

Article

The King Must Protect the Difference: The Juridical Foundations of Tantric Knowledge

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Abstract: Drawing upon inscriptional, art historical, as well as largely unstudied and unpublished textual evidence, this paper examines the conceptualization of religious diversity in the Medieval Deccan prior to the Islamic invasions. What our archive suggests, somewhat counterintuitively, is that from the perspective of the state and other disciplinary institutions, religious difference was conceived of in primarily juridical as opposed to doxographical terms; it was a matter of law rather than belief. In other words, in practice, the social performance of the religious identities of particular communities proved inseparable from the delineation of the highly specific legal rights and obligations to which those communities were entitled to adhere. Succinctly, medieval India's religious diversity was inextricable from the widespread acceptance of a rather capaciously imagined emic form of legal pluralism. The early medieval Dharmasāstric commentarial tradition locates the textual foundation of this approach to legal pluralism in a discrete and consistent canon of textual resources. As the present work demonstrates, by the eighth century—from the perspective of the Brahmanical legalists themselves—it is this internally coherent body of dharma knowledge that emerges as the key conceptual resource that makes a place within the wider social ecologies of the medieval Deccan for the Tantric knowledge systems and those who practice them.

Keywords: legal pluralism; Tantra; Hindu Law; religious tolerance; feudalism; Bhairava

In the forts and in the (*mahā*)*janapadas*, the king must protect the conventions (*samaya*) of heretics, “Pāśupatas,”¹ merchant guilds, councils, military collectives, groups and the like. Whatever their laws, duties, rules for worship, or mode of livelihood, he must permit them.
paṣaṇḍanaigamaśreṇīpūgavratagaṇādiṣu / saṃrakṣet samayaṃ rājā durge janapade tathā//

¹ Here in explaining the gloss of *naigama* I follow Vijñāneśvara's commentary. The meaning of this lexeme, which by the Gupta period typically referred in a generic fashion to a trade organization, is contested across a range of Dharmasāstra sources, with explanations ranging from understanding the term as referring to Brahmin communities, to trade guilds, to Pāśupatas and so forth. As our oldest commentary on the *Nāradaśmṛti*, by Asahāya, is incomplete and does not cover this portion of the text, we have little concrete indications of how this passage was read in the seventh century, though the interpretation offered in *Kātyāyana* is strongly suggestive of some sort of trade organization. In the context of the surviving commentarial reflection on this passage itself, however, the consensus position in the context of its reception, especially in the sources being referred to repeatedly in the medieval Deccan, is that *naigama* refers to Pāśupatas and so forth, who recognize the authority of the Veda, but believe it to be divinely authored, as opposed to *apauruṣeya*. The association of this view with the Pāśupatas is often linked with the writings of the Vaiśeṣika philosopher Praśastapāda, and thus it is not surprising that Varadarāja, for example will treat the two glosses as synonymous. The semantic slippage from *naigama* as trade organization to *naigama* as Śaiva collectivity becomes much more explicable once one realizes that, by around 800–900 CE in the medieval Deccan, in the vast majority of cases the administrative management of temple complexes on behalf of śaiva and Śākta-śaiva religious authorities was mostly conducted by collectivities of merchants who were also the disciples of the governing *ācāryas*.

yo dharmah karma yac caisam upasthanavidhiś ca yah yac caisam vṛtyupādānam anumanyeta tat tathā // *Nāradaśmṛti* (10.2–3) (Lariviere 2003).²

1. Captured in Stone: The Guru's Command (*ājñā*)

The only surviving temple belonging to the *rājaguru* of the Kalyāṇi Cālukya Emperor Vikramāditya VI (r. 1076–1126 CE) lies tucked away out of sight on the far bank of a vast dried up lake, now little more than a sea of mud in which water buffaloes wallow.³ Small, shorn of ornamentation, and fashioned in that unostentatious style favored by the Rāṣṭrakūṭas which is at times difficult to distinguish from more modern concrete structures, especially in contrast with the majestic landscape in which it is embedded, at first glance, Kūni Sōmēśvara is almost disappointingly ordinary. Only two features gesture towards the significant past of this deceptively simple place. On the one hand, there is a large boulder, framing a secluded grove found some paces to the right of the temple, on which one finds a two foot high engraving of a both a ghoulish and a human devotee supplicating themselves before the awesome majesty of a standing Bhairava.⁴ On the other, embedded in the temple complex itself, there are two stone inscriptions (*śīlāsāna*), composed in a reasonably Sanskrit register of the Haḷe Kannaḍa language, that serve as prelude to a fascinating and much neglected dimension of the religious life of the medieval Deccan.⁵

The typical texture of these inscriptions is such that it is customary to incorporate extensive highly formalized accounts of the lineage of the ruling monarch interspersed with flowery panegyrics regardless of the actual focus and function of the document in question. In contradistinction, at Karaḍkal such mention of kings are confined to two relatively terse sentences, one for each document. In the first *śāna*, the refuge of the world (*bhuvanāśrayaṃ*), beloved of the earth (*śrīprithvīvallabhaṃ* [sic]), defining mark of the clan of King Satyāśraya (*satyāśrayakuḷatīlakam*), the ornament of the Cālukyas (*cālukyābharaṇam*) Vikramāditya VI,⁶ is introduced to us solely for the rhetorical purpose of clarifying the identity of the real subject under discussion: the king's Śākta Śaiva Rājaguru, Tatpuruṣaśiva and his disciples and successors Sūkṣmaśiva and Vyomaśiva.⁷ In the second inscription, Vikramāditya

² Here again, it is worth noting that this translation is aligned with the reception history of this passage as opposed to its "original intent".

³ Today Karaḍkal is a small obscure village in Raichur district. It lies less than 20 km from Liṅgagūru, but is currently improperly identified by all major geo-locational mapping services, which either fail to locate the site or place it ten kilometers off in the wrong direction. The observations here are based on the author's visit to the site on 08 June 2017.

⁴ Previously unidentified and discovered by the author.

⁵ The Karaḍkal inscriptions are published for the first time in the Raichur volume of the recent series of inscriptions organized by district published by Hampi University (Reddy 2003). This is one of several competing series of publications documenting the Haḷe Kannaḍa and Sanskrit inscriptions of Karnataka currently under production, (another is forthcoming from Dharwad University), each of which incorporate numerous unpublished texts. Unlike the more famous Epigraphia Indica, whose selection criteria of aiming to document the exact dates of dynastic reigns effectively excluded from publication all of the inscriptions not issued by kings, and which typically been taken as representative of or even exhausting the surviving corpus in our scholarship, the compiling of these regional canons are ideally attuned to the interests of the academic scholar of religion, often providing substantive information about the find site and temple context in which the *śāna* is embedded. As the present essay should begin to make evident, much of the evidence in this archive has the potential to transform the academic study of religion and culture in the medieval Deccan.

Here it is worth noting that the mixed Haḷe Kannaḍa and Sanskrit inscriptions are themselves full of irregular spellings and orthography too numerous to bother noting. The Sanskritist in particular will notice that different conventions apply in representing compound formation. The emending of these to conform with the norms of Sanskrit discourse not only poses serious grammatical problems but effectively represents a falsification of the source texts.

⁶ svasti samasta bhuvanāśrayaṃ śrīprithvīvallabhaṃ mahārājādhirājaṃ parameśvaraṃ paramabhāṭṭārakaṃ satyāśrayakuḷatīlakam cālukyābharaṇam śrīmatttribhuvanamalladevara vijayarājyaṃ uttarōttarābhivridhī pravardhamānamā // caṃdrārkkatāraṃ saluttamire // (Reddy 2003).

Again one may notice that, by the standards of Sanskrit discourse, words are so frequently misspelled in this register of textual production that perhaps it is better to think of some of these usages as *tatbhava* words instead of mere scribal error.

⁷ In the conventions of the Śaiva Siddhānta the initiatory name X-śiva is only granted to an initiate from the first three castes. śūdras are initiated with the name X-gaṇa. Indeed, with a single exception from the Tamil country, all of the extant texts of the Classical Śaivasiddhānta were composed by Brahmins or kings. In contrast, Kṣemarāja tells us that in the system of the Svachchandatantra, the *sāmānya* tantra of the Bhairava Siddhānta whose influence is felt all throughout the medieval Deccan,

and Somasiddhāntin Kāpālikas, has been indicated through a single stock formula in which the figure under discussion is said to be well accomplished in a host of ritual practices and yogic virtues (*yama-niyama-svādhyāya-dhyāna-dhāraṇā-maunānuṣṭhāna-japa-samādhi-sampannaṃ*). While this catalog incorporates precisely the sorts of activities a Śaiva-Śākta *yogin* might well be engaged in, its objective is not to offer a documentary account of the affairs in any particular religious community. Instead, like the blue uniform and badge of a police officer or the Rolex watch, briefcase case, and well tailored suit of a businessman, its semiotic function is to instantly and unmistakably convey a particular social role and form of authority so as to provoke a specific mode of comportment. Tatpuruṣaśiva and his successors not only invoke these tropes, but embellish them, with additional practices (*pārāyana, adhyayana*) and descriptors, such as depicting their disciples as ones foremost in the wealth of austerity (*pramukhatapōdhana*) with Sūkṣmaśiva in particular warranting the additional monikers devotee to God and Guru who is devoted to the *āgama* (*dēva-guru-bhaktan āgamayuktam*).

At the very same time, however, that our Śākta-Śaiva magnates are assuming the expected role of religious authority, they are also painting a picture of themselves as military and disciplinary authorities in the unmistakable idioms of royal rule and so-called *sāmanta* feudalism. Rājaguru Tatpuruṣaśiva, who advocates on behalf of (his devotees) to Śiva (*śivacintāyaka*)¹⁰ is thus terrifying to the enemy army (*parabalabhīṣaṇam*), the one who keeps the fury of the enemy elephants in check (*vairibhujamadaniivāraṇam*), a foundation for people and kin (*bandhujanānādharmaṃ*), the Bhairava of the dagger (*(k)attigeya bhairavaṃ*), the one who pillages the hearts of his enemies (*sūrekāra hrdayam*), all titles commonly held by “secular” social actors such as *daṇḍanāyakas*. Indeed, in accordance with the social function he is executing in a particular context, our Śākta-Śaiva pontiff, Tatpuruṣaśiva is addressed as king (*śrīballav-arasa*)¹¹ and his chief disciple, Sūkṣmaśiva, is depicted as the empowered official ruling over the villages (*śrīmatpeggade/śrīmatheggade*). The appropriation of such offices is rendered all the more extraordinary when one takes into account that, in complete violation of the expected norms of both Brahminical *śāstra* and the Śaiva Tantras themselves, both of which limit the holding of the office of *rājaguru* to the Brahmins of exceptional pedigree, all of teachers in this line self-identify as *bhālaras* (T. *vēlālas*, K. *ballāla*) the Hale Kannaḍa analogue to the class of landholding, allegedly resource-rich but status-poor, śūdra caste prevalent throughout South India.

Despite their aestheticized character and value for the modern social historian of religion however, *śāsanas* are not literature, nor were they composed with the aim of being subject to fine-tuned rhetorical and critical analysis. Instead, they served the concrete evidentiary purpose within the legal system of establishing property ownership and modalities of zoning, demarcating the exact boundaries of plots of land, and specifying the scope of the duties and liabilities incumbent on specific people or certain classes of social actors. As our texts make evident, like most if not all of the esoteric power centers in the medieval Deccan, Karaḍkal was classified as an undying land grant (San. *akṣayavṛtti*, H.K. *sarvamānya*) to be protected by the ruling powers, so long as the sun and the moon would continue to shine (*caṃdrārkkatārāṃbaram saluttamire*). Within its domain no taxes were collected by the state nor were its inhabitants to be subject to its direction. Read from within such an emic perspective, the Karaḍkal *śāsanas* reveal themselves to be not merely documents *about some Śākta Śaiva rājagurus* but as proclamations with the force of binding law *issued by these rājagurus themselves* in a register

¹⁰ Here I take this unusual term, which appears seldom if at all in the inscriptional record, as analogous to the Sanskrit *dharmaśāstra* term of art *kāryacintaka*, meaning an advocate on behalf of the community, on the basis that representing this exalted figure as simply focused on Śiva would be out of place in the context of this register of his *biruḍas*.

¹¹ The reading of the *śāsana* here “*śrī ballavarasar’ āṇe śrīmadrājagurudevār’ āṇe*” mentions two commands (*āṇe*) without offering the required grammatical indication that we are talking about two distinct agents issuing these commands. As there is otherwise no mention of the rather generic name “Balla arasa” elsewhere in the regional inscriptional record, I construe this as referring to two separate offices, one might even say identities, being embodied by a single person, Tatpuruṣaśiva, in specific circumstances in relation to the character of the constituencies being addressed. Succinctly, for some people linked to him by an initiation, his sacerdotal power and role as a spiritual guide was the source of his authority. For other communities, who simply resided in territories under his control, he was simply the governing authority in the region to whom their landlord delivered the taxes.

that, despite its linguistic difference, is entirely consonant with the technical terminology of medieval Dharmaśāstra.

In the first document, standing in place of the king or his *daṇḍanāyaka*, instead of being the recipient of a grant, it is Sūkṣmaśiva, acting on behalf of his guru, who bestows financial and material resources on the Kūni Sōmēśvara temple, including 26 additional *mattars* of land with black soil, along with a nearby Brahman *agrahāra*, reaffirming their longstanding endowments and privileges by washing the feet of the sacerdotal authority in situ. Assembled for the occasion under Sūkṣmaśiva's authority are the two village headman, the merchant councils from two neighboring cities, and most importantly, the collectivity (*samūha*), a technical term drawn, as we shall see, from the Dharmaśāstra literature, where it refers to the body that advocates for the community, tries legal disputes in the *sabhā*, and executes punishment. Far more spectacularly, in the second *śāsana*, which is comprised of two edicts, we find first Sūkṣmaśiva, acting on behalf of the *rājaguru*, and then a generation later Vyomaśiva, Tatpuruṣaśiva's successor, handing down concrete legal fiats, delineating specific fines and punishment for crimes and social transgressions,¹² to the hereditary descendants of the founding families of the village and the tenders of the temple, along with councils of merchants.¹³ These are the usual categories of people in the inscriptional record of this period responsible for the practical implementation of administrative affairs on behalf of sacerdotal authorities. While the contents of many of these edicts remain obscure, especially as they contain unusual vocabulary not found in our lexicons, make use of irregular spelling and are damaged in many places, the first of these edicts from each part of the second document run roughly as follows.

Persons belonging to any of the untouchable castes (*antyajātiy ār' adoḍav*) are not permitted (*barasalladu*) to drive (*ēru*) their marriage carts (*maduveyalu baṁḍi*) into the market street (*aṁgaḍi-bīdi*). But, if this does occur (*bandan-appaḍe*) they will [have to] pay (*tiruvvar*) a fine of 12 (*paṁnneraḍu*) *gadyānas* of gold (*ponnam*). It is Ballavarasar Rājagurudeva's command (HK. *āṇe, S, ājñā*) for it to be (*appudake*) this way (*aṁtu*)

Be well! Vyomaśiva Bhaḷāra, the venerable Rājaguru of *Karaḍikalla*, . . . issued the edict to Cāmuṇḍaseṭṭi, the merchant's guild, and the family of the founding line of settlers (*pādamūlaparivāra*), as follows (*emṭ' endoḍe*):

[they] enstated (*biṭṭar*) a year-long (*ondu śrāhi*) "shop-tax" (*aṁgaḍi+tereyam*). Afterwards (*allim mēge*), [in that] year (*barisa*) there was a two *paṇa* tax¹⁴ for each necklace shop¹⁵ and for the grass shop¹⁶ it was two *paṇas*.¹⁷

¹² Not translated here, and apparently equally oblique to the Kannadiga editors of the edition, are a number of other regulations. These seem to include taxes on various kinds of load bearing animals, some sort of regulation regarding sales, a mandate that a dog and maybe a pig are to be sacrificed after the death of a person under circumstances that are unclear, and a fine of 4 *paṇas* for committing murder with no further punishment, a relatively small sum and lenient judgment for such a crime by normative standards.

In other words, as we will see again and again in our analysis, these rules are not merely subordinate supplements to Dharmaśāstra norms that fill in the gaps in the elite tradition, but rather a distinctive body of knowledge intended in many cases to supersede those norms.

¹³ *ādivaradi aṁdu śrīmatperggaḍe sūkṣmaśivabhaṭāra pramukhatapōdhanasamētam iḷdu dāsiseṭṭigaṁ nakarakaṁ koṭṭa śāsana yeṁṭ' eṁḍaḍe.*

¹⁴ If we read *vadda* as a *tadbhava* form of *vardha*, then this would refer to a tax increase.

¹⁵ *Māḷigeya* could also be an irregular orthography for jasmine sellers, but this is less likely.

¹⁶ The exact nature of this "grass shop" and its wares remains obscure. It is possible it is analogous to the bundles of hay and straw that are brought to market, either for resale or to be woven into various other goods, that we still see evidence for today in Karnataka in rural areas.

¹⁷ *antyajātiy ār' adoḍav aṁgaḍibidiyoḷage maduveyalu baṁḍiyan ēri barasalladu baṁdan appaḍe paṁnneraḍu gadyāna ponnaṁ daṇḍamaṁ tiruvvar aṁnt(u) appudake śrī ballavarasar' āṇe śrīmadrājagurudevar' āṇe . . . aṁdu cāmuṇḍaseṭṭigaṁ nakharakaṁ pādamūlaparivārakaṁ koṭṭa śāsanam emṭ' endoḍe oṁdu śrāhiy aṁgaḍidereyam biṭṭar allim mēge barisa prati māḷigeyaṁgaḍige eraḍu paṇavvaḍḍaṁ pullaṁgaḍige eraḍu paṇa paṇa vaḍḍaṁ paṇapāluṁ tereyam kiḷvar dhānya (Reddy 2003).* I am profoundly grateful to Tim Lorch of the University of Pennsylvania, whose crystal clear explanations of the intricacies of Haḷe Kannaḍa grammar continually enrich and deepen my own exploration of this corpus, for correcting

Quite apart from the bare fact that we are being presented here with concrete examples of regulations, formulated using the same technical language and format but whose substance are independent of Dharmaśāstra prescriptions, issued by actual Śākta-śaiva *rājagurus*—documents of a sort that have till now scarcely been encountered in our literature—the particularized contents of these regulations are themselves quite intriguing. They point towards a social reality significantly out of step with the picture we usually paint of the medieval social order. That our Rājaguru took the time and effort to have inscribed in stone a special law prohibiting untouchable castes (*antyajāti*), what we would now call people from a Dalit background, from driving their marriage carts into the market street, presumably after a wedding, and that they are to be fined 12 *gadyānas* of gold if they commit such an offence suggests surprising things about the social positions of Dalits in this domain. It tells us they had property, such as the aforementioned marriage cart. It tells us that they participated in the multi-tiered mixed cash barter economy of the medieval world in a substantive enough way that they could be expected to pay fines in gold coins and not in a share of the crop they harvested or the goods they produced. The fact they are being fined and not having corporal punishment inflicted upon them suggests this is a comparatively minor transgression of social norms. Finally it suggests that under other circumstances, Dalits were permitted to enter into the market; otherwise the regulation would have simply read, *antyajātis* are not permitted to enter the market street. Succinctly, it points to a world where, under the direction of Śākta-śaiva gurus whose scriptures offer either a range of mixed messages about *varṇāśramadharmā* or advocate its irrelevance, caste strictures, while not absent, are at least somewhat attenuated. In the second edict, on the other hand, we are presented with evidence of specialized, period specific, revenue collection; in other words, we witness Śākta *rājagurus* acting like they run a state and are responsible for its day to day operations.

From the broader perspectives of modern Indology and the comparative study of Law, the documentary evidence we have just been examining offers concrete examples of legal pluralism. In its particularly Indic incarnation, what this meant in practical terms was that specific places and communities were obliged to adhere to their own standards of what constituted normative behavior. Just how far such differentiation extended has been the subject of much discussion. In a series of articles that represent the most recent and cogent treatment of these matters, for example, Donald Davis has advocated that a range of these so-called “conventional dharmas” that governed medieval corporate communities were best understood as offering supplements to the primary rules of the normative Brahminical Dharmaśāstra. In other words, they are seen to operate in much the same manner that modern religious community specific customary law complements the standard Indian legal code. As he writes, they “work in the interstices of the textual prescriptions” so that where “Dharmaśāstra is silent or ambiguous . . . conventional and legislated *pāribhāṣika*-dharmas may be enacted as primary rules in their own right” (Davis 2005, p. 99). As we will see, while the interpretation Davis is advocating coincides with an emic school of thought within the dharma literature, it is a poor match with much of our documentary records, with the self-understanding of many of our so called “corporate communities,” and even with the conceptual possibilities native to the dharma literature itself. Instead, I will argue, as they frequently do in the grammatical literature, these community specific meta-rules were understood by those who enacted them as having a supersessionary force whereby key general norms—like the definition of what constitutes murder and how it was to be addressed or the strictures associated with caste sociality—could be nullified in a manner that opened a space up for radical difference with concrete sociological implications. Indeed I would suggest that the repeated use in our literature of the generic phrase the “corporate community” or the “compacts” has concealed under a secularized veil of false familiarity some more fundamental denotations. Thus, as we shall see, the word which Davis has rendered “compact,” *samaya*, from the sixth century onward has

several of my earlier misconceptions. The above translation of the actual edict portion of this text would not exist without his efforts.

often served as the generic term of art in the Śaiva and Śākta sources for the observances of the Tantric practitioner-or *samayin*. In other words, what our literature has till now represented as somewhat tertiary dimension of “corporate law” in fact forms the conditions of possibility for the defining feature of the medieval Indic religious landscape: namely the mass institutionalization of Tantric communities openly recognized and patronized by the state, what the doyen of Tantric Studies Alexis Sanderson has described as “the Śaiva Age.¹⁸” To make sense of such an archive, and the social order at which it gestures, which will prove fundamental to furthering our understanding of the social situatedness of Tantric knowledge, we must redirect our attention and reimagine our scope of inquiry. We must turn from an obscure village in Raichur district to Basavakalyāṇa, one of the most famous imperial centers on the subcontinent, and from the fascinating but difficult register of regionalized Haḷe Kannaḍa to the more familiar environs of *śāstric* Sanskrit textuality as embodied in the Dharmaśāstra literature.

2. The Differential Establishment of the Dharmas: Legal Pluralism in the Śāstra

Composed, so its author tells us, within the confines of Kalyāṇa itself at the express command of the Cāḷukya emperor Vikramāditya VI, the *R̥jūmitākṣara* (c.1055–1126) (Acharya 1985) offers an extended learned commentary, suffused throughout with modes of reasoning inflected by Pūrvamīmāṃsā, on the circa fifth-century *Yājñavalkya-smṛti*. This work of Dharmaśāstra, which is currently being critically edited by Patrick Olivelle, was far more fundamentally responsible for shaping the organizational structure of subsequent legal literature as well as the curriculum of study expected of those who participated in courtly proceedings than its more famous archaic predecessor the *Mānavadharmasāstra*, and yet it has received substantively less attention.¹⁹ For our purposes, what is most relevant is the title of law contained within the fifteenth chapter on the division on Jurisprudence (*vyavahārādhyāya*) which bears the rather ungainly title “the division on the non-violation of the compacts (*saṃvidvyatikramaprakaraṇa*) to which Vijñāneśvara’s brief but rather pithy commentary offers

¹⁸ As is so often the case in the study of premodern South Asia, the exact historical moment when the dynamic under discussion is articulated and implemented is a matter for future research, though tentatively the evidence points towards sometime in the seventh century CE. As Shaman Hatley has thoughtfully demonstrated to me, the themes we will be exploring do not seem to inform the *Picumatabrahmayāmala*, one of the earliest of the surviving Śākta Tantras, to any meaningful degree. Indeed, even when it is covering similar topics, that text’s representations of social practice as well as its conceptualization of *samaya* are offered almost entirely free from the influence of the idiom of the Dharmaśāstras. One possibility worth considering, especially in light of the *Picumata* offering a social geography that frequently privileges the Indo-Gangetic plain and which is largely disinterested in the Deccan, or indeed, apart from Orissa, of anything south of the Narmada river, is that the conceptualization we are examining has its origins in the Deccan or Western India.

¹⁹ Previous writings on the relationship between Dharmaśāstra and the lived religious experience of diverse communities in pre-modern South Asia almost exclusively focus on the *Mānavadharmasāstra*, read as the singular instantiation of a unitary Brahminical worldview that provided the template for organizing the world, to the exclusion of other sources. In fact, as a careful reading of either document makes evident, our two surviving early commentaries on the *Mānavadharmasāstra*, namely, the writings of Bhāruci and Medhātithi, present themselves as the hyper scholastic products of the effectively atheistic Bhāṭṭa Mīmāṃsā system of knowledge. At every turn, they actively express their disgust with and alienation from the lived realities of their day, especially in regards to not only Tantric traditions but even to most of what we would label Purāṇic religion. The texts also provide little indication that these authors were practicing jurists. For more on this subject, see the author’s forthcoming publications. A slightly different case is represented by the commentary on *Yājñavalkya* by Aparārka (Apte 1903–4), generally identified with the twelfth-century śilāhāra king of the Koṅkaṇa. Prefiguring the mid thirteenth-century sea change in the conceptualization of the collectivity and the social place of Tantric systems, Aparārka’s extended anti-Tantric polemic, particularly in regards to reinventing the labor force and procedures used in the construction of temples to weed out the contributions of Śākta-śaivas was not matched by the actual policies implemented during his reign, as temples personally consecrated by the king, especially Ambarnātha, offer visual celebrations of Tantric *śilpin* culture, including large portraits of artisans and *ācāryas* lacking a twice-born’s sacred thread.

the ideal introduction.²⁰ Before turning to a close reading of the verses, Vijñāneśvara introduces our subject of study in the following manner:

And now the non-transgression of compacts is described, and its definition was shown by Nārada, who is the mouth of the (doctrine) of differentiation (*vyatireka*). *Samaya* is said to be the establishment (*sthitiḥ*) of the heretics (*pākhaṇḍa*), Pāśupatas (*naigama*), and so forth. The non-transgression (*vyatikrama*) of the *samaya* is remembered by the word “legal case” concerning that (*tadvivāda*). Another definition is that *samaya* is the differentiation of domains (*vyavasthānam*) by means of meta-rules (*paribhāṣika*) pertaining to dharma.

Non-transgression, in other words, [means] protection (*paripālana*). The sense is when one is transgressing such a thing, then a legal action comes about (ed. Acharya 1985).²¹

While in fact containing few if any fundamental innovations, these observations of Vijñāneśvara digest at least half a century of legal discourse on the transgression of compacts into elegant and accessible commentarial prose. Despite the fact that the work he is commenting on, the *Yājñavalkyasmṛti* itself, contains some of the same contents, Vijñāneśvara attributes the legal principle that governs this title of law and its implementation to “Nārada who is the mouth of the (doctrine) of differentiation.” The reference in question is almost certainly to the *Nārada-smṛti*, a perhaps seventh-century treatise on jurisprudence, which introduces the following verse, much cited in other works of medieval Dharmaśāstra, in its own tenth chapter on the non-observance of *samaya* conventions (*Samayasānanapākarma*):

In the forts and in the (*mahā*)janapadas, the king must protect (*saṃrakṣet*) the *samaya* of heretics, “Pāśupatas,” merchant guilds, councils, military collectives, groups and the like. Whatever their *dharma*s, duties, rules for worship, or mode of livelihood, he must permit them.

(Lariviere 2003)

Thus the “doctrine of Nārada” in essence amounts to mandating in unambiguous terms that the state must defend religious plurality, albeit within certain domains. Such a vision of religious freedom

²⁰ The most substantive groundbreaking treatments on this subject in relation to the Sanskrit resources remain Donald Davis’s annotated translation of the corresponding chapter of the *Smṛticandrikā* (Davis 2007) as well as his remarks in two essays, “Intermediate Realms of Law: Rulers in Medieval India” (Davis 2005) and “Dharma in practice: ācāra and authority in Medieval Dharmaśāstra” (Davis 2004). While Davis elegantly maps out the existence of parallel legal domains in the Medieval world, in both cases, unlike all of our commentators, he treats the term *samaya* as neutrally referring to any sort of arrangement or compact outside of the normal legal tradition, thereby failing to recognize its function as a term of art that comes to signify a specifically heretical community. Indeed, perhaps because many of the inscription sources he examines refer either to merchant communities, the theologically charged character of which is not immediately apparent, or Brahmin settlements, he does not remark on the theological as well as caste specific implications of these formulations. Finally, as discussed above, he offers an extremely restricted reading of the capacity of such social formations to produce laws that violate or circumvent, as opposed to simply complement, Dharmaśāstra norms, one which perhaps not accidentally almost perfectly corresponds with the recasting of these traditions we find throughout the post thirteenth-century works of *dharmanibandha*, such as the *Vīramitrodāya* and *Madanaratnapradīpa* (Kane 1948), which he and his late mentor Ludo Rocher have studied and mastered.

Davis’s writings are well complemented by two monographs by the late G.S. Dikshit of Dharwad University (Dikshit 2004; Dikshit 1964). Though largely unconcerned with the Sanskrit evidence, what Dikshit has produced, almost entirely unrecognized by Western academic scholarship, are the most detailed and nuanced studies of the actual functioning of corporate bodies in the medieval Deccan, based on an in-depth study of a large number of otherwise unexamined inscriptions.

Though it largely addresses the Tamil country, R. Champalakshmi’s *Trade, Ideology, and Urbanization: South India 300 BC to AD 1300* (Champalakshmi 1999) offers some useful accounts of the inner workings of the autonomously governed trans-regional trade organizations of the medieval period, many of which were also operative in the Deccan, though again it seeks to locate a precipitant “secular” social formation in a milieu that closer readings, of the sort this author will offer in future publications, reveal to be virtually inextricable from networks of circulation founded on shared initiations in Śākta-śaiva ritual systems.

²¹ samprati saṃvidyatikramaḥ kathyate; tasya ca lakṣaṇam nāradena vyatirekamukhena darśitam / pākhaṇḍinaigamādīnām sthitiḥ samaya ucyate / samayasānanapākarma tadvivādapadaṃ smṛtam / iti paribhāṣikadharmeṇa vyavasthānam samayaḥ, tasyānapākarmavyatikramaḥ paripālanaṃ tadvyatikramyamānaṃ vivādapadaṃ bhavattīti arthaḥ /

is founded not on an enlightenment style appeal to individual conscience, but rather on the right of essentially autonomous communities to manage their own affairs according to their own internal standards. At the same time, unlike its later Western analogs, in defending religious freedom Nārada incorporates a defense of the economic foundations that make specific ways of life possible. In other words, the state's responsibilities are directed towards communities and the lifeworlds they engender instead of towards individuals and their particularized concerns and desires.

Nevertheless, in foregrounding a defense of the dharma, rituals, and social comportment of heretics (*pāṣaṇḍa*), people who by definition stand outside of the Veda and thus are assumed to conduct their lives independent of the strictures of *varṇāśramadharmā*, Nārada offers a vision of the social texture of the medieval world that flies in the face of almost everything our textbooks have told us about the religious ecologies of medieval India at the supposed zenith of "Brahminical religion." As we will continue to see, for the medieval commentators well into the thirteenth century, "the doctrine of Nārada," with minor quibbling, was treated as simply a matter of common sense, not some wistful scholastic musing but the fixed law of the land.²²

More precisely, we might well say it was the law of *some lands*, for as a careful examination of the root text reveals, this irenic vision of religious freedom²³ is context specific and confined to carefully delineated social spaces. The nature of the first of these jurisdictions, the *janapada* or *mahājanapada*, will become apparent over the course of Vijñāneśvara's analysis. The other domain is the "fort" itself. Unlike the *Nāradaśmṛti*, which begins its discussion of the non-transgression of the *samaya* by offering a speciation of the *samaya*'s various manifestations, the *Yājñavalkyaśmṛti* consigns this issue to the final verses of its corresponding chapter. Instead, its initial focus is directed towards what at first glance appears to be an entirely unrelated subject, namely, the re-settlement of Brahmins, especially ones with military capacities, as residents of forts and the issuing to them of a land grant. Yājñavalkya's root text and Vijñāneśvara summary run as follows:

The King, having made, in the *pura*, a place, having and set down the Brahmins, who are knowers of the three Vedas and possess a land grant, there, he should say, "Your own dharma (*svadharmā*) is to be protected. That dharma which pertains to the *samaya*, being not in conflict with one's own dharma, that eternal dharma is to be protected with effort." It is done by the king.

Vijñāneśvara: In the *pura* means in the fort (*durga*) and so forth Having established means having set down some Brahmins there; "*traivaidyam*" means a Brahminical warrior band (*vrāta*) endowed with the three Vedas. Having made them to be *vr̥ttimat* or possessing a *vr̥tti* means to be endowed with gold and land and so forth. Then he should say to those

²² In a manner that should begin to make evident to us the concrete practical consequences of such a formulation, for the early modern *śāstrins*, in contrast, Nārada's (Lariviere 2003) designation of social spaces in which *varṇāśramadharmā* on the one hand, and normative court based legal proceedings on the other, may well be irrelevant, produced such consternation that these late thinkers felt compelled to use creative exegesis to fundamentally rewrite the transparent meaning of the passage we have just examined. Thus for example, writing in the vicinity of Gorakhpur, in the *Vyavahāravivekodyota* of his *Madanaratnapradīpa* (Kane 1948), the late fourteenth-century king Madanasimha sets out to restrict the permitted rules of worship and modes of livelihood referred to in the above passage to "listening to the sound of the beaten drum for the sake of being called to an assembly" and "taking the garments of an ascetic." He then proceeds to argue that the real point of the chapter on the violation of *samaya* conventions is that it gives the king permission to violate the *samaya* in all such cases where they engage in activities "averse to the king," a category that he then defines in such overextended terms as to incorporate the chewing of paan by the heretics.

That such an interpretation is basically indefensible as corresponding to the intended meaning of the root text is laid bare when we examine how the eighth-to ninth-century commentator on the *Yājñavalkyaśmṛti*, Viśvarūpācārya (Sastri 1922–24) interprets the phrase "averse to the king." In an almost identical context, namely, concerning the limits on the rights of the *samaya*, Viśvarūpācārya suggests that what is intended here is that collectivities should not make alliances with rival kings or attempt to depose the current ruler; in other words, the subject at hand is purely political considerations about treason.

²³ It is perhaps worth noting once again that there is a conceptual gap between the intended meaning of the root text which advocates more generally for the application of legal pluralism and the reception of this verse as propounding "the doctrine from the mouth of Nārada," where it has come to be understood specifically propounding religiously pluralistic principles from within a legal pluralist framework.

Brahmins: you do your *svadharmā*, you should practice that which is enjoined in *śruti* and *smṛti* and is determined by *varṇāśramadharmā* . . . what is also to be protected is that dharma that arises from the *samaya*, which might take the form of herding cows, or protecting water, or protecting the temple of the gods and so forth. Likewise, whichever *samayin dharma* there is, precisely by being non-contradictory with *one's own dharma (svadharmā)*, that is to be protected, which is made to be of such a form as the statement, “so long as traveling provisions are given (to travelling kings), horses and so forth (in other words the army) are not to be established in this region” (ed. Acharya 1985).²⁴

Commenting on this same passage, Vijñāneśvara's eighth- to ninth-century predecessor Viśvarūpācārya in his *Bālakrīḍā* (Sastri 1922–24), immediately before introducing Nārada's proof text, offers the following helpful clarifications.

Vṛtti exists for the cause of providing a livelihood or stipend. One endowed with that is *vṛttimat* . . . *kr̥tvā* (having made) means having given money (*artha*) which causes to be established a village (*grāma*), home (*gṛha*), field (*kṣetra*), or imperishable endowment (*akṣayanidhi*) (ed. Sastri 1922–24).²⁵

Essentially what this passage has done is to introduce a social institution that amounts to a funded space set aside in perpetuity, providing for the needs of a collectivity of Brahmins in accordance with their own rules and values. It has also begun to delineate that such a space is autonomous and should be protected. In order to recognize how the positing of such an unabashedly “Brahminical” institution might hold some relevance to our own investigation, which after all takes as its focus recovering the necessary preconditions for explicitly “Tantric” social formations and communities, many of which had an ambiguous if not outright hostile relationship to Brahminical normativity, we need to think about the mode of argumentation that governs Sanskrit legal discourse.

As Donald Davis has made evident,²⁶ our normative Western assumptions are that legal reasoning functions as a movement from the general to the particular, where one begins from an abstract principle, such a “rights,” moves on to a generalized status, such as the “citizen,” and then adds details to arrive at the hyper-particularized status pertinent to a specific case, for example “rights of a citizen who is a disabled mother undergoing a divorce.” Dharmaśāstra, in contrast, reasons in reverse. First it posits a hyper-particularized status that is context and identity specific, usually a twice-born Brahmin householder who is studying the Veda, and explores the dynamics pertinent to that specific status. Then, it proceeds by adducing structurally parallel cases while erasing details found in the original test case so as to account for either increasingly distinct or increasingly generalized cases. Thus, while we might be inclined to look at the above passage and see a mandate for “Brahminical normativity,” a medieval Dharmaśāstrin would see a template for making sense, if but in passing, of other types of social spaces organized in a parallel fashion, in so much as they are endowed by a king, possessing their own land grant, administered according to their “own dharma” (*svadharmā*) and protected by the

²⁴ YVS 2.185–6: rājā kr̥tvā pure sthānaṃ brāhmaṇān nyasya tatra tu / traividyaṃ vṛttimad brūyāt svadharmāḥ pālyatām iti // nijadharmāvirodhena yas tu samayiko bhavet / so 'pi yatnena saṃrakṣyo dharmo rājakṛtāś ca yaḥ //

rājā svapure durgādaḥ sthānaṃ dhavalagr̥hādikaṃ kr̥tvā tatra brāhmaṇān nyasya sthāpayitvā tadbrāhmaṇavrātāṃ traividyam vedatrayasampannaṃ vṛttimad bhūhiranyādisampannaṃ ca kr̥tvā svadharmo varṇāśramanimitāḥ śrutismṛtivilāpita bhavadbhīr anuṣṭhīyatām iti tān brāhmaṇān brūyat // evaṃ niyuktaiḥ tair yat karma kartavyam tad āha śrautasamādharmānupamardena samayān niṣpanno yo dharmo gopracārodakarakṣaṇadevagr̥hapālanādirūpaḥ so 'pi yatnena pālaniyaḥ / nijadharmāvirodhenaiva yaḥ samayiko dharmo 'yāvātpathikaṃ bhojanaṃ deyam asmadarātimaṇḍalam turaṅgādayo na prasthāpanīyā ity evamrūpaḥ kṛtāḥ so 'pi rakṣaniyaḥ //

²⁵ vṛttimad kr̥tvā brūyāt svadharmapālyatām iti / vartahetur vṛtti, tadyuktavṛttimad grāmagr̥hakṣetrakṣayanidhyādisthāpitam artham dattvety arthaḥ //

²⁶ The two essential tools for learning to think inside these systems remain the collected essays of Ludo Rocher and Davis's *The Spirit of Hindu Law* (Davis 2010) to which my discussion here is deeply indebted.

state. This for example is how Viśvarūpācārya reads the situation, albeit without displaying terribly much interest, writing “that which is the injunction of the collectivity (*samūha*) of Brahmins (referring to the endowing of a land grant and its protection) is stated here. There is this *vidhi* equally in regards to the *gaṇas*, *śreṇīs*, *naigamas*, the *pāṣaṇḍins* and so forth” (Sastri 1922–24).²⁷ It is for this reason then that our root text secondarily gestures towards the existence of other sets of dharmas, labeled “those that pertain to the *samaya*,” but which remain otherwise undefined, and grants them protection. It is only in the commentaries, especially Vijñāneśvara, that specific examples are offered of what some of the *samayin* dharmas might entail, inclusive of such things as the practices pertaining to caring for cattle or tending a temple; in other words, these are the activities that people outside of proper society preoccupy themselves with, the exact character of which is of little interest to educated legal scholars.

Indeed, displaying an absence of curiosity that pains the social historian of religion, the Indic legal tradition, especially the part directly associated with the *Yājñavalkyaśmṛti*, restricts its interest in engaging the rich legal and religious pluralism of the medieval world to a narrow band of practical concerns. First, it sets out to define the precise duties incumbent on the king when there is a transgression (*lañghana*) of the property rights, security, autonomy, or well being of a *samaya*, and the fines and punishments that are to be meted out for specific types of crimes. Thus, for example, Vijñāneśvara tells us that “the one who steals the “common” property connected to a collectivity (*samūha*), which is the people of a village and so forth—in other words a *gaṇa*—or the one who oversteps the *samaya* made by the king or by a collectivity . . . having taken away all of his money, you should deport him from the kingdom” (ed. Acharya 1985). Second, it sets out to identify who are the representatives of these communities (*samūha* or *samudāyin*) that might make an appeal to the king to be protected and to understand their internal decision making procedures, which involves arriving at a formal consensus. In Yājñavalkya’s root text, such a figure is called one who is concerned about the affairs (of the community) (*kāryacintaka*) who speaks for the benefit of the collectivity (*samūhahitavādin*). Viśvarūpācārya (Sastri 1922–24), in passing, associates this office with the “numbered” descendants of the settlers that are present for the founding of a land grant, a ubiquitous designation in the inscriptional record throughout the medieval Deccan, as in the famous trading company “the Ayyāvoḷe 500.” In the commentary of Vijñāneśvara (Acharya 1985), this *kāryacintaka* is explicitly glossed as the person representing the *janapada* or *mahājanapada* (*mahājanin*) and the *samūha* itself is identified with this same social institution. This is not the space for working through the ramifications for the study of medieval India of this rather explosive statement, but suffice it to say that the designation *janapada* or *mahājanapada* may well represent the most frequently attested property designation in the surviving records of the medieval Deccan.

It is only after having addressed these—from their perspective—more significant topics, that Yājñavalkya and his commentators arrive at the place where Nārada had started, and the set of concerns most pertinent to our own interests, namely, the juridical foundations that make possible institutionally rooted Tantric knowledge.

śreṇinaigamapākhaṇḍagaṇānām apy ayaṃ vidhiḥ /
bhedaṃ caiṣāṃ nṛpo rakṣet pūrvavṛttiṃ ca pālayet / (YVS 2.192)

This injunction also applies to the *śreṇīs*, *naigamas*, heretics, and *gaṇas*.

The king must protect the difference pertaining to them and the previously endowed land grant.

Vijñāneśvara: By *śreṇīs* we mean people who subsist from artisanal craft and temple building (*śilpa*) or by trading in a single commodity (such as merchants). By *naigamas*, we mean those who advocate for the veridicality of the Vedas because they are inculcated by learned people

²⁷ yo ‘yaṃ brāhmaṇānām samūhavidhir uktaḥ śreṇinaigamapāṣaṇḍigaṇānām apy ayaṃ vidhiḥ. Here the commentator uses his own prose sentence to frame the meaning of the root text.

(as opposed to on the basis of it being divinely authored)—in other words Pāsupatas and so forth. Heretics are those ones who do not advocate for the veridicality of the Vedas: naked ones (*digambara*), wanderers, Buddhists and so forth. By *gaṇas*, we mean *vrātaḥ*, a band of military people, those who subsist by a single trade . . . they being of four sorts . . .

There is this very injunction, which is taught by the phrase “non contradictory with one’s own dharma” and so forth: “the king must protect the difference,” meaning the differential establishment of dharma, of these groups, the *śreṇi* and so forth. And he should protect the land grant and endowment (*vr̥tti*) that was previously given (ed. Acharya 1985).²⁸

Despite their great value in enabling us to recognize that the protection by the state of a certain type of religious and social plurality was a matter of settled law for Medieval jurists, the sources we have examined thus far offer little insight into the social realities such laws were intended to govern and how they might pertain to the Tantric communities of medieval India. Thankfully, the Dharma literature preserves another source that makes far more explicit how these legal strictures form the conditions of possibility for what Alexis Sanderson has called the Śaiva Age (Sanderson 2009).²⁹ Composed in the early thirteenth century, the definitive deliberation on the law (*Vyavahāranirṇaya*) bears a most unlikely author, a Vaiṣṇava jurist named Varadarāja, whose authority continued to be invoked among Śrīvaiṣṇavas well into the time of Vedānta Deśika. In other words, instead representing some sort of partisan perspective advocating on behalf of the non-normative collectivity, Varadarāja emerges as a largely disinterested documenter whose objective is to offer an in depth and comprehensive study of all of the pertinent titles of law.³⁰ His *Vyavahāranirṇaya* (Rangaswami Aiyangar and Krishna Aiyangar 1942) is not a work of commentary, but rather of what is called *dharmanibandha*, in which a palimpsest of citations from a range of root texts on a given subject are compiled together in the service of making evident the range of legal thinking on a specific topic as well as producing an argument. As we might expect, Varadarāja begins his discussion of the non-transgression of the *samaya* with the passages we have already explored, but instead of ending his inquiry there, he then proceeds to turn to an entirely different, and much more particularized, canon of sources.

Varadarāja: Thus Kātyāyana says: “It (a collectivity) would be established by certain merchants (*vaṇijs*) who are the original ones (*mūlabhūta*), being not greedy, being possessed of resources (*vita*) and the conduct of the *kula* and of good conduct and of seniority.”

The remainder is one should make a seat of dharma.

Bṛhaspati says: “The *kārukas*, farmers, bards, temple builders (*śilpīns*), *śreṇis*, actors, bearers of religious signifiers (*liṅgins*), and thieves, *they* should do the adjudication with their own dharma . . . and likewise is the case of the military folk with regard to the army, and of the

²⁸ ekapaṇyaśilpopajīvināḥ śreṇayaḥ naigamāḥ ye vedasyāptapraṇītatvena prāmānyam icchanti pāsupatādayaḥ pākhaṇḍino ye vedasya aprāmānyam eva necchanti nagnātakasaugatādayaḥ gaṇaḥ vrātaḥ āyudhīyādīnām ekakārmopajīvinām eṣāṃ caturvidhānām apy ayam eva vidhiḥ yo ‘nijadharmāvirodhena ityādīnā pratipāditaḥ / eteṣāṃ śreṇyādīnām bhedaṃ dharmavyavasthānaṃ nṛpo rakṣet / pūrvopāttāṃ vr̥ttiṃ ca pālayet /

²⁹ In much the same way that an informed reading of the discourse on dharma presupposes a careful reading of the writings of Ludo Rocher, Patrick Olivelle (for the early sources), Donald Davis, and Timothy Lubin, the writings of Alexis Sanderson form the necessary preconditions for the study of the Tantric traditions. Though the social formation under discussion has not thus far been the object of his study, throughout this piece I make use of conceptual categories and formulations, such as the Śaiva Age and the Mantramārga that are the product of his many decades of extraordinary contributions to our discipline.

³⁰ Indeed one would have anticipated that a śrīvaiṣṇava affiliated author would make precisely the opposite sort of argument. From the time of Yāmunācārya’s *Āgamaprāmānyā* onward, the other surviving sources in the tradition set out to formulate a special exemption for Pañcarātra traditions as commensurable with the norms of mainstream religious life while advocating fervently against the application of a more capacious live-and-let live definition of religious pluralism as it would apply to all other religious communities. Though recently misread as a work on “religious tolerance,” Jayantabhaṭṭa’s *Āgamaḍambara* proceeds in a similar fashion, essentially presenting the story of how an orthodox Śaiva forms an alliance with normative Pūrvamīmāṃsakas in a manner that creates space for religious variety in so much as the tradition is ancient and does not offend Brahmanical sensibilities. This is, as we will see, a greatly truncated approach to tolerance compared to the norms in the medieval Deccan.

merchant (*vañij*) with regard to their business. But he [the king] should cause the duties of the ascetics to be done, according to the [dharma of the] triple knowledge alone and likewise for Vedāntins and (knowers of) yoga.”

The sense is: by the cause that is the dharma that is established by their own *samaya*.

Vyāsa says: Those who are appointed with regard to the duties, the *grāma*, *śreṇi*, and *gaṇas*, they are the *kula* . . . they should, independent of the king, see to addressing disputes with regard to a subject under their control (*svādhīna*) (ed. Rangaswami Aiyangar and Krishna Aiyangar 1942).³¹

Varadarāja and his sources make explicit what was only implicit in the discourse surrounding Yājñavalkya, namely that different communities not only have the right to manage their own internal affairs and conduct their own legal proceedings for those within the community, they are also empowered to do so on the basis of their own values and standards. Indeed, Varadarāja’s canon states quite plainly that the king is empowered to forcibly implement adherence to the standards of *varṇāśramadharmā* as derived from the Veda only in regards to communities comprised of Brahminical ascetics, Vedāntins, and practitioners of Patañjali’s yoga. Having spelled out what is really intended by the notion of a differentiation of domains entailing a differential application of the law, Varadarāja next surveys the domains themselves in the service of demonstrating the functional equivalence between different species of collectivities (*samūha*).

V: Thus Kātyāyana says:

“ . . . A collectivity (*samūha*) of merchants and so forth is known to be a *pūga*. A collectivity (*samūha*) of Brahmins and so forth is called a *gaṇa* by wise people. That which is a collectivity (*samūha*) of the Buddhists and Jains is called a *saṅgha* and so forth. A *vrāja* is said to be a collectivity (*samūha*) of *gavas* (cow herders) and four-footed creatures. A *puñja* is said to be a collectivity (*samūha*) of people who understand false teachings. A *gulma* is said to be a collectivity (*samūha*) of *caṇḍālas*, dog cooks and so forth. A *śreṇi* is said to be a collectivity (*samūha*) of a multitude of temple builders or *kārus* (*kārukas*). Those who act on behalf of what should be done (*kāryacintakas*) would be the ones concerned with the welfare of the *pūgas*, *śreṇis*, *gaṇas* and so forth. They who profess the welfare of the collectivity (*samūha*), by them should the address be made [to external authorities or in legal deliberation].”

V: This injunction [pertains] also to the *pūgas*, *naigamas*, *pāṣaṇḍas*, and *saṅghas* . . . (ed. Rangaswami Aiyangar and Krishna Aiyangar 1942).³²

As Kātyāyana (Kane 1933) makes plain, the Brahminical *samūha* represents but the archetypal form of a much more wide ranging institution that instantiated itself throughout the social hierarchy. Defined both in terms of what we would think of as caste and professional identities as well as

³¹ ity āha kātyāyanaḥ // kulaśilavayovṛttavittavadbhir amatsarañ / vañigbhiḥ syāt katipayaiḥ mūlabhūtair adhiṣṭhitam . . . / bṛhaspatiḥ / kīnāśaḥ kārūkaḥ śilpikusīdiśreṇinartakāḥ / liṅginas taskarāḥ kuryuḥ svena dharmeṇa nirṇayam / ye tv aranyacarās teṣāṃ ārañyaiḥ karaṇam bhavet / senāyām sainikānām tu sārtheṣu vañijām tathā / tapasvinām tu kāryāṇi traivaidyair eva kārayet // māyāyogavidaś caiva gaṇāś cādhikṛtā nṛpāḥ / svasamayāsiddhena dharmeṇa hetunety arthaḥ / tatra vyāsaḥ / kāryeṣv adhikṛtā rājñām grāmaśreṇigaṇāḥ kulam / gurusvāmī kuṭumbī ca pitā jyeṣṭhaḥ / pitāmahaḥ / vivādān api paśyeyuḥ svādhīne viṣaye nṛpām /

³² atha naigamān āha kātyāyanaḥ / nānāpaurasamūhas tu naigamākhyāḥ prakīrtitāḥ / nānāyudhadharā vrātāḥ samavetāḥ prakīrtitāḥ / samūho vañigādīnām pūgaḥ sa parikīrtitāḥ / brāhmaṇānām samūhas tu gaṇa ity ucyate budhaiḥ / yaḥ saugatārhatādīnām samūhaḥ saṅgha ucyate / catuṣpadām gavādīnām samūho vṛja ucyate / asacchāstrādhigantīnām samūhaḥ puñja ucyate / caṇḍālaśvapacādīnām samūho gulma ucyate / kāruḥśilpiprabhṛtīnām nivahaḥ śrenir ucyate / pūgaśreṇigaṇādīnām bhavyeḥ kāryacintakāḥ / śucayo vedadharmajñā dakṣā dāntāḥ kulodbhavāḥ / sarvakāryapraṇāś cālubdhā vṛddhā mahattarāḥ / kartavyam vacanam teṣāṃ samūhahitavādīnām / pūganaigamapāṣaṇḍasaṅghānām apy ayam vidhiḥ //

One may note that the likely seventh-century Kātyāyana begins by treating *naigama* as a collectivity of people from various villages (*nānāpaurasamūha*).

religious or ideological commitments, the pluralistic social realities of medieval India made room for such unthinkable institutions as the *gulma*, a collectivity of *Caṇḍālas* and dog cooks, and the *puñja*, a collectivity comprised, through euphemistically, “of those who understand false teachings.” Not only did such social spaces exist, as I will show in future publications based on the inscriptional records in the Deccan, but moreover, they were conceived of as self governing bodies administered according to their own rules by officials hailing from within the appropriate community. In other words, the judge and council who decided one’s fate within a *gulma* after reviewing the evidence against a person would have belonged to what we would now label a Dalit caste.

As his own short snippets of commentarial prose make evident, Varadarāja’s interests lie elsewhere, not with questions of caste, but rather with matter of heresy, for he is particularly intent on ensuring that the by-laws we have been discussing are recognized as being addressed to all manners of heretical communities. Towards this end, he offers an unusually detailed series of definitions of the range of belief systems that are deemed heretical, but which nevertheless are to be protected.

Varadarāja: The definition of the heretic (*Pāṣaṇḍalakṣaṇa*)

V: The definition of a *pāṣaṇḍa* is signified in the 36 doctrines.

“Those ones with bad views who do not say that there is only authoritativeness with regards to the Veda, of such folks, being Buddhists, Jains and so forth, the name of *pāṣaṇḍa* is proclaimed . . . but those ones who say that the Veda has authoritativeness as authored product of those folks, the Vaiśeṣikas and so forth, the name of *naigama* is applied”

V: . . . And likewise in the Svayambhuvāgama the six *samayas* are stated:

“The Bauddha and also the Jaina, and Śaiva, and Pāśupata likewise the Kāpālika, and Pañcarātra: these are remembered to be the six *samayas*.”

V: With regard to that, Vyāsa says,

“For *vañij* and *śilpina* and so forth, those who subsist off agriculture or artisanal craft, it is not possible to have an adjudication by others (such as learned Brahmins, on their behalf), but one should have it (adjudication) done by ones who are knowers of that (system of knowledge).”

V: This is stated with regard to all *samayas*. It is established that *vyavahāra* is to be adjudicated on the basis of the path articulated in the *śāstra* or one’s own *samaya* (ed. Rangaswami Aiyangar and Krishna Aiyangar 1942).³³

Here Varadarāja demonstrates conclusively that the medieval form of mainline jurisprudence he has exhaustively cataloged understood the codes of comportment and religious practice underlying the value systems of Buddhists, Jainas, Śaivas, Pāśupatas, Kāpālikas, as well as his own Pañcarātras as religious identities protected by the state, at least in so much as they remained operating within their own prescribed domains. It is almost certainly this title of law that underlies the perennial occurrence in the Haḷe Kannaḍa inscriptional records, especially among the Kalyāṇi Cālukyas and the

³³ pāṣaṇḍalakṣaṇam abhīhitam ṣaṭtrimśanmate / prāmānyam eva ye vede na vadanti kudrṣṭayaḥ / teṣāṃ buddhārhatādīnāṃ pāṣaṇḍākhyā prakīrtyate / pravrajya vasitā ye tu pāṣaṇḍās te prakīrtitāḥ / pauraṣeyatayā vedam prāmānyam pravadanti ye / teṣāṃ vaiśeṣikādīnāṃ naigamākhyā prakīrtyate . . .

tathā svāyambhuvāgame ṣaṭ samayā uktāḥ /
buddham caivārhatam caiva śaivam pāśupatam tathā /
kāpālam pañcarātram ca ṣaḍ ete samayāḥ smṛtāḥ //
tatra vyāsaḥ vañikśilpīprabhṛtiṣu kṛṣiraṅgopajīviṣu /
asākyo nirṇayo hy anyais tājñair eva tu kārayet /
etad uktam bhavati / sarveṣu samayeṣu śāstroktamārgeṇa svasamayena vā nirṇīto vyavahārah siddhyatīti

Hoysaḷas, of a variety of formulas which invoke the king and his wife as supporters and upholders (*samayasamuddhāraṇa*) of either the six *samayas*, all the *samaya*, or specific *samayas*, such as that of the Kālamukhas or Śrīvaiṣṇavas, all of which must be protected (*pratipālisi*).³⁴

Before we leave Varadarāja's company to bring our new understanding about the sociality from which they were almost inextricably linked to bear on the Tantric texts themselves, the *Vyavahāranirṇaya* (Rangaswami Aiyangar and Krishna Aiyangar 1942) has one last insight to offer us, namely, how the legal tradition theorizes community specific exemptions from normative law and the inextricability of its theorization of punishment from rites of expiation. These it seems are of two types, those transmitted within a lineage (*gotrasthiti*, *kuladharmā*, or *jātidharmā*) and those associated with specific places and their inhabitants (*deśācāra*).

Varadarāja: That which is practiced by those (aforementioned people), one should conceive of that as being non-contradictory with the dharmas of place, *kula*, and *jāti*.

Kātyāyana says: "On the part of which people there is a "*gotrasthiti*" establishment of *gotra* that has come down in succession according to dharma, they call this a *kuladharmā*."

V: and likewise one should protect it.

Kātyāyana "That dharma that is in operation at all times relating to a [particular] place, that is called a *deśadharmā*, because it is not contradictory with *śruti* or *smṛti*."

Bṛhaspati says: "By southern twice borns, the daughter is married to the maternal uncle. In the Madhyadeśa, there, men who are ritualists and artisans (*śilpīns*) are cow eaters. In the east, there [people] are fish eaters and women are devoted to infidelity. In the north, the women drink liquor and they are to be touched by men while menstruating . . . according to this conduct, these things are not demanding of punishment or expiation³⁵".

(ed. Rangaswami Aiyangar and Krishna Aiyangar 1942)

As one can already begin to see, and as will become even more apparent as we turn to the Tantric sources, community and lineage specific exceptions that nullify the application of punishment or expiation in regards to actions that are generally understood to represent ritual infractions and outright crimes do not just pertain to quaintly deviant cultural folkways, but provide social and legal license for people in these communities, including Brahmins, to do things like kill and eat cows and commit adultery, practices the normative legal codes would deem serious infractions of the law.

Varadarāja's subject is law, especially court-room proceedings (*vyavahāra*) and thus his analysis largely foreswears any engagement with question of statecraft (*nīti*)—in other words, with the larger implications of the state supporting and implementing the type of social order we have just been exploring. In the primary sources he has invoked, however, the two domains are often intimately connected. Bṛhaspati, for example, one of our earliest sources, likely predating the *Nāradaśmṛti* (Lariviere 2003) and thus much less attuned to the application of this mode of reasoning to explicitly

³⁴ While a statistical indexing of lexemes in the Hale Kannaḍa corpus would make evident the ubiquitous nature of this formulation, for the moment two examples will suffice. The Cālukya emperor Someśvara IV, and his Kadamba vassal Śivachittapemādi in 1215 CE are identified in an inscription from Dharwad Taluk as upholders of the *samaya* of the Lākuḷāgama (*lākuḷāgamasamayāsamuddhāraṇa*). In the corpus of *śāsanas* at Beḷur, Śāntaladēvi, the chief queen of the Hoysaḷa King Viṣṇuvardhana, is habitually identified as the upholder of all the *samayas* (*sarvasamayāsamūddhāraṇa* [sic]), as in the 1117 CE inscription 16 (V 58) of the Epigraphia Carnatica Volume 9, which surveys Hassan district.

³⁵ taddeśakulajātīnām aviruddham prakalpayet

kātyāyanaḥ / gotrasthitas tu yā yeṣāṃ kramāyātā ca dharmataḥ / kuladharme tu taṃ prāhuḥ pālayet taṃ tathaiva tu / yasya deśasya yo dharmāḥ pravṛttaḥ sārvaśālikāḥ / śrutismṛtyavirodhena deśadṛṣṭaḥ sa ucyate / bṛhaspatiḥ / udūhyate dākṣiṇātyair mātulasya sūtā dvijaiḥ / madhyadeśe karmakarāḥ śilpīnāś ca gavāśīnaḥ / matsyādāś ca narāḥ pūrve vyabhicāraratāḥ striyaḥ / uttare madyapā nāryaḥ spr̥ṣyā nṛṇām rajasvalāḥ / kṣaṣajāḥ pratigr̥hṇanti bhrātṛbhāryāmabhartṛkam / anena karmaṇā naite prāyaścittadamārhakāḥ /

thinking through questions of the social place of heresy, in the two verses that immediately precede the passage on *deśadharmā* we have just explored makes the following pointed observation justifying the application of a differentiated dharma attuned to the commitments of different communities.

Bṛhaspati: When it comes to those whose children are conceived against the grain of caste, and likewise for those who dwell in forts those dharmas, *deśa*, *jati*, *kula* and so forth are operative for them. In just the same way the people (such as these) must be protected, otherwise they will revolt. There will be an uprising of the people and the power³⁶ and treasury will be destroyed.³⁷

In short, for at least some of the authors we have been exploring, the accommodation of religious and social diversity was as much a matter of pragmatics as principle. Not interfering in the affairs of the parts of the population that might not share your values or social and religious customs, and not permitting others to interfere with, prey upon, or attempt to “reform” these communities increased the chances that the king would have a long and stable reign as well as the possibility that notable figures hailing from such communities, such as our Tatpuruṣaśiva, might contribute their talents to his political and military agenda. From the perspective of these communities themselves, being rendered socially legible and protected by the state was its own reward.

3. Tantric Compacts: Rethinking *Samayācāra*

As we direct our attention away from how Tantric communities were perceived and juridically and administratively accounted for by interpretive communities with Brahminical commitments and return to apply the knowledge we have gained to making sense of the self-understandings operating within Tantric communities, certain observations, independent of a close reading of any particular text, pointedly present themselves. The most important of these concerns the basic nomenclature for designating a Tantric initiate. Except perhaps in some of the earliest sources, such as the most archaic parts of the *Niśvāsa* corpus, the generic term for a Tantric initiate within the traditions of the Mantramārga is *samayin*—literally, one who possesses or is connected to the *samaya*. While the scholarly literature has presented this lexeme to us as effectively a Tantric term of art, the evidence on hand suggests that this is a secondary connotation and its primary conceptualization is as a legal term. In other words, before it conveys an esoteric content such as access to a specific mantra and *maṇḍala*, the lexeme *samaya* and its related agentive noun *samayin* denotes a juridical status *vis-à-vis* the state and in relation to other legislative and disciplinary bodies. It confers certain privileges and rights as well as obligations and renders the actions of the agent socially and legally legible in a manner that enables other categories of people to understand how they should comport themselves when relating to someone who bears the status of *samayin*.

That the primacy of this mode of conceptualization also has substantial ramifications for how we should think about the initiating Tantric *ācārya* or guru and his relationship with an initiated disciple who continues to dwell in his domain becomes apparent when we turn to the texts and begin to read them in tandem with the Dharmaśāstra literature. Here, for example, shorn of the sort of tradition-specific ritual detail that would have been of little interest to the practical concerns of juridical authorities from outside the community, is how the pre-seventh-century *Svayambhuvāśūtrasaṃgraha* (Goodall 2015) of the Śaiva Siddhānta presents the topic of the role of the *ācārya* and his *samayin* disciple.³⁸

³⁶ In this context, the word *bala* may specifically mean “army.”

³⁷ *pratilomaprasūtānām tathā durganivāsinām / deśajātikulādīnām ye dharmās tatpravartitāḥ // tathaiiva te pālanīyāḥ prajā prakṣubhyate 'nyathā // janāparaktir bhavati balaṃ kośas ca naśyati // BP1.1.127.*

³⁸ The following translation is lightly adapted from Dominic Goodall’s rendering in the 2015 introduction to the *Niśvāsatattvasaṃhitā*. Here the chief aim of is to bring to the reader’s awareness the numerous continuities between the register of language as well as the organizational schematas found in the legal literature we have just been exploring and the idiom of the Tantras, and not to supersede the original (changes and key resonances noted in italics).

Now an excellent *ācārya* should be illustrious: of excellent birth: very handsome: he should have true knowledge of *what is to be done and what is to be avoided* (*heyopadeyatattvajñāḥ*), *be intent on the śāsana from śiva* (*Śivaśāsanaatparah*) . . . *he should know the actions that confer authority regarding the śāstra* (*śāstrādhikārakarmajña*) . . . *he should know the rules relating to (expiation) for transgressions* . . . The *samayin* (is so called) in as much as (san) *he is established in the samaya* (*samayastha*). *He is a man who has received the entitlement* (*adhikāra*) *from the scripture* . . . *he has received the śiva-hand* (of the *ācārya* laid on his head): *he venerates Śiva, the fire, and his guru. He is subject to the guru* (*guruvadhīno*) *at all times* (*sarvadā*) *in all his actions* (*sarvakāryeṣu*) *and cannot act independently* (*asvatantras*).

(Goodall 2015)

In purely functionalist terms, the social role of the guru outlined in the *Svayambhuvasūtrasamgraha* corresponds to the function delineated, for example in Vyāsa, where an appointee overseeing the affairs of one of any number of collectivities (*samūha*) or clans (*kula*), acting independent of the king, is empowered to address disputes and manage the affairs of those who are under their sovereign authority (*adhīna*). From this perspective, at the moment of initiation, not only does an ontic transformation of the status of the soul of the *samaya* initiate take place, at the very same moment his legal status is permanently altered. Reborn as a new kind of person, in many cases specified in the Tantric texts as having undergone a change in caste identity and *gotra*, he is now subject to distinctive laws. Instead of the state and the norms of *varṇāśramadharmā*, the final binding legal authority in this person's life, so long as he remains under his care and in his jurisdiction, is now his guru. As far as the state and formalized judicial proceedings are concerned, it is the guru that is now essentially liable for his actions, entrusted with enforcing the values and laws upheld by the community to which this person belongs, and responsible for his rehabilitation or punishment. Like all authorities in the Dharmaśāstra literature, from the perspective of the state, the Śaiva *ācārya* holds an office on the basis of his mastery (*adhikāra*) over a particular body of knowledge, that in the most basic terms tells a particular class of people how to execute their duties and defines what they and should and should not do. Integral to the codification of these values and norms is the category of the *śivaśāsana*, counterpart to the textual genre of *rājaśāsana*, the legal edicts handed down by kings. This canon would have been comprised of both the general Dharmaśāstras adhered, or at least appealed to, by most kinds of Śaivas and Śākta-śaivas, namely the corpus of *Śivadharmasāstra*, as well as the individual *śāsanas* issued by Śaiva authorities, such as the decrees mandating a new investment in the regional temple and delineation of fines and punishments penned by Tatpuruṣaśiva and Vyomaśiva found at Karaḍkal.

In accordance with the evidentiary rules of the medieval courts and the expectations of medieval bureaucracies, as outlined in gloriously excruciating detail in the writings of Kātyāyana and Bṛhaspati, much of the operation of these social spaces had to be put down in writing, especially in case a cross community conflict arose and evidence had to be presented in court. Indeed, when a *samūha* met in the assembly hall (*sabhā*) to hear a case or execute the business of the community, an accountant, documenting expenditures, and a scribe, recording the decisions arrived at in session, were supposed to be present at all times. In other words, despite the fact that we have very few surviving exempla, institutions in medieval India produced a deluge of paper work, almost all of it composed on perishable materials. Bṛhaspati (Rangaswami Aiyangar 1941), for example, specifies that the types of institutions we are concerned with were to primarily dedicate themselves to the production of a type of internal document called *samayapatra* or *samvitpatras*. As with any juridical authority, it was also incumbent on such communities to issue their own *śucipatras*, letters of proof ensuring that the designated agent, having completed ritual expiation for a crime or offense, was now purified, and thus a member of the community in good standing with whom one could share space or food.

While all that remains of such documentary evidence is the rare case, like our Karaḍkal *śāsanas*, where some slight fragments of this content was rather unusually transferred onto stone, there is reason to believe that another source survives that offers us more indications of the sort evidence and authorities that would have been invoked when Tantric gurus acted as juridical authorities or when

their communities went to court, namely, the entextualized content found within “community specific *śāstras*.” In Tantric discourse, as it has frequently been noticed, the terms Tantra, *āgama*, and *śāstra* are often used interchangeably; in other words, in this case *śāstra* likely refers to the entextualization of social codes of conduct articulated with an eye to potential judicial review as found within the Tantras themselves.

In engaging with these exciting possibilities, we will restrict our analysis to two genetically related sources, both of which arise from traditions associated with the Bhairava Tantras. The first is found in the most familiar work in the corpus, the Svachchanda Tantra (Kaul 1926), and incorporates what is probably the most famous non-esoteric citation in our literature from the Bhairava Tantras, namely, the passage where all initiated devotees are declared to belong to “the caste of Bhairava.” The second, in contrast, is from an unpublished work on temple construction and ritual installation (*pratiṣṭhā*), the *Piṅgalāmata*, a plausibly pre-tenth century Tantra that I am currently editing from manuscript, which has a rhetorical and intertextual relationship with both the *Picumatabrahmayāmala* and the *Jayadrathayāmala* and is particularly rich in its representation of the social texture of Tantric life.

In her recent book, *Hindu Pluralism: Religion and the Public Sphere in Early Modern South India* (Fisher 2017), as a prelude to conceptualizing the distinctive logic of the sectarian age of early modern South India, Elaine Fisher directs our attention to a passage in chapter four of the *Svachchanda Tantra* as providing evidence of the self-conception of distinctiveness held by Mantramārga communities not aligned with Brahminical normativity. In light of the present essay’s recovery of the juridical foundations that both underwrite and inform the conceptualization of much of Tantric social practice, both this same passage as well as the larger interpretive context in which it is embedded would benefit from a complementary reading of the rhetorical structure of the text that treats it as at once revelation and legal document.

Those who have been initiated by this very procedure, O Beautiful-Faced One, Brahmins, Kṣatriyas, Vaiśyas, śūdras, and others likewise, O Dear One, All of these have the same dharma—they have been enjoined in the dharma of Śiva. They are all said to bear matted locks, their bodies smeared with ash. All Samayins should eat in one line, O Beautiful-Faced One. There should be one [line] for Putrakas, one for Sādhakas likewise, And one for Cumbakas—not according to one’s prior caste. They are remembered in the *smṛtis* as having only one caste: that of Bhairava, imperishable and pure. Having had recourse to this Tantra, one should not mention someone’s previous caste. Should a man mention the prior caste of a Putraka, Sādhaka, or of a Samayin, he would require expiation (*prāyaścitta*), O Goddess. He burns in hell for three of Rudra’s days, five of Keśava’s days, And a fortnight of Brahmā’s days. Therefore, one must not discriminate, if he wishes to obtain the supreme goal.

(Fisher 2017, pp. 36–37)

At the same time that this text offers an emancipatory vision that rejects normative Brahminical standards concerning purity and impurity, at least among fellow initiates, it is also structuring itself in manner that renders it legible within the domain of medieval jurisprudence. After first identifying the normative expectation that is going to be violated, it delineates a particular type of social agent, the initiate, and identifies that, in contradistinction to the general rule, initiates from all caste categories are subject to a single Dharma—namely, *Śivadharmā* inflected by a few divergences which will now be discussed. The physical indications of how to identify such people visually is then related, as well as the fact that for this status of people normative *varṇāśramadharmā* caste rules are suspended, especially as pertains to eating and sharing food and space. Instead of rejecting conceptualizations of caste in toto, as many later Kaula texts will do, however, the Svachchanda Tantra appeals to the category of *jātidharma*. As we have seen in Varadarāja’s sources, this amounts to a separate community specific set of differentiated metarules that can supersede expected norms the defense of which is mandated by the state. Initiates in our tradition, we are told, belong to the *bhairavajāti*, a protected category, the contents of which is outlined in the Tantras. Invoking precisely one of the same formulaic tropes one

finds on copper plates and *śīlāsāsanas* issued at the establishment of an everlasting land grant, the one who violates the enjoined statute is said to be consigned to roast in hell (*narakaṃ pacyate*).

Expanding our perception to take into account the verses that immediately precede this discussion reveals that the rejection of caste consciousness, at least in regard to fellow initiates, and the partial suspension of normative purity codes prescribed by the Bhairavasiddhānta, was not some clandestine subaltern practice enacted by people furtively seeking to escape censure, but was instead a site specific norm that was effectively written into the zoning laws of the Medieval world.

The disciple should worship the guru according to proper procedure, with all the available resources. The superintending authority of the country should offer the *guru* 100 villages and a *sāmanta* feudal vassal should offer half of that. Someone who has use of 100 villages should offer five villages and someone who has use of 20 should offer one. Someone who has use of a village should offer a field, and someone who has use of a field should offer 20 (units of currency or his shares of his crop). By whatever thing the guru might become satisfied, he should offer all of that. In this way, the one who is devoid of fraud with regard to [the extent of] his wealth, he becomes not indebted (ed. Kaul 1926).³⁹

Assuming we are to take the Svachanda Tantra's representation of the social domain in which initiates in the Bhairava Siddhānta were operative as descriptive as opposed to aspirational, the communities such practices engendered and the resources they would have consumed were more closely comparable to that of a regional polity than to a village.⁴⁰ Succinctly, we are talking large numbers of people with a "deviant" habitus occupying large tracts of land, who are not only openly recognized by regional and trans-regional authorities but are actively being supplicated by them.

Our only surviving commentarial work on the Svachanda Tantra was composed by the eleventh- to twelfth-century Trika Śaiva exegete Kṣemarāja. Quite apart from his own theological agenda, Kṣemarāja is a careful and informed reader of Tantric scripture, and the insights he offers in his reading of these passages⁴¹ regarding the theology of donorship and their relation to initiation are worth pausing to ponder (Kaul 1926).⁴²

Invoking the *nyāya* of the cake on the stick (*daṇḍāpūpika-nyāya*), medieval India's equivalent of "a spoon full of sugar helps the medicine go down," Kṣemarāja tells us that at the time of his initiation, by his guru, "a student possessing such wealth is perfected to be without greed." Through surrendering

³⁹ SvaT 4:535–37: deśādhyakṣo grāmaśataṃ maṇḍaleśas tadardhakam | śatabhuk pañca vai dadyād grāmaṃ viṃśatibhuk tathā || dadyāt tu grāmabhuk kṣetraṃ kṣetrabhoktā tu viṃśatim | yena yena gurus tusyēt tat sarvaṃ vinivedayet || tatas tv anṛṇatām yāti vittaśāthyavivarjitaḥ |

⁴⁰ The evidence for this dynamic as a defining feature of the religious life of the Deccan is considerable.

Restricting ourselves simply to some of the evidence associated with Karaḍkal itself, an inscription from 1191 CE found in nearby Lingsugur registers the donation of 100 mattars of land to support a temple complex associated with the *ācāryas* of Karaḍkal. If, as the most recent volume on the weights and measures of Medieval Karnataka suggests, each mattar amounts to about 15 acres, this single donation expanded the lineages holdings by 1500 acres of land or well over 1000 football fields. Under the variant name Karadikalla, the place is mentioned with some frequency in the epigraphical records of eastern Maharashtra as the central focus of a network in the greater Cālukya world comprised of several hundred monasteries. Though scholars of Marāṭhī have usually assumed this is a variant name for Kardakheḍ, a Rāṣtrakūṭa subcapital, the fact that the place is characterized as housing a temple of Someśvara on the bank of a lake and is usually represented in tandem with the town of Liṅgi or Liṅgisur as well as nearby Neville, strongly suggests its identity with our location in Raichur district more than 150 miles away.

⁴¹ vittaśāthyē sati lobhādiyuktasya śarīrādipramātrtvānuga [unknown number of characters missing] . . . iti dikṣāsaṃskāro 'sya na samyagvṛtta ity anumīyate | yatra ca śiṣyasyeḍrg vṛttaṃ tatra gurur daṇḍāpūpikayaiva nirlobhaḥ siddhaḥ | ata eva prāk—"puṣpaṃ pānau pradāpayet" (4.536).

In the last line in the above cited text, Kṣemarāja refers the reader to the following passage earlier in his commentary for further clarification: pūrvaṃ (paratattvasya) kalpanāya dattaṃ darbaṃ vimuñceti śiṣyaṃ prayujya pāriṭoṣikaṃ puṣpaṃ aśya haste dadyāt | yad vā niḥvivakṣitas tena gurur ātmanaḥ pānau pradāpayed dehīti śiṣyaṃ prayuñjita, vidhir dakṣiṇāhīno mā bhūd ity abhiprāyāt | evaṃ ca vadan guro niḥsprhatvaṃ sūcayati | śiṣyas tatkalāṃ vittaśāthyahīno yad dāti dadātu tat, guruṇā tu niḥsprheṇaiva bhāvyaṃ ity arthaḥ || (4.451).

⁴² Here we proceed with the usual caveat that Kṣemarāja's core intellectual project is to programmatically read into the root text the conceptually distinctive theology of his own lineage so as to cast the Tantric corpus as whole as univocally in alignment with the Śivādvaḥya perspective of his teacher Abhinavagupta.

his wealth, the new disciple surrenders his pride, which, from Kṣemarāja's perspective, is a necessary component in becoming able to generate the embodiment of the supreme reality. At the moment when the flower that the new disciple will cast into the *maṇḍala* is handed to him by the guru, we are told, the guru internally forms the following intention, "let there not be any command (given) that is devoid of a donation from the student (*dakṣiṇā*)."⁴³ In a spirit somewhat akin to progressive taxation, we are told, that "at that time, the student who is devoid of fraud with regard to money, whatever he reaps, let him give that. Thus by the guru who is completely free from desire, it should be enacted in this way. Then he should be made to listen to the *samayās* in the Tantra that has come forth from Bhairava."⁴⁴ In short, what is being prescribed is that initiation comes with a deliberately exacting cost and entails the confiscation, for use by the community into which one is entering, of a good portion of the material acquisition that had taken place in one's former life. Once this surrender has taken place, the new initiate is then introduced into the new community specific laws, once again called *samaya*, that will from here on in govern his existence. In its fifth chapter, the Svachanda offers a brief glimpse of a few of these regulations.

He should not do violence to the property of the god, which in the *siddhānta* is administered in a range of ways. He should not eat the guru's food that is not given to him, O Goddess.

The ones who are without the conduct (*nirācāra*) should not cause those who observe the *ācāra* and bear the signs to be disgusted by wine, meat, fish and other things.

Feeding the *caru* always (to the *sādhakas*), he should cause the guru to be worshipped and he should never touch the implements for worship with his foot, O Mahādevī.

He should be constantly thinking about the *saṃhitā* and he should make the *bhaktas* listen to the recitation (of the *scripture*). One should not omit the daily ritual with the ritual at the junctures, O beautiful faced one. He should not practice the procedure from the *śāstra* in front of non-initiates. Always intent on meditation and *japa*, one should worship the god at the three junctures. Out of a desire for the fruits of both aims, he should cause the *samaya* to be protected (ed. Kaul 1926).⁴³

Kṣemarāja in his analysis suggests that the *samaya* regulations outlined in these verses, entailing a mix of what we would think of as property law, ritual actions, and purity codes, are subdivided between four categories of initiates, with the first verse directed at the basic *samayin*, the middle ones pertaining to various kinds of *vīras* and *sādhakas* who engage in specific transgressive *sāadhanās* involving the consumption of impure substances, and the last pertaining to the guru or those authorized by the guru to act in his stead as theo-juridical authorities. On the basis of other texts available to us from related traditions, what is presented here is most likely just some sample examples of the relevant regulations, and not the complete *samaya* itself.

A much more substantial presentation embodying both the scope and colorful character of Tantric law and the disciplinary procedures it entailed occurs in the long chapter on ritual expiation (*prāyaścitta*) contained in the *Piṅgalāmata*, a text largely dedicated to presenting the *dharma* of *śilpin* initiates, but that in these chapters frequently takes as its subject in more general terms the sort of Śākta ritual initiate adept who is eligible to sport with *Yoginīs*.⁴⁴ As counterintuitive as it might seem, within both

⁴³ SvaT, 5:47–52: devadravyaṃ na hiṃsyāt tu siddhānte yad vyavasthitam | guror annaṃ na bhuñjīta adattaṃ parameśvari | | madyaṃ māmsaṃ tathā matsyaṃ anyāni ca varānane | śācārās ca nirācārāṃl liṅgino na jugupsayet | | carukaṃ prāśayan nityaṃ gurūn sampūjayet sadā | upaskārān mahādevi pādena tu na saṃspr̥ṣet | | saṃhitāṃ cintayen nityaṃ bhaktānāṃ śrāvayet sadā | āhnikāṃ na vilumpet tu sandhyākarma varānane | | adīkṣitānāṃ purato noccarec chāstrapaddhatim | trikālaṃ pūjayet devaṃ japadhyānarataḥ sadā | | samayān pālayan nityaṃ ubhayārthaphalepsayā | |

⁴⁴ The source text used in the following translations from *Piṅgalāmata* are from the author's own edition in progress of the text presented without the critical apparatus. It is based on two eleventh century Nepalese manuscripts (OR 2279 from the British Library and NGMCP 3-376/vi), a Devanāgarī transcript (A166/5) that occasionally transmits additional text and preferable readings, as well as some occasional testimonia offered in other sources. It also makes use of the Muktabodha transcript of NGMCP 3-376/vi prepared under the direction of Mark Dyczkowski. This has been invaluable in studying

normative Brahminical and “Tantric law”, *prāyaścitta*, often entailing extended fasts combined with mantra repetition, functioned at once as the premiere disciplinary regime, supplementing monetary fines and corporal punishment, as well as modes of criminal rehabilitation through which those guilty of crimes and transgressions were able to rejoin their community in good standing. As we saw earlier, in Bṛhaspati’s discussion of *deśācāra*, the delineation of whether a particular action requires *prāyaścitta* on the part of a particular kind of social agent is precisely how the legal tradition labels a specific action as crime when it is undertaken by a specific kind of person under particular circumstances. Comprised of the sort of rules that R. Sathyanarayanan and Dominic Goodall have familiarized us with in the former’s edition and translation of the dualistic Śaiva Siddhānta’s *Prāyaścittasamuccaya* (Goodall and Sathyanarayananand 2014), as well as some other exceptionally eccentric ordinances, the Piṅgalāmata’s treatment of law is extensive and will have to be treated more comprehensively on another occasion.

For the moment, we will have to make due with a taste of the range of regulations it presents, as well as its unusually detailed account of the due process associated with executing and completing a ritual expiation.

If while reciting [*mantras*, the initiate] drops his *japamālā*, he must recite 1000 [expiatory *mantras*]. If the *sādhaka* is overcome by sleep and falls on the ground [in the middle of ritual] he must repeat half a *lakh* [of expiatory *mantras*]. [If this lapse is not intentional] he should repeat 1000 If his foot should touch the god or the guru and likewise the *śāstra*, then half a lakh is to be recited. If one touches the god, the guru, or the *śāstra* with one’s foot out of intoxication, one must recite 10,000 but if out of desire a million . . . if the *āgama* text is injured or a book in the tradition becomes worn out or is covered in ghee, having offered oblation into the *agnikūṇḍa*, one should repeat a hundred of the *vidyā mantra* In regards to the occurrence of the striking of a four footed animal, you have to say the *mantra* a certain number of times. If this results in killing [the animal] you have to say it 100 times.

Having struck a twice-born who is not enjoying himself with a *mantra* that causes desire . . . one should repeat [the expiatory *mantra*] a thousand times.⁴⁵ Having killed the *paśu* (non-initiate) for the sake of the sacrifice [or a *paśu*] who is a defiler of the practice of the Tantra, there is always no impurity in regard to those two killings . . . otherwise, having killed men out of delight [in regards to] a Jain, ones with an upward *liṅga*, or people with Vaiṣṇava signifiers, there is no difference . . . you must recite 10,000 [expiatory *mantras*]. If you kill someone who is a reviler of Śiva, the fire, or the guru, you do not partake of any fault.

However, from the transgression of the shadow of the one bearing a vow of Śiva, [the punishment] would be a hundredfold. If you kill one of them unintentionally, you must recite 50,000 *mantras*. If you intentionally kill (such a person), you must recite a million, or 10,000 if this takes place during a quarrel However, regarding the vilifying of *Vīras* or the defiling of *yoginīs*, the beating of human women, or reviling the Śiva gnosis, you must recite 30,000 and if he does not recite it he partakes of an obstacle. If you revile the substances that are established in a circle of Śākta adepts (*vīracakra*), (well) if this happens at the time of a

this work, though sadly NGMCP 3-376/vi is by far the most corrupt of the available resources. Based on internal evidence, inscriptional evidence from the Deccan, as well as citations of the text preserved in Bhaṭṭa Vidyākāṇṭha’s commentary on the *Mayasamgraha*, a date of composition placing it the early tenth or even ninth century is plausible. My thanks to Shaman Hatley for sharing his manuscript evidence with me. Hyper and hypo-metricalization is present in some verses and has not been corrected.

⁴⁵ This is the interpretation of this curious line arrived at while reading with Dominic Goodall. My colleague Anand Venkatkrishnan has suggested the following alternative possibility,

“If a conjurer who acts unrestrainedly should kill a twice-born just for the fun of it . . . ”

quarrel, then with a thousand repetitions one becomes sanctioned as pure (*śucir*). Otherwise the food (of the *vīras*) has to be eaten with the agreement of the *vīras*.⁴⁶

What to us would seem to be serious crimes as opposed to ritual missteps here in Tantric law are understood to represent effectively the very same kind of offense, to be judged only on the basis of the severity of the infraction. In contrast to this divergent conceptualization of what constitutes a crime, as is the case in much of American criminal law, the most important mitigating factor is the intentionality of the offender and circumstances under which the offense takes place. Consistently, transgressions committed accidentally, in a state of mental or emotional intoxication (*pramādi*), in the middle of a fight, and also in the service of accomplishing specifically ritual aims are treated much less harshly than crimes that are deliberately committed. Much as we find today in modern India, albeit perhaps contingent on different historical circumstances, offending the religious sensibilities of specific communities by ridiculing their practices and values amounts to a form of violation judged as severely as many violent offenses.⁴⁷

At once the most horrific and intriguing dimension of the portion of the code of law under examination is the way in which it gives open sanction to many types of murder. Killing certain classes of people, under certain circumstances, simply ceases to be a crime. As appalling as this may be to the modern reader, at the same time it is difficult to think of a more vivid and irrefutable representation of radical legal pluralism, in which the very notion of what constitutes an unforgiveable offense that the state must address through banishment or corporal punishment has been reframed in light of a differentiated application of meta-rules emerging from the dharma of a specific location and community.

Regardless of the nature of the transgression committed, however, assuming it is the sort of activity one can atone for, the denouement of a period of ritual expiation would have looked roughly the same. The reformed criminal presents himself before a board comprised of Tantric adepts wielding juridical authority, at the head of which sits the guru. After providing proof that he has performed his expiation, he then attends to and appeases the board. If his plea is accepted, as a mark of his re-inclusion in the community, to demonstrate commensality, if he has the proper Śākta initiations he consumes the *vīradravya*, a concoction composed of a mixture of liquors, fish, meat, and wine, and perhaps inflected with the five products of the human. Apart from the contents of the substances being consumed, which in Dharmaśāstra would be limited to the five products of the cow, the entire process enacted during this review is effectively identical with procedures for the reviewing and restoration of purity a Brahminical *sabhā* of Dharmaśāstrins would have enacted on a regular basis well into the twentieth century.

In a pure place, without people it is to be recited such that it [the expiation *mantra* set] is fulfilled. Once the *japa* is finished he should offer the *japa* to them [the council].⁴⁸ One has to feed them and give to them the compilation of substances known of as *vīra*. Otherwise,

⁴⁶ Piṅgalāmata Prāyaścittapaṭala: japataś cākṣasūtran tu patanād ayutaṃ japet | nidrayā cābhibhūtas tu patate sādḥako bhūvi | | tadārddham lakṣajaptavyaṃ na yated ayutaṃ japet | devagurun tathā śāstraṃ pādena spr̥ṣate yadi . . . sīrṇāgamaś ca siddhāntaprastaṃ jīrṇaṃ ghr̥taplutaṃ | agnikuṇḍe tu hotavyaṃ hutvā vidyāśataṃ japet . . . ninirmite catuspādaghātanena vadhāśataṃ | nirvinodaṃ dvijāṃ hatvā kāmākāreṇa mantriṇā . . . yāgārthaṃ ca paśuṃ hatvā taṃtrācārasya dūśakaṃ | | na doṣe dvivadhe nityaṃ . . . anyās tu mānuṣāṃ hatvā tadarthaṃ vā vinodataḥ | | kṣapaṇaṃ corddhalīṅgināṃ tathā vaiṣṇavalīṅgināṃ | na bhedaṃ nirmimite tu bhedaḥ vāpy ayutaṃ japet | | śivāgnigurunindānāṃ teṣāṃ hatvā na doṣabhāḥ | | śivavratadharacchāyāṃ laṃghanāc chaśatadhā bhavet | | hatvā teṣāṃ akāmāc ca pañcadhāyutakaṃ japet | | kāmato niyutaṃ jāpya kalahenāyutaṃ japet . . . vīrānāṃ nindane caiva yogināṃ ca dūṣaṇe | strīṇāṃ ca tāḍane caiva śivajñānaṃ ca dūṣaṇe | | ayutatritayaṃ jāpyaṃ na japet vighnabhāḡ bhavet | dravyānāṃ dūṣaṇe caiva vīracakre ca samstḥite | | tatkāle kalahotpanne sahasreṇa śucir bhavet | athavā bhōjanaṃ kāryaṃ vīrānāṃ sammatena tu | |.

⁴⁷ For further details on this controversy, see for instance [Adcock \(2016\)](#).

⁴⁸ The Sanskrit in this passage strictly speaking does not specify that a council is the recipient of the *japa* and offering of the *vīradravya* but the notion is implied. Thus in the final verse, it is “the knowers of the mantra,” and not only the guru, conducting the final deliberation concerning the success or failure of the expiation, a pattern in keeping with the logic of delegation we find in the documentary records.

if there is no *bhojana*, then he should not be one who feeds them [the council], even if there is a recitation scheduled. On the occasion of the determination of the purification by the guru (and the council) for consumption you have to offer him foot water (*prāśana*) and flowers, *tāmbūla*, *candana*, for wearing and for smearing. The knowers of *mantra*, according to their capacity, having made the determination [regarding whether or not the expiation is sufficient], it has to be accepted. When the *prāyaścitta* has been executed (*sucīrṇe*), he [the formerly guilty party] should abide without obstruction [from members of the community].⁴⁹

4. Governing Metaphor? Or Just Plain Old Governing?

In the fifteen years since Ronald Davidson published *Indian Esoteric Buddhism: A Social History of the Tantric Movement* (Davidson 2002), despite methodological advances in nearly every other arena, the study of Tantra in the American academy has yet to produce a convincing treatment of the social texture of Tantric life and its place within the larger cultural world of medieval India. In a large part this state of affairs is but an extension of the sad reality that, apart from the study of the Tamil South, in comparison with the historiography surrounding any other heavily entextualized society in the pre-modern world, and quite in contrast with the situation regarding the study of early modern Indian religion and culture, the literature on the Indic Medieval languishes in an impoverished state. At the purely documentary level, outside the specialized domains of aesthetics, architecture, and ars erotica, we have not provided informed answers to the most basic questions about the dynamics of social life, nor have we offered textured accounts of specific historical moments. Instead much of our scholarship has retreated into a rarefied fog of sweeping theoretical claims grafted in an ungainly fashion on top of second hand structuralist social analysis. On the whole, as is the case with Davidson, whose notion of *sāmanta* feudalism he acquires from B. Chattopadhyaya (Chatopadhyaya 2012), these social frameworks are borrowed wholesale from Indian scholars with Marxist commitments. While deeply well read in their canons and capable of considerable insights in regards the documentary record, the training and institutional location of these scholars renders them singularly unsuited for thinking about religion in India in a nuanced manner.

Shorn of more sophisticated and elegant verbiage, offering a Marxist materialism already deemed crude in the 1960's, in essence these models claim that religion as ideology entails nothing more than the projection of real world social structures and power dynamics into a realm of fantasy. In that domain of enforced self-deception, at best, social actors can manipulate and attempt to subvert the semiotic framework that keeps them in bondage. When one compares such a working framework with the rich representations that have become commonplace to the study of the social and intellectual history of the Western Medieval since the 1980's, in which sophisticated thinking about the multifaceted work enacted by religious texts and the religious actors who composed and disseminated them have become commonplace, the limitations of our literature are rendered palpable.

At the conclusion of his seminal chapter, "The Victory of Esotericism and the Imperial Metaphor," Davidson speaks of the adoption of Esoteric Buddhism as stemming from "the palpable sense of institutional duress" produced by "the rise of militant Śaivism and its capacity to appropriate patronage." It was this dynamic, he suggests that led Institutional Buddhism to contract "into the regions of strength and into edifices mimicking feudally grounded fortresses, which mirrored in legal behavior the activities of the kings they cultivated." In short, supposedly, it was the defensive position adopted by a tradition in decline that engendered the esoteric tradition emulating "in ritual form and ideological substance the most potent narrative of the period—becoming the Supreme ruler of a circumscribed spiritual state . . . they imitated the structures and rites of those who were the first Lords

⁴⁹ vijane ca śucisthāne japtavyaṃ yāvat pūryate | saṃpūrṇe tu jape caiva japas teṣāṃ samarpayet || tebhyo bhojyaṃ pradātavyaṃ virākhyāṃ dravyasaṃbhṛtaṃ | yady asau bhājanaṃ naiva abhojye japiteṣv api || athavā puṣpatāmbūlacandanādahapṛāśanaṃ | dhāraṇe lepane śuddher guruṇāṃ avadhāraṇe || yathāśaktyā tu mantrajñaiḥ kartavyaṃ cāvadhāraṇaṃ | prāyaścitte sucīrṇe tu vartayec cāvirodhataḥ ||.

of the Maṇḍalas, the petty lords and regional rulers (Davidson 2002, p. 167).” Ironically, shorn of its emotionally charged language and unwarranted judgments, what Davidson offers us here is probably the most accurate account in our literature of the bare facts of a substantial dimension of Tantric social life. As we have seen, the social space in which many communities of Tantric adepts situated themselves under the oversight of an empowered preceptor had for its archetype the establishment of a fortress. The institutional work carried out by these social agents was in fact enacted in the same medium and in the same tropological register that was deployed by imperial powers and their *sāmanta* vassals, up to and including, as we have documented exhaustively, the same sort of “legal behavior.”

Where Davidson’s ideological commitments lead him astray is in viewing these dynamics as mere copies of a fundamentally more real “original.” In fact, what our documentary record seems to suggest is that Tantric social agents frequently spoke and acted in the shared medieval idiom of the powerful precisely because they, or the head of their lineage, wielded, albeit often within more circumscribed spaces, the same type of powers as kings and their networks of vassals. Acting from within this socially prescribed role was a legal and practical necessity for rendering themselves legible to the state and other such institutions. Along similar lines, the many homologies between the contents of scripture and the strictures “imposed” by society demand to be read in terms of the evidentiary role that scriptures played in offering documentation of a community’s values, practices, and privileges in a manner that would be admissible in a court room. And the fact that the very same social processes were playing out among the ascendant “militant Śaivas” renders it implausible that the social life of the Tantric movements can be accounted for as the flailing final efforts at adaptive survival enacted by a community in decline. In this light, the present article—with its attempts at a textured and contextual close reading of the documentary record and prescriptive emic accounts, placed into direct dialogue with the Tantric scriptural canon—offers a preliminary effort to dialogue Tantra and law in the Medieval Deccan, documenting the dynamics of social and juridical institutionalization that animated Indic medieval social spaces.

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