theory be of no relevance to a guild of merchants. Its inclusion here can only be explained by its being modeled on a śāstric rule such as *Bṛhaspati-Smṛti* 1.1.136–37, which includes "him who is engaged in a sattra ritual or in marriage rites" (*sattrodvāhodyataḥ*) in the list of persons "who may not be detained" (*nāsedhyāḥ*).

The most important parallel with Dharmaśāstra, to my eye at least, is the provision tacked on at the end of the list of statutes: "And whatever customary norms may already be current, those too I approve." Sweeping acknowledgments of customary norms occur also in the Sanskrit codes:[53]

> *jāti-jānapadān dharmān śreṇī-dharmāṃś ca dharmavit* |
> *samīkṣya kuladharmāṃś ca svadharmaṃ pratipādayet* || *MDh* 8.41
> He who knows the Law should examine the Laws of castes, regions, guilds, and families, and only then settle the Law specific to each.

> *sadbhir ācaritaṃ yat syād dhārmikaiś ca dvijātibhiḥ* |
> *tad deśa-kula-jātīnām aviruddhaṃ prakalpayet* || *MDh* 8.46
> He should ratify the acknowledged practices of virtuous men and righteous twice-born individuals, if such practices do not conflict with those of a particular region, family, or caste.

52. Sthiti 4 seems to imply a distinction analogous to the one between *avaṣṭambhābhiyoga* 'accusation based on certainty' and *śaṅkābhiyoga* 'accusation on suspicion' made by Vijñāneśvara in his *Mitākṣarā* comments on ordeals in *YDh* 2.96. Brick (2010: 32–33) understands *avaṣṭambhābhiyoga* to imply an accusation formally registered in a court of law (in which case women and certain other classes of person cannot perform an ordeal), in contrast to "general suspicion of guilt" without formal indictment, which the accused may seek to dispel by undergoing an ordeal at his or her own initiative and expense, even if she be a woman.

53. All four Dharmasūtras recognize the validity of similar local variations of *dharma*: *ĀpDhS* 2.14.7, 2.15.1, 2.17.17; *BDhS* 1.2.1–8, 1.11.26; *GDhS* 11.20–22; *VDhS* 1.17, 19.7.

The *Arthaśāstra* invokes the same principle more specifically as applying in the regulating of transactions (*vyavahāra-sthāpanā*):

> *sve sve tu varge deśe kāle ca svakaraṇakṛtāḥ sampūrṇācārāḥ śuddhadeśā dṛṣṭarūpalakṣaṇa-pramāṇaguṇāḥ sarvavyavahārāḥ sidhyeyuḥ* || *KAŚ* 3.1.15
> In each respective group, however, all transactions shall be valid when they are executed at the proper place and time, by someone with proof of ownership, observing all the formalities [*ācāras*], with valid documentation, and noting down the appearance, distinctive marks, quantity, and quality. [tr. Olivelle]

But it is striking to see such a ratification ordained in the first person by an actual ruler.

Now it may be that it was Viṣṇuṣeṇa, or his Brahmin adviser, who was responsible for Sanskritizing a set of customary rules. Virkus supposes something similar with regard to the epigraphical legalese in the charter (2004: 146):

> Although its significance as testimony for the state of affairs in general in western and northern India in the sixth century should not be overestimated, nevertheless it does provide clues about which questions of economic life, legal and tax structure, as well as administration were regular and stable at a rather local level. This does not exclude the possibility, as has been noted, that Viṣṇuṣeṇa regarded the issuing of the document demanded of him as an opportunity to enforce his own aspirations and wishes as well. Herein may lie an explanation for the fact that the inscription exhibits some external elements that are characteristic of land-grant documents (address formula, appointment of a *dūtaka*).[54]

We may even discern his own aspirations in the decree with which Viṣṇuṣeṇa closes his preamble:

> *tan mayā bhūtapūrvvasya janapadasyābhūtapūrvvasya ca parirakṣaṇasanniveśanāyātmīyaṃ* ***sthitipātraṃ*** *prasādīkṛtaṃ*
> So I have graciously issued my own **charter of statutes** in order to protect and settle the countryside, both the previously established [areas] and those which are not.

It may be no coincidence that this parallels the phrasing with which the *Arthaśāstra* introduces the king's duties:[55]

> *bhūtapūrvam abhūtapūrvaṃ vā janapadaṃ . . . vā niveśayet* || *KAŚ* 2.1.1
> He should settle the countryside, whether it has been settled before or not . . .

Be that as it may, we can certainly observe that both authors (Viṣṇuṣeṇa and his successor, Avanti) are quite conscious of the charter as a physical text and an authoritative document, alluding to it directly five times in varying terms as a charter (*pātra*) or settlement (*vyavasthā*) of statutes (*sthiti*) or customary statutes (*ācārasthiti*). In his endorsement, Avanti twice refers to the "above-written charter." Even certain statutes cross reference others: statute 59 cites "the charge for merchandise as written above (*yathoparilikhita-*)," probably referring to the various rates detailed in statutes 53–58. So while it is likely that the *ācāras* of other social groups were crystalized in rules transmitted orally written on perishable materials, we cannot

54. "Obwohl ihre Bedeutung als Zeugnis für die in West- und Nordindien insgesamt im 6. Jh. bestehenden Verhaltnisse nicht zu hoch veranschlagt werden sollte, liefert sie doch Hinweise darauf, welche Fragen des Wirtschaftslebens, des Rechts- und Steuerwesens sowie der Verwaltung eher auf lokaler Ebene geregelt oder entschieden wurden. Dies schließt, wie bemerkt, nicht aus, daß Viṣṇuṣeṇa die ihm abverlangte Ausfertigung der Urkunde als Gelegenheit ansah, auch eigenen Bestrebungen und Wünschen Geltung zu verschaffen. Hierin liegt möglicherweise eine Erklärung dafür, daß die Inschrift einige äußere Elemente, die für Landschenkungsurkunden charakteristisch sind (Adreßformel, Einsetzung eines *dūtaka),* aufweist."

55. This parallel was pointed out to me by Mark McClish (p.c.).

be sure whether or not the rendering of these rules in Sanskrit, as a permanent written document, simultaneously endowed them with a more śāstric character.

Other Records of Sthitis

Even if, in presenting an entire code, the Charter of Viṣṇuṣeṇa remains an outlier among surviving early inscriptions, other Gupta-era records attest to the notion that customary practice could be invoked as law before official decision-making bodies. Thus a copper-plate record of 432–33 from Bengal[56] during the reign of Kumāragupta I seems to record that a brahmin petitioned a court to be granted endowed lands according to local rules:

[1] *- - - - - - [sa*]mvatsara-śa[te] trayodaśotta[re*]*
[2] *[saṃ100+10+3*] - - - - [asyān di]vasa-pūrvvāyāṃ paramadaivata-para-*
[3] *[ma-bhaṭṭāraka-mahārājādhirāja-śrī-kumāragupte pṛthivīpatī*] - - kuṭu[mbi] . . . - - brāhmaṇa-śivaśarmma-nāgaśarmma-maha-*
[4] *- - - - vakīrtti-kshemadatta-goṣṭhaka-varggapāla-piṅgala-śuṅkaka-kāla-*
[5] *- - - - viṣṇu-[deva]śarmma-viṣṇubhadra-khāsaka-rāmaka-gopāla-*
[6] *- - - - śrībhadra-somapāla-rāmādyaka(?)-grāmāṣṭakulādhikaraṇaś ca*
[7] *- - - - viṣṇunā vijñapitā iha khādāpāra-viṣaye nuvṛtta-maryyādāsthi[ti]-*
[8] *--nīvīdharmm[ā]kṣayeṇalabhya[te].[ta]darhathamamādyānenaivakkramena(ṇa) dā[tuṃ]*
[9] *--sametyā(?)bhihitai[h*]sarvvameva**kara-prativeśi(?)-kuṭumbibhiravasthāpyaka-*
[10] *- - * ri * kana * yadito * * [ta]d avadhṛtam iti yatas tatheti pratipādya*
[11] *- - - - [aṣṭaka-na*]vaka-nalā[bhyā]m apaviṃcya kṣetra-kulyavāpam ekaṃ dattaṃ . tataḥ āyuktaka*
[12] *- - * bhrātṛkaṭaka-vāstavya-chandoga-brāhmaṇa-varāhasvāmino dattaṃ*

. . . In the year one hundred thirteen [Gupta Era] . . . on the above-mentioned day, during the reign of the most devout, most venerable king of kings, King Kumāragupta . . . householder . . . brahmin Śivaśarman, Nāgaśarman, [and others,] and **the eight-family court of the village** (*grāmāṣṭakulādhikaraṇa*)[57] . . . were petitioned by ***viṣṇu: "Here in this district of Khāṭāpāra, [according to?] **the customary rule in practice . . . is acquired by dissolving the capital endowment** (*[a]nuvṛtta-maryyādā-sthi[ti] . . . nīvīdharmmakṣayeṇa labhya[te]*). So you should today give to me accordingly." . . . When the aforenamed individuals had gathered, and everything had been settled by the neighboring landholders, . . . and they had given their assent to the arrangement, saying "that is agreed upon," . . . a one-*kulāvāpa* field measuring eight by nine *nala*s was detached and given. Then, this land was given by the official (*āyuktaka*) . . . to Varāhasvāmin, a Chandoga brahmin from Bhārtṛkaṭaka. [Imprecatory verses follow.]

A stone inscription from the Chālukya Deccan, around 725, preserves a charter drafted in Sanskritized Kannada:[58]

[1–5] *[ōm] svasti śrī-Vikramāditya-yuvarājar Porigeṟeyā mahājannakkuṃ nagarakkuṃ padineṇṭuṃ prakṛtigaḷguṃ koṭṭa **ācāra-vyavasthī(sthe)**.*
[5–10] *rāja-puruṣar mmanegaḷoḷ viḍillādadu rājadattaṃ rājaśrāvitaṃ saptra(tpra)me maryyāde tāṃbra-śāsanaṃ bhuktānubhōgaṃ [* *] ayduṃ dharmmadā jīvitaṅgaḷān kāvodu.*
[10–14] *idu mahājanakke **nagara-maryyāde** mane vīḍillādadu ōralke ormme Vaiśākha-māsaduḷ dēśādhipatigaḷ apporgge kuḍuva teṟe uttamam appa okkal [mi *]*

56. Dhanaidaha Copper-Plate, *EI* 17.23 (Basak 1923–24).

57. For the institution, see Bhandarkar's remarks in *CII* 3, 2e, 286 n. 7.

58. Lakṣmeśvara Kannada stone inscription of the Cālukya Yuvarāja Vikramāditya II of about 725 C.E., edited and partially translated in *EI* 14.14 by Barnett (1917–18: 190–91).

[18–23] *puṭṭige ma[*] cōra-pāka-daṇḍa-daśāparādhaṃgaḷ appav ellaṃ pūrvvācāraṃ a[pu] tradhanam envodu tāne illi s[ē]ṇig[e] Kārttikamāsaduḷ koḍuvadu . . .*

Hail! [this is] the charter of customary rules (*ācāra-vyavasthe*) which the Heir-Apparent Vikramāditya has granted to the Brahmins, the townspeople, and the eighteen social groups (*prakṛtis*)[59] of Porigeṟe:

The king's officers are to protect vacant houses, royal gifts, royal proclamations, the authority of good men, local laws, copper-plate edicts, continued possession of property possessed . . . the lives of [those who bestow?] the five *dharmas*. . . .

This is the municipal law for Brahmins: each occupied house shall pay a tax once per year in the month of Vaiśākha to the district governors; each house individually [shall pay] for festival expenses (?), the highest households [paying] ten *paṇa*s, middling households seven *paṇa*s, the lower, five, and the lowest, three. All already established customs such as *puṭṭige* [. . .] fines for theft and misdemeanors (*pāka*?), for the ten offences, and likewise what is known as the property of persons without heir—these are to be paid to the guild there in the month of Kārttika . . .

Obligations to the guild of braziers and the guild of oil-pressers are mentioned further on, though the record becomes increasingly illegible and obscure.

A final example of a decree recognizing customary norms concerns practices associated with marriage. In the late eleventh century, the governor of Vengi, a son of the reigning Eastern Cālukya king Kulottuṅga I, issued an edict (*śāsana*) confirming the ceremonial privileges claimed by a cluster of families based on a formal recognition of old customary norms:[60]

[83] *. . . ma[nne]ṭimahendramadhyavarttino rāṣṭrakūṭapramukhān kuṭiṃbinas sa-*
[84] *rvvān samāhūya maṃtripurohitasenāpatiyuvarājadauvārikapradhānasamakṣam ittham ājñ[ā]paya-*
[85] *ti | yathā . saṃti madvaṃśabhūpālapādapadmopajīvinaḥ . bhṛtyāḥ kṛtyavidhau dakṣāḥ śauryyādiguṇaśālinaḥ | [v. 37] tanmadhye*
[86] *parayā bhaktyā śaktyā ca prajñayā sadā . madīyānvayabhūpālacittārādhanatatparā . [v. 38] nijair a[r*]tthair nnijaiḥ prāṇai-*
[87] *r vvikramādyai[r*] gguṇair nnijai[ḥ*] . ye cālukyakṣitīśānāṃ prastāvapratipālinaḥ . [v. 39] ayo[dhy]ādhīśvareṇā-*
[88] *dau dakṣiṇāśājayaiṣiṇā . ye sahaiva samāyātā vijayādityabhū-*
[89] *bhuj[ā] . [v. 40] rā[ja]vaṃśāvaraṃsānā[*ṃ] rājadhānyā mahībhuj[ā]ṃ . puro vijayavāṭeyā*
[90] *ye vāstavyakuṭuṃbinaḥ | [v. 41] ye ca velumanūḷḷu pattipālu nariyūḷḷu kumuḍāḷḷu ma-*
[91] *ṟṟūḷḷu povaṇḍlu srāvakulu uṇḍrūḷḷu anumagoṇḍalu aḍḍanūḷḷu ityādi[ku]-*
[92] *[la]sahasramedaprasiddhāḥ teli[ki]kulalabdhajanmā[naḥ*] svadharmmakarmmaniṣṭhita mahasa[s te]ṣām a-*
[93] *mīṣāṃ vijayavāṭapramukhanikhilapuranāgaragrāmapaṭṭanaprabhṛ-*
[94] *tiṣu sthāneṣu sarvveṣu vivāhotsaveṣu pravarttamāneṣu midhunasya vī[thī]ṣu turagā-*
[95] *rohaṇena paryyaṭanam adha vivāhotsavāvasāne rājaśrīpādamūle mahārggha-*
[96] *vāsoyugalu[ṃ* [i.e., yugalam]] nithāya [i.e., nidhāya] praṇatānām eṣāṃ kanakapātreṇa tāṃbūlapradānaṃ ca pū-*
[97] *rvvamaryyādā[sa]māgatam adhunā paramabhak[t*]iparitoṣitair asm[ā*]bhir ācaṃdrārkka*
[98] *ṃ śāsanokṛtya dattam iti viditam astu vaḥ . dharmmo yam asmadvaṃśajaiḥ pā-*
[99] *rtthivaiḥ prayatnena pālanīyaṃ . . . .*

59. On this term, see Barnett's note (1917–18: 189 n. 1).

60. Teki Plates of Rājarāja-Choḍagaṅga of 1086–87 C.E., *EI* 6.35 (Hultzsch 1900–1); translation and transliteration slightly updated.

[108] . . .|| *śrīvijayarājya[saṃ]vatsara saptadaśe dattasyāsya śāsana[sy][ā*]jñaptiḥ kaṭakādhipaḥ karttā*

[109] *viddaya(bhaṃ)bhaṭṭaḥ lekhaka[ḥ*] pennācāryyaḥ* ||

[While Rājarāja Choḍagaṅga was ruling the whole earth, he] called together all the Rāṣṭrakūṭas and other peasants living between the Mannēṟu (river) and the Mahendra (mountain) and issued the following order (*ittham ājñāpayati*) in the presence of the councillors, the family priest, the commander of the army, the heir-apparent, the door-keepers, and the ministers:

> [vv. 38–41] "[Among my family's many servants, those] who have protected the Cālukya kings at the beginning with their riches, with their lives, (and) with their courage and other virtues; who have come already at the beginning with king Vijayāditya, the lord of Ayodhyā, who was desirous of conquering the southern region; the peasants dwelling in the town Vijayavāṭā, the capital of the kings (who were) ornaments of the race of the Moon (Rājavaṃśa);
>
> [90] "And who are born in the Teliki family, whose minds are intent on the performance of their duties, (and) who are known to be divided into a thousand families such as Velumanūḷḷu, Pattipālu, Nariyūḷḷu, Kumuḍāḷḷu, Marrūḷḷu, Pavaṇḍlu, Srāvakulu, Uṇḍrūḷḷu, Anumagoṇḍalu, and Aḍḍanūḷḷu.
>
> [92] "Be it known to you that, being pleased by (their) great devotion, we have now granted to these people by a decree (*śāsana*), as long as the moon and sun shall last, that when marriage festivals are celebrated at all places such as Vijayavāṭa and all other towns, cities, villages, and hamlets (?), the married couple may proceed on the roads on horse-back, and that afterwards when, at the end of the marriage festival, they place a pair of valuable cloths at the feet of the king and prostrate themselves, betel will be given (to them) in a golden vessel, (as) handed down by old custom.
>
> "This *dharma* must be assiduously protected by the kings descended from our family." [Imprecatory verses follow.]

The executor (*ājñapti*) of this edict, which was given in the seventeenth year of the prosperous and victorious reign, (was) the commander of the camp (*kaṭakādhipa*); the composer, Viddayabhaṭṭa; (and) the writer Pennācārya.

The authoritative basis for the decree is that the norm has been "handed down by prior custom" (*pūrva-maryādā-samāgatam*), what in English Common Law is called "immemorial custom." The circumstances in which this custom was contested we do not know, but making it the object of a royal decree—the word *śāsana* denotes the order and the physical document equally—adds an implicit threat of enforcement. The enactment is further called a *dharma*, a multivalent usage implying both the legal act itself and the principle that underlies it. It bears emphasizing that, as the Dharmasūtras quoted above affirm (*pace* Austin), a customary rule like this is a *dharma* even before a king ratifies it or throws the force of the state behind it.

Criminal Law Promulgated by a Brahmin Council without Royal Order

We must wait until the twelfth century for an unambiguous example of legislation by caste council that is given public written form: the stone slab found in Lāhaḍapura, Gazipur District (Uttar Pradesh). It records an agreement (a *saṃvid*) reached by the local Brahmins (*dvija*s) in 1173, which by virtue of being inscribed constitutes a *sthiti*, a fixed statute, prescribing the punishments appropriate to crimes against the village, including cattle-rustling. Separate sanctions are prescribed for the brigand (presumed to come from outside) and any local "accessory" (*upastambhadāyaka*) who may connive with him:

[1] *(siddham) svasti | śrījayaccaṃdradevasya rājye saṃvatsare mite |*

[2] *khāgnyarkkaiḥ 1230 āśvine māse pakṣe [kṛṣṇe]*

[3] *dine vudhe* || *dvādaśyāṃ 12 lāhaḍayure racitesā s[thit]i-*
[4] *r dvijaiḥ* | *vaṭuṭuṃṭābhibhūtais tai[ḥ*] kṛtā saṃvit samāgataiḥ* |
[5] *yo smākaṃ pa[r]ivādena kuryād grāmasya luṃṭanaṃ* | *droha-*
[6] *m anyaprakāraṃ vā gomahiṣyādi[ve]ṣṭanaṃ* || *tasya cakṣurvvadhaḥ*
[7] *kāryaḥ sarvvasvaharaṇaṃ tathā* | *bhaṃktvā gṛhaṃ [ca] niṣkā-*
[8] *lyas tasyopaṣṭaṃbhadāyakaḥ* | *vimaṃntā vārayaṃs tu-*
[9] *lyaḥ sa śvacaṃḍālagarddabhaiḥ* | *dvādaśārkvaś ca bha-*
[10] *gavā[n i]ha sākṣīti siddhyatāṃ* ||

Success! Blessings! In the reign of Śrī Jayaccandradeva, in the year equal to the rays [12] of the fire [3] in the sky [0], 1230, on Wednesday, in the dark half of the month of Āśvina, on the twelfth (12th), in Lāhaḍapura, this statute (*sthiti*) is drawn up by the Dvijas, [as] an agreement (*saṃvid*) made by those who gathered, having been tormented by brigandry (*vaṭuṭuṃṭa*, i.e., *baṭuluṇṭa*):

> "Whoever, spiting us, plunders the village, or does any other sort of treachery, [such as] rustling the cows, buffaloes, or other herds, they should kill him on sight (*cakṣurvadha*) and seize all his property. They should drive away his [local] accomplice after destroying his house. Disrespectful, obstructive, he is like a dog, Caṇḍāla (low-caste man), or donkey. So may it be accomplished, as the Lord of Twelve Lights (the sun) is witness here."[61]

This inscription stands out from the mass of contemporary records in several respects. It makes no reference to royal authority other than to date the decision to the reign of a king. It is quite short, consisting wholly of five *anuṣṭubh* verses in Sanskrit, containing the substance of the law, with no introductory *praśasti* (royal panegyric) or concluding formulas. The fact that it was inscribed on a stone slab suggests that it was meant to be on public view. But it may not have been associated with any temple, and the only deity mentioned is the Sun, who (as so often in oaths) is invoked as universal witness to the enactment. So a public, civic context is likely.

The text, being in Sanskrit verse, could not be presumed to be understood by all and sundry, but if it were meant to apply only (or mainly) within a Brahmin village it may still be considered as being for public edification.

No formal governing body (viz., *sabhā*) is explicitly mentioned, although such a body may be implicit in the attribution of the decision to the "twice-born." Given that the record is composed in verse, the choice of terminology may be dictated by metrical or stylistic concerns. In short, we seem to have here a piece of legislation promulgated formally by a local body, and publicized in a polished written form.

From the other end of the subcontinent, less than fifty years later, we find a Tamil temple inscription recording a resolution by a local non-Brahmin assembly (*naṭu*) to provide protection to cultivators (*kuṭimakkaḷ*) of several villages attached to the temple.[62] As in the Lāhaḍapura *sthiti,* the rule addresses the problem of "cattle rustling and other mischief":

[3] *. . . irājarājavaḷanāṭṭu vallanāṭṭu - - -*
[4] *kūrapparattālvutevimaṅkalattu nāṭā icainta nāṭṭom eṅkaḷil icaintu uṭaiyār ti-*
[5] *ruvaraṇkuḷamuṭaiya nāyaṇār tiruppati tevuntiruvumuṭaiyāṉ tirumaṇṭapa[ttu] nāṭāy*
[6] *kuṟaivaṟakkūṭi iruntu kaṟkaṭakanāyiṟṟu muṉṟāntiyeti nāḷ icaivutiṭṭumiṭṭu kalvetti*
[7] *kuṭuttapparicāvatu . innāyaṇār tiruppatiyil nālu varattukkuḷḷu irunta kuṭimakkaḷai no-*
[8] *kkuvom ākavu[m*] . puṟattevatāṉaṅkaḷaiyuṅ kuṭimakkaḷaiyu[m*] no[k*]kuvom ākavum . no[k*]kum iṭatta [ma]ṟi[ttu] - - -*

61. Sircar 1959 (= *EI* 32.36); my translation.

62. Haratīrtheśvara Temple, Tiruvarangulam, Alangudi Taluk, 1218–19 (*Inscriptions in the Pudukkottai District*, no. 176): text as in Kannan 1929: 102–3; translation from Srinivasa Ayyar 1945: 161–63.

[9] *kāli piṭittal maṟṟuñcil citampukaḷ ceytāruṇṭākil nīrnilattile iraṇṭu māc ceyyun tirurcūla[kkalve-*]*

[10] *ṭṭi kuṭuttu paṟicciṉa piṭicīṉa viṭivom ākavum .*

We, the members of the *nāṭu* [local council] of Kūrappāttāḻvu Caturvetimaṅkalam of Vallanāṭu in Rājarājavaḷanāṭu, having met, on the third day of the month of Kaṟkaṭakam in the sacred pavilion of Lord Tēvumtirivum in the holy temple of the Nāyanār of Tiruvarankuḷam, all members being present, recorded the following resolution, which we unanimously passed, and inscribed it on stone:

> "We shall protect the cultivators (*kuṭimakkaḷ*) residing within bounds of this place sacred to the Nāyanār (saints) . . . While they are under our protection, if anyone rustles cattle or commits other such mischief, we shall confiscate two *mā*s of wetland and plant the trident stone on its boundaries as forfeit to the god, and restore whatever is stolen or plundered. . . ."

We note the double remedy stipulated in case the law be violated: a punitive sanction (confiscation of land, which becomes the divine property) and reparations for the aggrieved party.

Regulation of Administrative Procedures

The Uttaramallūr inscriptions of Parāntaka I (Parakesarivarman, r. from 906)[63] record the king's efforts to reform the administration of a Brahmin settlement (Uttaramerucaturvedimaṅgalam), which had been perverted by "wicked men." In a first attempt, in the twelfth year of his reign (918–19), the king sent a non-Brahmin officer called Tattaṉūr Mūvēndavēḷāṉ to promulgate a set of rules to regulate the selection of members of three separate committees in such a way that power could no longer be concentrated in the hands of a small, corrupt group. Two years later, the king had to send a second officer, this time a Brahmin, to refine the regulations, presumably so that they would more effectively exclude the selection of corrupt or corruptible members (including recent past members).

The inscriptions take the form of resolutions issued by the *sabhā*—"we the members of the assembly of Uttaramerucaturvedimaṅgalam, with [the king's officer] sitting with us by royal order":

[11] *. . . [i]pparicēy ivvāṇṭu mutal ca[ntr]ā[ditta]vat e[ṉ]ṟum [ku]ṭavōlai [vāri]yamēy iṭuvatāka Dēvēntraṉ ca[kra]vatti [śrī] Vīranārāyaṇaṉ śrī Parāntakadēvar āki[ya] Parakēsariva[r]mar śrīmugam a[ru]ḷluc ceytu va[rakk]āṭṭa*

[12] *srī āñaiyiṉāl Tattanūr Mū[vē]nta[vē]llānuṭaṉirukka nam grāmatt[u du]ṣṭar koṭṭu śiṣṭar varddhi[tti]ṭuvār āka [vyava]sthai cey[tō]m [Ut]taramē[ru*]cca[turvv]ēnimaṇkalat[tu] sabh[ai]yōm*

. . . The royal letter—which the lord of gods, the emperor, the glorious Vīranārāyaṇa, the glorious Pārāntakadeva Parakesarivarman was pleased to issue to the effect that committees should from this year forward be invariably chosen in this way (by drawing) ballots from a pot, for as long as the moon and the sun [endure]—having been received and made known to us, we, the members of the assembly of Uttaramerucaturvedimangalam, made (this) settlement, (the king's officer) Tattaṇūr Mūvēndavēḷāṉ sitting with us by royal order, in order that the wicked men of our village may perish and the rest prosper. [adapted from Venkayya]

The rules stipulate explicitly the qualifications of candidates and ensure a transparent election process. There should be one candidate from each of twelve streets in thirty wards, whose names should be written on leaves and placed in a pot. To qualify as a candidate, a man must be between the ages of thirty-five and seventy, own a minimum amount of taxable

63. Uttaramallūr inscriptions of Parāntaka I Parakesarivarman, 918–20 (Venkayya 1908).

land and reside in a house thereon, have learned his Vedic scriptures—higher studies reduce the minimum land requirement—be conversant with business, virtuous, with honest earnings, not have served on any committee in the past three years and not be related in any of twelve specified ways to any former committee member who has not submitted his accounts, and not be guilty of theft or any of a list of unexpiated moral faults (or even expiated ones, in some cases). Explicit rules were also given for the public selection of names: in the presence of temple priests and the full assembly, ward by ward, the names are shaken in a pot and drawn out by an illiterate boy, then passed to a state-appointed *madhyastha* (official in charge of issuing documents and certifying legal acts, rather like a notary), who receives the leaf on his open palm and reads the name aloud, and passes it to be read out by all the priests. Note the emphasis placed on Sanskrit learning, not only for the committee members but also in the case of the king's second deputy sent to deal with the problem.

Statutory Reform of Marriage Practices

An inscription from a small polity in Vijayanagara-controlled Tondaimandalam in south India, dated Wednesday, 13 February 1426, records a resolution of a Brahmin council to abrogate a disapproved custom (the payment of brideprice) and to replace it with a Dharmaśāstric norm (the marriage called 'gift of a virgin', *kanyādāna*).[64] This is ordained henceforth to be the only legitimate marriage practice for all Brahmins in the kingdom of Paḍaivīḍu:[65]

[1] *śubham astu*
[2] *svasti śrīmaṉmahā-irājādirājaparameśvarāṉa śrī[vī]rapratāpadevarāyamahārāja pri*
[3] *thivirājyam paṇṇi aruḷāṉiṉṟa śakābdam 1347 eḻiṉ mel cellāṉi[ṉ]ṟa viśvāvasu-*
[4] *varuṣam paṅkuṉi m. 3 ṣaṣṭiyu[m] budhaṉ kiḻamaiyum peṟṟa aniḻattu* [i.e., *anuṣattu*] *nāḷ paṭaiviṭṭu irājyattu*
[5] *aśeṣavidyamahājanaṅkaḷum arkkapuṣkaraṇi gopināthasannadhiyi[l]e*
[6] *dharmmasthāpanasamayapatram paṇṇi kuṭuttapaṭi iṟṟai nāḷ mutalāka inta-*
[7] *ppaṭaivīṭṭu rājyattu brāhmaṇaril kaṉṉa[ṭi]kar tamiḻir teluṅkar ilāḷar mutalā-*
[8] *ṉa aśeṣagotrattu aśeṣasūtrattil aśeṣaśākh[ai*]yil avakkaḷum vivāham paṇ-*
[9] *ṇumiṭattu kanyādānamāka vivāham paṇṇakkaṭavar ākavum . kanyādānam paṇṇāmal*
[10] *poṉ vāṅkip peṇ kuṭuttāl poṉ kuṭuttu vivāham paṇṇiṉāl irājadaṇḍattukkum utpaṭṭu*
[11] *brāhmaṇyattukkum puṟampākak kaṭavāreṉ[ṟu] paṇṇi[na] dharmmasthāpanasamayapatram . ippaṭikku aśeṣavidyama-*
[12] *hājanaṅkaḷ eḻuttu . . . .*

Let there be prosperity! Hail! On the day of (the *nakṣatra*) Anusham, which corresponds to Wednesday, the sixth lunar day, the third (solar day) of the month of Phālgunī of the Viśvāvasu year, which was current after the Śaka year 1347 (had passed), while the illustrious king of kings and supreme lord, the illustrious Vīrapratāpa-Devarāya-Mahārāja, was pleased to rule the earth, the Great Men (brahmins of the assembly) of all branches of sacred studies of the kingdom of Paḍaivīḍu drew up, in the presence of (the god) Gopinātha (of) Arkapuṣkariṇī, a document (which contains) an agreement fixing the sacred law. According to (this document), if the Brāhmaṇas of this kingdom of Paḍaivīḍu, viz., Kaṉṉaḍigas, Tamiḻs, Teluṅgas, Ilāḷas, etc., of all *gotra*s, *sūtra*s, and *śākhā*s conclude a marriage, they shall, from this day forward, do it by *kanyādāna* ('gift of a virgin'). Those who do not adopt *kanyādāna*, i.e., both those who give a girl away after having received gold, and those who conclude a marriage after having given

64. Viriñcipuram temple inscriptions from the reign of Vīrapratāpadevarāya of Vijayanagara, 1425 (*South Indian Inscriptions* 1 [no. 56]; Hultzsch 1890: 82–84).

65. Discussed also by Davis 2005: 103, and by myself in more detail elsewhere (Lubin 2013: 442–45).

> gold, shall be liable to punishment by the king and shall be excluded from the community of Brāhmaṇas. Thus have written the [undersigned] great men of all branches of sacred studies . . .

The rule adopted here takes the form of a statute adopted by a competent legislative body, recorded in a 'document of an agreement establishing a law' (*dharmmasthāpana-samayapatram*), signed by 'great men learned in every science' (*aśeṣavidyamahājanaṅkaḷ*), by which are meant the members of the local Brahmin council. Unlike our oldest examples of inscribed laws, this, like the Lāhaḍapura and Tiruvaraṅkulam stone inscriptions, records a law enacted independently by a Brahmin council but in this case explicitly invoking the king's obligation to enforce it (as well as a social sanction).[66]

Just a few decades earlier, the south Indian Dharmaśāstrin Mādhava, a minister in the Vijayanagara court, in his commentary on the *Parāśara-Smṛti*, refined Devaṇṇabhaṭṭa's earlier defense of the practice of cross-cousin marriage by asserting that Dharmaśāstra precepts that seem to prohibit it were only applied to marriages that did not follow the *kanyādāna* model. This is because a women duly given in marriage in this fashion thereby adopts the lineage markers (*sāpiṇḍya* and *gotra*) of her husband in place of those of her father—she is "transsubstantiated," as Trautmann quips—with the consequence that her brother's daughter is no longer too closely related to become her son's bride by Dharmaśāstra rules. Hence, it is likely that the decision recorded in the Paḍaivīḍu inscription was intended precisely to shore up the legitimacy of south Indian Brahmin marriage customs by assuring their conformity to the view of perhaps the most influential Dharmaśāstra authority of Vijayanagara-era south India.[67] This would certainly constitute a fairly direct, if still tacit, influence of Dharmaśāstra on legal practice among Brahmins. The record is explicit, of course, that the decision has no bearing on the marriage practices of non-Brahmins.

Consulting Written Records to Resolve a Dispute

Indian inscriptions (and the epigraphy of Southeast Asia, which early on was largely imitative of Indian practice) exemplify a range of types of legal documents: decrees and orders, deeds of gift or sale, dispute settlements, administrative appointments, etc. The examples discussed here show that at least in a few cases the inscription was used as a means of publishing statutes, usually within a clearly defined jurisdiction.

Besides inscriptions, the existence of formulary compendia such as the *Lekhapaddhati* (compiled between fourteenth and sixteenth centuries) demonstrates a native awareness of the importance of standardization as a means of ensuring clarity, and as an index of authenticity and official status.[68] In the epigraphy itself we can see signs of the same awareness.

One of these signs is the expression of the sentiment that the creation of a document in itself is meant to resolve the dispute and to prevent its being reopened in the future. A very clear example of this is an extraordinary copper-plate of 1604. It is at once a deed and a vivid first-person account by a non-Brahmin legal agent. In it the would-be title-holder explains in

66. The notion that a decision by a body of learned Brahmins counts as *dharma*, the recording of such decision in a document, the two types of penalty, and the prescribed form of marriage can all be supported (i.e., validated) by precepts of Dharmaśāstra, although (as usual) none is cited directly.

67. David Brick, in a personal communication of 24 December 2013, astutely called my attention to the likely connection with Mādhava's famous defense of cross-cousin marriage. For Mādhava's comments on this subject: Chandrakanta Tarkalankara 1890: 465–73; Trautmann 1981 provides an exhaustive analysis of this marriage custom, including a lengthy discussion of its treatment in Dharmaśāstra, including Mādhava's views (pp. 304–7); Appendix B (pp. 438–46) contains an English translation of Mādhava's comments.

68. The definitive study, edition, and German translation of this work is Strauch 2002; Prasad 2007 is an English translation.

detail the process by which he obtained rights to lands, sought legal documentation of those rights so that his offspring would inherit clear title, and went about making his case. This record is relatively "recent" and unusual in its presentation, but the institution and the legal process that it represents are probably not greatly different from what they were a few centuries earlier. In it the petitioner states: "I told them that, as I am a shepherd, there might be no objection to the right of the sons born to me over the lands that I had acquired, I wanted to execute a copper-plate (document)." He repeats that wish a few lines on:

[38] *. . . nāṉ yiṭaiyaṉyāṉatāl yirukūm piḷḷai yaḻukku nāṉpēṟṟa kā-*
[39] *ṇikkum picakuvaṟumal cempuppaṭṭaiyam ceyyavēṇum-m-eṉ-*
[40] *ṟu colla avarkaḷ coṉṉatu nālu kiṟāmattārai kūṭṭivaiy e-*
[41] *ṉṟu koṉṉārkaḷ atuku tamaṟākināṭṭār muṭikaṇṭam pam-*
[42] *palakār nālukōṭṭai nāṭṭu ampalakār periyakōṭṭai*
[43] *kkavaṇṭamār kāṟūru kallūruṇikavaṇṭamār kaṇṇāruppu*
[44] *ampalakār velkuḻa ampalakār ivarkaḷ yaṉavōraiyum kūṭṭi*
[45] *ālapaṭṭi ālamaratatiyil kūṭiyirucūṟapōtu naṭuyituyeṉṉa*
[46] *vayaṉantukāka kūṭṭivacetu yeṉṟu*

I told them that, as I am a shepherd, in order that there might be no objection to the right of the sons born to me over the lands that I had acquired, I wanted to execute a copper-plate (document). They ordered me to summon the inhabitants of the four villages. Accordingly I assembled at the foot of the pīpal tree at Alampaṭṭi, Tamarākkināṭṭār, Muḍikaṇḍambalakkār of Periyakōṭṭai, the Kavaṇḍars of Kārūru and Kallūruṇi, the Ambalakkārs of Kannāruppu and the Ambalakkār of Kalkuḻam. When they asked me why I brought them, I said that I wanted to execute a copper-plate deed so that there might be no dispute about my own lands.[69]

What is remarkable about this case is that we see a relatively humble individual taking recourse to a permanent written record in order to secure his legal land rights for his heirs. Although it is unusual for such documents to be preserved in metal (as opposed to perishable palm leaf), its existence suggests that by this time documentation of this sort was produced not only for elites or groups.

Madras Museum Copper-Plate no. 8 provides an even more detailed snapshot of legal practice in the sixteenth century. This copper-plate inscription of 1535 concerns a land dispute between two individuals with competing claims to hereditary rights. The record notes that litigation had dragged on for five years, at great cost. The contending parties, both of whom bore the honorific title of *mutaliyār* (which was conferred upon a variety of officials and dignitaries), brought their dispute to be heard by three other *mutaliyār*s, who in turn brought in a fourth. This ad hoc "bench" heard depositions from both sides. Meanwhile, an unnamed local potentate referred to simply as the "Rāyar" ("his Highness," in effect) examined a copper-plate grant that had been submitted as evidence. The four *mutaliyār*s found that Muttiyappa had "no good claim," and were prepared to give sole rights to Maṉṉakaṭamba, but, in consultation with a *mutaliyār* from a neighboring region, a "settlement" was made according to which Muttiyappa (who had been cultivating the lands in dispute, though apparently without title, and who had gifted one-twelfth as a religious endowment to Brahmins) was granted one-sixth of the total remaining lands, while the rest was restored to Maṉṉakaṭamba:

[3] *. . . Poṉṉakari cimaiyil Cin-*
[4] *nakāmaṇattil irukkum Maṉṉakkaṭamba Mutaliyār Kā-*
[5] *ñcivāyal Muttiyappa Mutaliyār yivarkaḷ yirutira-*
[6] *varum kāṇikāṣṣi nimittiyam oṉṉukoṇ-*

69. Setupati copper-plate grant of 1604, edited and translated by Nateśa Śāstrī in Burgess 1886: 62–65.

[7] *ṇu vikātappaṭṭu Ciravarampeṭṭu Akattiyappa Mutaliy-*
[8] *ār Ṉārāyaṇa Mutaliyār Cōnāttiṟi Mutaliyār eṅka-*
[9] *ḷ mūṇu pēruṭanēyum vantu collikkoḷḷukai-*
[10] *yil nāṅkaḷ mūṇu pērum Peruvāyal Tiruveṅkaṭa Mu-*
[11] *taliyāraiyum kūṭa vaccukkoṇṭu ṉaṅkaḷ nālu pēru-*
[12] *m yirutiravā vākku-mūlam kēḷkkum aḷavilum Rāyar cep-*
[13] *pēṭu pārkkum aḷavilum Kāñcivāyāl Muttiyappa Mutali-*
[14] *yārukku Cinnakkāvaṇattilē kāṇikāṣṣi muramai*
[15] *cellātu Rāyar ceppēṭu pārkkum aḷavilum Mannakkaṭa-*
[16] *mba Mutaliyārukku kāṇikāṣṣi muramai Cinnakāmaṇa-*
[17] *m muḷumaiyum avaṟukkeyallāmal piṉṉai orutta-*
[18] *rukkuc cellātu āṉapaṭiyiṉāle yivarkal reṇṭu-*
[19] *pērum añcuvaruṣame vekupaṇam celavaḷiccupaṭipa-*
[20] *ntal paṇṇikoṇṭu cilavaḷicca paṭiyiṉālē ṉāṅkaḷ*
[21] *ṉālu pērum yōcaṇai paṇṇi Ponnakiri cīmai Amal-Śaṅkara-Mū-*
[22] *ṟitti Mutaliyār pērukku muṟi muccalikkai yirutiravār*
[23] *kayilēyum vāṅkikkoṇṭu ṉāṅkal ṉālu pērum*
[24] *teṟkaṭai paṇṇiṉiga vivaram . . .*

[On such and such a date,] Maṉṉakkaḍamba Mudaliyār of Śinnakāmaṇam, which is situated in the Poṉṉagari country, and Muttiyappa Mudaliyarof Kāñchivāyal had a dispute among themselves as to their hereditary right to certain lands. They came to us three—Akattiyappa Mudaliyār, Nārāyaṇa Mudaliyār, and Śōṇāttiri Mudaliyār, of Śiravarampeṭṭu—and complained about that matter. We three—and taking with us Tiruvēṅkaṭa Mudaliyār of Peruvāyal—thus we four, took depositions from their own mouths, from both sides. While we four were so engaged, and when the Rāyar was examining the copper-plate, we concluded among ourselves that Muttiyappa Mudaliyār of Kanchivayal had no good claims on his side, that, on the examination of the copper-plate by the Rāyar, it would be settled that Maṉṉakkaḍamba Mudaliyār alone had the sole right to the whole of the Śinnakāmaṇam village, and that, excepting himself, no other person had any kind of right to the said village. But, as both these persons had been spending much money for five years to have their disputes settled, we took an agreement from both of them to Amal Śaṅkaramūrti Mudali of the country of Poṉṉagari, and settled their dispute in the following manner: . . .[70]

The document closes with formulas confirming the permanence of the settlement and recording the names of copyist, the engraver, and the four arbitrators. The embedded description comes close to sounding like a modern case brief, but the real purpose of the record was to provide a rationale for the mediated settlement and the relative weight accorded to the earlier copper-plate document and other factors.

CONCLUSION ON CUSTOMARY LAW COMMITTED TO WRITING IN INDIAN INSCRIPTIONS

The inscriptions considered above illustrate various ways in which customary standards could be officially recognized (or, in one case, officially abolished): by a resolution of an authoritative body resulting in a publicly displayed legal record or by a ruler setting standards by public order. In both cases, the written record appears to be instrumental, both as a form of publication and as a means of casting the law in a formal and transregionally rec-

70. Nateśa Śāstrī translation in Burgess 1886: 155–56.

ognizable legal idiom. Although explicit references to Dharmaśāstra are rare, the appeal to Brahmanical learning or to a royal order to establish the validity of laws is consonant with Dharmaśāstra principles.

The processes reflected (and often recorded) in these inscriptions are explicitly intended to ensure the recognition and enduring validity of fixed legal rules. Even though there is no explicit reference to a "rule of recognition" for the laws invoked in such records, most of which are not recorded in any surviving charter or code, that does not mean that customary norms necessarily lack "lawness" in the Hartian sense. In fact, Hart himself suggests that in some legal systems custom may constitute law even before it is made the coercive order of a sovereign or is applied in a court,[71] and Frederick Schauer cautions that the rule of recognition need not be "a rule in any sensible understanding of that term. Rather, the ultimate rule of recognition is best understood as a collection of practices (in the Wittgensteinian sense), practices that may not be best understood in rule-like ways."[72] While some of the inscriptions discussed above may be viewed as examples of customary laws being recast (in classic Austinian mode) as the decree of a sovereign, for which an explicit rule of recognition could be found (along with the coercive threat of sanction that Austin considered a *sine qua non* of law), most of our examples are the product of "a collection of practices" for which a standard of recognition is deducible even if nowhere explicitly articulated. Dharmaśāstra provides one model of a non-state normative model that seems to offer a rule of recognition for such customary laws, but the inscriptions never draw on that textual resource.

THE JAVANESE TRANSFORMATION OF INDIC LAW: THE INCREASING SALIENCE OF CODES

Simultaneously with the development of these legal practices in India, from around the sixth or seventh century, as local elites in coastal areas of present-day Vietnam, Sumatra, Borneo, and Java began to emulate the culture and practices of high classical India, they imported Indic legal concepts and institutions along with prestige goods and other cultural trappings.[73] This emulation—likely motivated by a combination of material and intellectual aspirations—gave rise to royal states that presented themselves according to Indic models and sought to participate in the reciprocal relations with kingdoms in India, with diplomacy (then as now) facilitating both trade and cultural transmission.

From the point of view of local law, Java differs from India in that, besides legal inscriptions, local-language legal codes emerged, codifying Javanese customary norms within a conceptual framework and textual format adapted from India's Sanskrit Dharmaśāstra.[74] The inscriptions include many transactional records, but also (from the early tenth century) a smaller number of records of successful suits (*jayapattra* or *jayasoṅ*), which are extremely

71. Hart 1994: 44–48. He asks, "Why, if statutes made in certain defined ways are law before they are applied by the courts in particular cases, should not customs of certain defined kinds also be so?" (p. 46).

72. Schauer 2013: 532 n. 65.

73. See the summary by Pollock (2006: 122–34).

74. The primary sources for Javanese and Balinese law include more than two hundred Old Javanese legal inscriptions between 800 and 1500 CE; and Old and Middle Javanese codes (*āgama*) inspired by the Sanskrit *Mānavadharmaśāstra, Bṛhaspatismṛti,* and *Kāmandakīya* but reflecting mainly local norms. Texts of the latter sort survive today only in more recent manuscripts, in language showing some modern features, but references in the epigraphy suggest that they existed in some form earlier.

rare (and late) in India.[75] Records of this type continued to be cited in litigation in Dutch colonial courts up to the eighteenth century.[76] In a recent study of the linguistic practices at work in these records, I have suggested that these inscriptions are composed in a specialized legal idiom characterized by the liberal use of Sanskrit legal terms of art inflected according to Javanese rules, and Javanese calques of Sanskrit phrases, resulting in a situation of "functional diglossia" in relation to the non-legal forms of the language.[77]

The linguistic phenomenon reflects the transformative role of Indic legal models on indigenous customary norms. The most obvious markers of the Indian conceptual structure are the Sanskrit technical expressions sprinkled throughout the Javanese. Thus, the adjudication of a dispute is described as a *pariccheda* ('decision') in a *guṇadoṣa* ('a matter of right and wrong'), a clear echo of Manu's expressions, *guṇadoṣaparīkṣaṇam* ('investigating what is right and wrong', *MDh* 1.117d) and *guṇadoṣavicakṣaṇam* ('distinguishing between right and wrong', *MDh* 9.169b).[78] Sanskrit loan words designate formal features of Indic juristic process that may have had no parallel in Javanese custom, at least as formal categories: the attestation of witnesses (*sākṣī*), the official resolution of the case (*śuddha-pariśuddha*), and the written document recording the outcome (*likhitapātra*), which concludes with a legalistic phrase in Javanese that has striking parallels in Indian inscriptions: "The purpose of this 'victory-document' is so that the matter may never be spoken of again" (*kunaṅ sugyan tatān paṅujara ya muvaḥ dlāhaniṅ dlāha ya donikeṅ jayapātra*).

In spite of the many borrowings, the Javanese records exhibit some distinctive terminology. Some of these are Indic borrowings that acquire a specialized usage. Whereas it is common in Indian inscriptions for the word *dharma* to denote a pious endowment and for the boundaries of a parcel of land to be described as the *sīmā*, in Javanese, *sīma* (sometimes *dharma sīma*) denotes a distinctive Javanese variant of the South Asian land grant. The term *sīma* is usually translated 'freehold', and Zoetmulder describes it as a property "freed from taxes and other obligations" by decree.[79] Barrett Jones has argued that is it more accurate to say that "the transaction did not interfere with ownership of the land but dealt with the diversion of some of the produce. . . . It seems rather to have been a diversion of taxes or dues from one beneficiary to another; the villagers paid the same amount, but to a different authority" (1984: 60).[80]

A *sīma* establishment involved an order (usually *ājñā*) by the king whereby income from a certain property—one or more named villages, or rice-fields (*savah*), or uncultivated parcels (*vatək*) to be converted into rice-fields—was assigned to a specified beneficiary, usually a temple.

The terminology is a bit different—the word *parihāra* ('exemption' from the obligation to make payments to the king) is notably absent—but the similarity of the legal arrangements enacted in the inscriptions are telling. For example, the copper-plate inscription from East

75. E.g., the Guntur copper-plate (Brandes 1889), 22 July 907 (according to Damais 1955: 195–97, who reads the year as *śaka* 829), and the Wuruḍu Kidul copper-plate of 20 June 922 (Stutterheim 1935). Sometimes unreliable English translations from the Dutch are available in Sarkar 1971–72.

76. Hazeu's account (1905: esp. 1–18 and 132–35) of judicial practice in Chirebon in 1768, and Hoadley and Hooker's (1986: 255) discussion thereof.

77. Lubin 2013.

78. On the term *guṇadoṣa* in Khmer inscriptions, see Griffiths and Soutif (2008–9: 55–56).

79. Zoetmulder 1982: 1770.

80. The question is complicated by the fact that, as Barrett Jones puts it, the inscriptions are silent on the "primary effects" of the creation of a *sīma* and specify only the special effects of a particular establishment, such as prohibitions on the entry of the *mañilala dṛvya hāji* and various officials, the property's severance from a *vatək*, and the diversion of fines and dues to another beneficiary (1984: 59–61).

Java from 929 includes among the immunities protection from being entered by any of a roster of persons who otherwise have some share in the king's revenues:[81]

[1.8] . . . *paknānikanaṅ lmaḥ an sinīma, śīmā paṅurumbigyana rakryān kabayān, parṇnahanya svatantrā, tan katamāna deniṅ patiḥ vahuta rāma, muaṅ saprakāra niṅ maṅilala dra*[1.9]*bya haji riṁ daṅū [. . .] ityevamādi tan tamā rikanaṅ śima pa*[1.14]*ṅurumbigyan lmaḥ varuk ryy ālasantan, kevala rakryān saṅ maśīma ataḥ pramāṇā i sadrabya hajinya kabaiḥ, samaṅkana ikanaṅ sukha duḥkha kadyaṅgāniṅ mayaṁ tan (pa)*[1.15]*vvaḥ* [1.16] *[. . .] rakryān saṅ maśīma parānani drabya hajinya kabaiḥ, kunaṅ ikanaṅ mañambul [. . .]* [2.1] *rakryān saṅ maśīma ataḥ pramāṇā i dṛbya hajinya kabaiḥ, samaṅkana ikanaṅ masambyavahāra hanaṅkāna hiniṅhīnan kvaihanya anuṅ* [2.2] *tan knāna de saṅ maṅilala dṛbya haji, pataṁ tuhān iṅ sasambyavahāra iṅ saśīma, [. . .] ikanaṁ samaṅkana tan knāna de saṅ maṅi*[2.6]*lala dṛbya haji, saparānannya sadeśānya, ndān makmitana ya tuliy maṅke luīranya*[82]

[1.8] The purpose of making the land into a *sīma* was so that it would be a *sīma* for the *kurumwigi* [a kind of artisan?] of the Rakryān Kabayān. Its status is to be autonomous, not to be entered (*tan katamāna*) by the Patih, ministers [and?] Vahuta, officers [and?] Rāma, headmen, and every kind of those who formerly were Beneficiaries of the Royal Share[83] [a list of whom follows].

[1.13] All of these (and the like) may not enter into the *sīma* for the *kurumbigis* [on] the *varuk* land at Ālasantan. Only this honorable one (*rakryān saṅ*) who has made the *sīma* alone is authority (*pramāṇa*) over all royal shares of it.

[1.16] [In the case of any of a standard list of crimes, it is] the Rakryān who has founded the *sīma* [who] should be the recipient of all royal shares pertaining to those. And as for those who "paint black" [or work in various crafts and trades listed], [2.1] the Rakryān who has founded the *sīma* alone is the authority over all royal shares of those. . . . Likewise, of those there who engage in business (*ma-sambyavahāra*), the number is limited. The total of them who may not be touched by the Beneficiaries of the Royal Share is: [2.2] four elders (*tuhān*) in one trade in the whole *sīma* [etc., listing trades and professions, with specific limits on how many shall be exempt]. [2.5] Such as these are not to be touched by the Beneficiaries of the Royal Share, wherever they may go, whatever their place of origin. However, they should keep a written document (*tuliy*, i.e., *tulis*) to this effect.

A long list of particular rights and immunities follows. The prohibition on the entry of various persons, although expressed without any Indic loan-words, closely parallels one of the

81. Several similar copper-plate records purporting to derive from this period have survived, but all the others are later copies (*tinulad*), which are not wholly faithful to their originals.

82. Text as provisionally re-edited by Arlo Griffiths, omitting indications of initial vowels, *paten* (*virāma*), and the distinction between different graphs for /ṅ/. The translation given here reflects suggestions made by Griffiths during the Intensive Course in Old Javanese held in Trawas, Mojokerto, East Java, Indonesia, 13–28 June 2014; any errors are my own.

83. The lists of people classified under the label *maṅilala dṛvya haji*—often translated as 'collectors of royal dues' (Zoetmulder 1976: 191), or 'taxation officers' (e.g., Boechari 1965: 64)—are quite diverse, and the significance of the status has been a matter of debate. Van Naerssen's discussion (1941: 12–13) is the most comprehensive, and he finds them (in Barrett Jones's words, 1984: 137) to comprise "a group of people on whom the king had a claim, and who in turn could make some claim from others." The elements of the term suggest that such persons had some right to a share of usufruct (*kilala*), whether in produce or services, of properties belonging to the king, and in the inscriptions it serves metonymically to denote the beneficiaries of such a right (as does, elsewhere, *rājavidhi*, the royal order conferring such rights; see Zoetmulder 1982: 867, 1487). Barrett Jones surmises: "The establishment of a sima reduced or extinguished their rights over that sima. The mangilala dṛwya haji clearly were not landowners, nor rice producers, nor producers of other crops. Their names seem to indicate that they were providers of goods and services, or had a claim on such providers; their income then must have come directly or indirectly from these goods and services" (1984: 137).

most common of the protections offered in Indian land-grants, which are "not to be entered by *cāṭa*s or *bhaṭa*s" (*acāṭabhaṭapraveśya,* or a variation thereof).[84] The content of such privileges, as well as of the forms of taxation and revenue collection from which such land-grants are exempt, vary widely by region and period, so it is not surprising that the corresponding details in the Javanese inscriptions have a distinctly local flavor. Yet it may still be argued that the concept of the land-grant conferring privileges and exemptions, as a socio-economic and legal institution and as a written document to be produced as evidence, is a borrowing from India.

Besides such parallels with epigraphic legal records from India, Javanese records from as early as the eighth century refer to "the essence" (*pəh*) of Manu's teaching (*Mānavaśāsanadharma, Mānava-Kāmandaka*).[85] Parallels are even more striking in the famous Bendosari *jayapattra* ("Decree Jaya Song," fourteenth c.),[86] which, like several other Majapahit-era inscriptions, refers to a composite tradition called *Kuṭāra-Mānava*. This inscription (like others from Java) refers to a legal functionary, the 'magistrate' (*pragvivaka* = Skt. *prāḍvivāka*), who is prominent in Dharmaśāstras but unknown in Indian inscriptions.[87]

We also find the Dharmaśāstric principle of long-term possession (*bhukti*) presented as evidence of land rights: "People acknowledge me as owner of 33 *lirih* on the basis of possession. . . that is firm possession since the time of my ancestors" (*kabhukti deniṅ amadṛvyakən lirih 33 . . . punika ta sthiti bhukti sańkeṅ tuha-tuha*; plate 5 recto 1), "because it has been in our possession from time immemorial" (*makahetu anadi kābhuktyanipun*; 5 verso 1). To decide the case:

> [5v5]. . . *pinametakən śastradṛṣṭa, deśadṛṣṭa, udāharaṇa, guru kaka,* [6r1] *makataṅgvan rasāgama ri saṅ hyaṅ kuṭāramānavādi, maṅanukāra pravṛttyacāra saṅ pāṇḍita vyavahāraviccheda* [6r2] *ka riṅ puhun malama*
>
> . . . the norms of the Śāstra, the norms of the country, casuistry, and ancient teachers were sought out, relying on the essence of tradition found in the holy Kuṭāra, Mānava, and other books, imitating the character and conduct of the scholars who decided lawsuits of old.

These parameters are not merely stated using Sanskrit legalisms: they reproduce Dharmaśāstric rules. Thus, *Mānavadharmaśāstra* 8.2 prescribes that the king render judgments "taking the norms of the Śāstra and the norms of the country as his grounds" (*deśadṛṣṭaiś ca śāstradṛṣṭaiś ca hetubhiḥ*), and the *Arthaśāstra*'s inclusion of *udāharaṇa* ('illustrative case') as a factor in such deliberations (*KAŚ* 1.5.14, 2.10.9).[88]

COMPARATIVE CONCLUSIONS

Even these few examples suggest that Indic *dharma* literature (especially the code of Manu and the maxims of Kāmandaki), along with Indic epigraphical practice, were

84. Kern (1917: 24 n. 1) also makes this connection. The first couple of pages of Appendix I in Sarkar 1966 give numerous references to Indian inscriptions with such a provision.

85. Caṅgal inscription of 732; Mantring A, of 18 January 1178, and Buwahan D and Cempaga A, both of 22 July 1181; for the texts: van Stein Callenfels 1926: 36–39, 46–48, and Goris 1954: 31–40 (nos. 601, 623, and 631). On such allusions, see Creese 2009a: 244–45.

86. Text as in Brandes 1913: 207–10.

87. The term *prāḍvivāka* is used in Manu and in later verse Dharmaśāstras, but not in Indian inscriptions. Arlo Griffiths notes its occurrence in Indonesia as early as the Lintakan charter of 841 *śaka* (Sarkar, 1971–72, vol. 2, plate III recto line 13). It would seem that these Javanese inscriptions are thus even more closely shaped by śāstra than Indian inscriptions—something that may be true of Javanese legal inscriptions more broadly.

88. Creese (2009b: 532–33) discusses these criteria as they appear in Old Javanese codes.

appealed to in Java (1) to provide institutional patterns and conceptual architecture for formal law, and (2) to validate local Javanese standards of justice as law in the Indic sense of *dharma*. The Javanese situation differed from the Indian one in that it was not simply a matter of recognizing local customary norms under the authority (direct or indirect) of Sanskrit Dharmaśāstra. Rather, in Java and Bali, a local replica of Dharmaśāstra itself was produced in a legal register of the local language. Designed to validate Javanese and Balinese legal rules and procedures, it went so far as to insert local customary standards into the Śāstra itself. The result were codes aspiring to be Dharmaśāstras but reflecting much more directly the "common law." Only a very few, late examples of regional Śāstras (e.g., the *Laghudharmaprakāśikā* from seventeenth-century Kerala) can be found in India, and then mainly in Sanskrit.

This complex phenomenon may look to modern eyes very different from the production of constitutions and codes of statutes. More obvious analogies can be found in European legal history of around the same period: the *Codex Euricianus* (or *Code of Euric*), compiled by a Roman jurist for Euric, the Gothic King of Toulouse, shortly before 480, which recognized the customary norms of the Goths, superficially Romanized; or the *Lex Salica*, which codified Frankish penal and procedural law under Clovis (early sixth c.). Even more parallel, in that it involved codification in a local language rather than a classical language, is the Kievan code, the *Russkaja Pravda,* written in East Slavic (Matejka 1977: 195; Feldbrugge 2009: 33–58).[89] In each of these cases, rulers influenced by an imported classical law (Roman law in Toulouse; Byzantine law in Kiev) sought to endow their subjects' customary norms with not just the garb but the institutional formality of codified law.

Part of what makes all of these cases look unfamiliar as law to modern eyes is that the spread of a classical legal framework within the horizons of a cosmopolitan culture (whether Roman, Byzantine, or Indic) was not centralized; it was not the work of a single nation-state. The standards of recognition were a model that was disseminated by a multi-centered elite, and put into code and practice piecemeal at regional and local levels. If there is a modern analogy, it may be international law, which is growing in importance and reach in an ever more globalized world. In fact, the development and spread of Indic law might well be seen as a precursor—an unwieldy but functional system coordinating the legal affairs of individual states and corporations.

ABBREVIATION.S AND EDITIONS OF SANSKRIT TEXTS

ĀpDhS *Āpastamba-Dharmasūtra*: ed. tr. P. Olivelle, *Dharmasūtras* (Oxford, 2000).
BṛhSm *Bṛhaspati-Smṛti*: ed. K. V. Rangaswami Aiyangar (Baroda, 1941).
BDhS *Baudhāyana-Dharmasūtra*: ed. tr. P. Olivelle, *Dharmasūtras* (Oxford, 2000).
GDhS *Gautama-Dharmasūtra*: ed. tr. P. Olivelle, *Dharmasūtras* (Oxford, 2000).
KAŚ *Kauṭilīya-Arthaśāstra*: ed. tr. R. P. Kangle (Delhi, 1969–1972); tr. P. Olivelle (Oxford, 2013).
MDh *Mānava-Dharmaśāstra*: ed. tr. P. Olivelle (Oxford, 2005).
NyāyaSū *Nyāya-Sūtra*: ed. Tāranātha Nyāya-Tarkatīrtha (Calcutta, 1936–1944).
SmC *Smṛticandrikā*: ed. L. Srinivasacharya (1914).
VDhS *Vasiṣṭha-Dharmasūtra*: ed. tr. P. Olivelle, *Dharmasūtras* (Oxford, 2000).
YājñDh *Yājñavalkya-Dharmaśāstra*: ed. N. S. Khiste (Benares, 1930).

89. This is preserved in a codex of 1280 or 1282, but contains elements that probably go back to the time of the eleventh-century ruler of Kiev, Jaroslav the Wise, r. 1019–54 (or at least to that of his sons and successors, according to a sentence after article 18 of the short version of the *Pravda*) (Feldbrugge 2009: 35).

REFERENCES

Annual Report of the Archaeological Survey of India, 1904–1905. Mysore: Archaeological Survey of India.

Austin, John. 1995 (1832). *The Province of Jurisprudence Determined*, ed. Wilfrid E. Rumble. Cambridge: Cambridge Univ. Press.

Barnett, Lionel D. 1917–18. No. 14—Lakshmeshwar Pillar Inscription of the Yuvaraja Vikramaditya. *Epigraphia Indica* 14: 188–91.

Barrett Jones, Antoinette M. 1984. *Early Tenth Century Java from the Inscriptions: A Study of Economic, Social and Administrative Conditions in the First Quarter of the Century.* Verhandelingen van het Koninklijk Instituut voor Taal-, Land- en Volkenkunde, vol. 107. Dordrecht: Foris Publications.

Basak, Radhagovinda. 1923–24. No. 23.—Dhanaidaha Copper-Plate Inscription of the Time of Kumaragupta I: Year 113. *Epigraphia Indica* 17: 345–48.

Bix, Brian H. 2005. Legal Positivism. In *The Blackwell Guide to the Philosophy of Law and Legal Theory*, ed. M. P. Golding and W. A. Edmundson. Pp. 29–49. Oxford: Blackwell.

Boechari [Buchari]. 1965. Epigraphy and Indonesian Historiography. In *An Introduction to Indonesian Historiography*, ed. Soedjatmoko, Mohammand Ali, G. J. Resink, and G. M. Kahin. Pp. 47–73. Ithaca: Cornell Univ. Press.

_____. 1976. Some Considerations of the Problem of the Shift of Matarām's Center of Government from Central to East Java in the 10th Century A.D. *Bulletin of the Research Centre of Archaeology of Indonesia* 10: 1–26.

Brandes, J. 1889. Een jayapattra of acte van eene rechterlijke uitspraak van Çaka 849. *Tijdschrift voor indische taal-, land- en volkenkunde* 32: 98–149.

_____. 1913. *Oud-javaansche oorkonden: Nagelaten transscripties*, ed. N. J. Krom. Verhandelingen van het Bataviaasch Genootschap van Kunsten en Wetenschappen, vol. 50. Batavia: Albrecht / 's Hage: Nijhoff.

Brick, David. 2010. The Court of Public Opinion and the Practice of Restorative Ordeals in Pre-Modern India. *Journal of Indian Philosophy* 38: 25–38.

Burgess, James. 1886. *Tamil and Sanskrit Inscriptions with Some Notes on Village Antiquities Collected Chiefly in the South of the Madras Presidency.* With S. M. Naṭēśa Śāstrī, Paṇḍit. Archæological Survey of Southern India, vol. iv. Madras: Government Press.

Chandrakanta Tarkalankara, ed. 1890. *Parāśara Smriti (Parāśara Mādhava) with the Gloss of Mādhavāchāryya*, vol 1. Bibliotheca Indica. Calcutta: Baptist Mission Press.

Cone, Margaret. 2001. *A Dictionary of Pāli*, pt. I. Oxford: Pali Text Society.

Cowell, E. B., and R. A. Neil. 1886. *The Divyâvadâna, A Collection of Early Buddhist Legends.* Cambridge: Cambridge Univ. Press.

Creese, H. 2009a. Old Javanese Legal Traditions in Pre-colonial Bali. *Bijdragen tot de Taal-, Land- en Volkenkunde (BKI)* 165.2/3: 241–90.

_____. 2009b. Judicial Processes and Legal Authority in Pre-colonial Bali. *Bijdragen tot de Taal-, Land- en Volkenkunde (BKI)* 165.4: 515–50.

Damais L.-C. 1955. Études d'épigraphie indonésienne: IV. Discussion de la date des inscriptions. *Bulletin de l'École française d'Extrême-Orient* 47: 7–290.

Davis, Donald R., Jr. 2005. Intermediate Realms of Law: Corporate Groups and Rulers in Medieval India. *Journal of the Economic and Social History of the Orient* 48.1: 92–117.

_____. 2006. A Realist View of Hindu Law. *Ratio Juris* 19.3: 287–313.

_____. 2010. *The Spirit of Hindu Law.* New York: Cambridge Univ. Press.

Dworkin, Ronald. 1978. *Taking Rights Seriously.* Cambridge, Mass.: Harvard Univ. Press.

Ellis, Francis W. 1818. *Replies to Seventeen Questions, Proposed by the Government of Fort St. George, Relative to Mirasi Right: With Two Appendices Elucidatory of the Subject.* Madras: Government Gazette Office.

Ellis, Francis W., William Blackburn, and Thomas Munro. 1852. *Three Treatises on Mirasi Right,* ed. Charles Philip Brown. Madras: Christian Knowledge Society.

Feldbrugge, Ferdinand. 2009. *Law in Medieval Russia.* Leiden: Brill / Martinus Nijhoff.

Gagarin, Michael. 2008. *Writing Greek Law.* Cambridge: Cambridge Univ. Press.

Galanter, Marc. 1981. Justice in Many Rooms: Courts, Private Ordering and Indigenous Law. *Journal of Legal Pluralism* 19: 1–47.

Gopal, Lallanji. 1963. Sāmanta—Its Varying Significance in Ancient India. *Journal of the Royal Asiatic Society of Great Britain & Ireland* 95.1/2: 21–37.

Goris, R. 1954. *Prasasti Bali.* 2 vols. Bandung, Indonesia: Lembaga Bahasa Budaya Universitas Indonesia.

Griffiths, Arlo, and D. Soutif. 2008–9. Autour des terres de Loñ Śrī Viṣṇu et de sa famille: Un document administratif du Cambodge angkorien, l'inscription K. 1238. *Bulletin de l'École française d'Extrême-Orient* 95–96: 29–72.

Griffiths, John. 1986. What Is Legal Pluralism? *Journal of Legal Pluralism* 24: 1–55.

_____. 2003. The Social Working of Legal Rules. *Journal of Legal Pluralism* 48: 1–84.

Hart, H. L. A. 1994. *The Concept of Law*, 2d ed. Oxford: Clarendon Press.

Hazeu, G. A. J. 1905. *Tjeribonsch wetboek (Pĕpakĕm Tjĕrbon) van het jaar 1768.* Verhandelingen van het Bataviaasch Genootschap van Kunsten en Wetenschappen, 55. Batavia: Albrecht; 's-Gravenhage: Martinus Nijhoff.

Hoadley, M. C., and M. B. Hooker. 1986. The Law Texts of Java and Bali. In *The Laws of South-East Asia*, vol. 1: *The Pre-modern Texts*, ed. M. B. Hooker. Pp. 241–346. Singapore: Butterworth & Co.

Hultzsch, E. 1890. No. 56. Inside the Front Gopura of the Viriñchipuram Temple, Second Inscription to the Right. *South Indian Inscriptions* 1: 82–84.

_____. 1900–1. Teki Plates of Rājarāja-Choḍagaṅga; Dated in the Seventeenth Year (of Kulottuṅga I.). *Epigraphia Indica* 6: 334–47.

Kannan, R., ed. 1929. *Inscriptions (Texts) of the Pudukkottai District Arranged according to Dynasties.* Pudukkottai: Sri Brihadamba State Press.

Kelsen, Hans. 1949. *General Theory of Law and State,* tr. A. Wedberg. Cambridge, Mass.: Harvard Univ. Press.

Kern, H. 1917. *Verspreide Geschriften,* vol. 7. 's-Gravenhage: Martinus Nijhoff.

Kosambi, D. D. 1959. Indian Feudal Trade Charters. *Journal of the Economic and Social History of the Orient* 2.3: 281–93.

Lariviere, Richard. 1984. Father Bouchet's Letter on the Administration of Hindu Law. In *Studies in Dharmaśāstra*, ed. Richard Lariviere. Pp. 15–48. Calcutta: Firma KLM.

Lubin, Timothy. 2013. Legal Diglossia: Modeling Discursive Practices in Premodern Indic Law. In *Bilingual Discourse and Cross-cultural Fertilisation: Sanskrit and Tamil in Mediaeval India*, ed. Whitney Cox and Vincenzo Vergiani. Pp. 411–55. Paris: École française d'Extrême-Orient.

Matejka, L. 1977. Diglossia in the Oldest Preserved Legal Codex of Novgorod. In *Papers in Slavic Philology, 1: In Honor of James Ferrell*, ed. B. A. Stolz. Pp. 186–97. Ann Arbor: Department of Slavic Languages and Literatures, University of Michigan.

Molesworth, J. T. 1857. *A Dictionary, Marathi and English*, 2d ed., rev. and enl. Bombay: Bombay Education Society.

Moore, Sally Falk. 1973. Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study. *Law and Society Review* 7: 719–46.

van Naerssen, F. H. 1941. *Oud-Javaansche oorkonden in Duitsche en Deensche verzamelingen.* Amsterdam.

Njammasch, Marlene. 1997. Staatliche Strukturen im Reich der Maitrakas von Valabhī. In *Recht, Staat und Verwaltung im klassischen Indien*, ed. B. Kölver. Pp. 111–23. Munich: Oldenbourg Verlag.

Olivelle, Patrick. 2000. *Dharmasūtras: The Law Codes of Āpastamba, Gautama, Baudhāyana, and Vasiṣṭha.* Delhi: Motilal Banarsidass.

_____. 2013. *King, Governance, and Law in Ancient India: Kauṭilya's Arthaśāstra.* New York: Oxford Univ. Press.

Papers on Mirasi Right Selected from the Records of Government, and Published by Permission. 1862. Madras: Pharoah and Co. Athenæum Press.

Pollock, Sheldon. 2006. *The Language of the Gods in the World of Men: Sanskrit, Culture and Power in Premodern India.* Berkeley and Los Angeles: Univ. of California Press.

Pope, G. U. 1905. *A Handbook of the Ordinary Dialect of the Tamil Language: Part III. A Compendious Tamil–English Dictionary*, 7th ed. Oxford: Clarendon Press.

_____. 1906. *A Handbook of the Ordinary Dialect of the Tamil Language: Part V. A Tamil Prose Reader Adapted to the Handbook*, 7th ed. Oxford: Clarendon Press.

Prasad, Pushpa. 2007. *Lekhapaddhati: Documents of State and Everyday Life from Ancient and Medieval Gujarat.* Delhi: Oxford Univ. Press.

Ray, Himanshu Prabha. 2004. The Beginnings: The Artisan and the Merchant in Early Gujarat, Sixth–Eleventh Centuries. *Ars Orientalis* 34: 39–61.

Rocher, Ludo. 1984. Father Bouchet's Letter on the Administration of Hindu Law. In *Studies in Dharmaśāstra*, ed. Richard W. Lariviere. Pp. 15–48. Calcutta: Firma KLM.

_____. 1993. Law Books in an Oral Culture: The Indian *Dharmaśāstras. Proceedings of the American Philosophical Society* 137.2: 254–67.

Rocher, Rosane. 2010. The Creation of Anglo-Hindu Law. In *Hinduism and Law: An Introduction*, ed. Timothy Lubin, Donald R. Davis, Jr., and Jayanth K. Krishnan. Pp. 78–88. Cambridge: Cambridge Univ. Press.

Sarkar, H. B. 1971–72. *Corpus of the Inscriptions of Java (Corpus inscriptionum javanicarum) (up to 928 A.D.).* 2 vols. Calcutta: Firma KLM.

Schauer, Frederick. 2013. The Jurisprudence of Custom. *Texas International Law Journal* 48.3: 523–34.

Shapiro, Scott J. 2009. What is the Rule of Recognition (and Does It Exist)? In *The Rule of Recognition and the U.S. Constitution,* ed. Matthew Adler and Kenneth Himma. Pp. 235–68. New York: Oxford Univ. Press = Public Law & Legal Theory Research Paper Series, 181, Yale Law School, <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1304645>.

Silk, Jonathan. 2008. *Managing Monks: Administrators and Administrative Roles in Indian Buddhist Monasticism.* New York: Oxford Univ. Press.

Sircar, D.C. 1958. No. 30—Charter of Vishnushena, Samvat 649. *Epigraphia Indica* 30: 163–81.

_____. 1959. No. 36—Lahadapura Inscription of the Time of Jayachchandra, V.S. 1230. *Epigraphia Indica* 32: 305–9.

_____. 1966. *Indian Epigraphical Glossary.* Delhi: Motilal Banarsidass.

_____. 1984. Glimpses of Ācāra and Vyavahāra in Early Indian Literary and Epigraphic Records. In *Studies in Dharmaśāstra*, ed. Richard W. Lariviere. Pp. 3–14. Calcutta: Firma KLM.

Sohoni, S. V. 1987. Lokasamayakriyānusaṃdāna. *Annals of the Bhandarkar Oriental Research Institute* 68.1/4: 269–79.

Srinivasa Ayyar, K. R. 1941. *Inscriptions in the Pudukkóttai State Translated into English.* Pudukkottai: Brihadamba State Press.

van Stein Callenfels, P. V. 1926. *Epigraphia Balica.* Verhandelingen van het Koninklijk Bataviaasch Genootschap van Kunsten en Wetenschappen, vol. 66. [Weltevreden]: Kolff.

Strauch, Ingo. 2002. *Die Lekhapaddhati-Lekhapañcāśikā: Briefe und Urkunden im mittelalterlichen Gujarat. Text, Übersetzung, Kommentar, Glossar.* Berlin: Reimer Verlag.

Stutterheim, W. F. 1935. Epigraphia. *Tijdschrift voor Indische Taal-, Land- en Volkenkunde* 75: 444–56.

Subbarayalu, Y. 1991. *Tiruccirāppaḷḷi māvaṭṭa ōlai āvaṇaṅkaḷ / Palm-Leaf Records of the Tiruchirapalli District.* Thanjavur: Tamiḻp Palkalaikkaḻakam.

Tewari, S. P. 1987. *Contributions of Sanskrit Inscriptions to Lexicography.* Allahabad: Allahabad Museum.

Trautmann, Thomas R. 1981. *Dravidian Kinship.* New York: Cambridge Univ. Press.

Venkayya, V. 1908. Two Inscriptions at Uttaramallūr. In *Archaeological Survey of India, Annual Report, 1904–5.* Pp. 131–45. Calcutta: Archaeological Survey of India.

Virkus, Fred. 2004. *Politische Strukturen im Guptareich (300–550 n.Chr.).* Wiesbaden: Harrassowitz Verlag.

Wibowo, A. S. 1979. Prasasti Ālasantan Tahun 861 Śaka. *Majalah Arkeologi (diterbitkan Oleh Lembaga Arkeologi FSUI)* 2.3: 3–51.

Zoetmulder, P. J. 1976. Review of Himansu Bhusan Sarkar, *Corpus of the Inscriptions of Java (Corpus Incriptionum* [sic] *Javanicarum) (up to 928 A.D.). Bijdragen tot de Taal-, Land- en Volkenkunde* 132: 188–92.

Zoetmulder, P. J., with S. O. Robson. 1982. *Old Javanese–English Dictionary.* 2 vols. 's-Gravenhage: Martinus Nijhoff.