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Asset Markets, the Agency Problem and Gifts to the Early Medieval Buddhist Sangha in India

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Abstract

In this paper, I look at one aspect of one code of Buddhist monastic conduct (vinaya) from early medieval India, which reflects the tension between the need to satisfy bodily needs in monastic life and self-indulgence. In particular, I look at the nature of gift made to the Buddhist Sangha, particularly real estate and connect it to rules of ownership of material goods by the monks.

Some scholars have argued that durable gifts, such as land and cloth to the Sangha were not one-time events. Rather, they created an extended bond between the donor and the Sangha that entailed both rights and obligations for both parties. Why does the vinaya presuppose and, to some extent, impose such a continuing relationship between donor and Sangha? Why should donors have obligations beyond their initial donation? I suggest two different market- and management-based explanations for these unusual gift relationships.

My hypotheses have implications for the dating of this vinaya. Furthermore, they support the idea that monastic decision-makers were aware of the economic and social environment in which they lived and modified vinaya rules to ensure their survival. From a juridical point of view, such an approach to explaining aspects of the vinaya could provide guidance to contemporary monastic leaders that have to deal with implementing vinaya rules in a changing world.

Keywords: Asset Markets, Agency Problems, Religion and Economics, Economic History

JEL Codes: N15, N35, K10, G10, L14

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Contents

1. Introduction

Buddhism as a religion historically appeared in India sometime in the fifth century BCE. It was founded on the teachings of Shakyamuni, commonly known as Gautama Buddha. His teachings were part of the Sramanic movement and represented a non-Vedic approach to understanding reality. Having been born in a princely family and experienced luxury, he is said to have tried ascetism and rejected it as an answer to his questions about how to achieve liberation from suffering. Ultimately, he went to Bodhgaya, where he became enlightened. He taught the Four Noble Truths, which embody the idea that suffering is due to the desire for things that are not ultimately real and that liberation from suffering is achieved through the cessation of such desires. He preached the Eightfold Path, which emphasizes the Middle Way.

Although Shakyamuni Buddha rejected the path of asceticism, he nevertheless permitted and arguably encouraged a controlled living environment for men, where they would focus on liberation from desires. Such environments in a Christian context are sometimes associated with self-deprivation and asceticism; and in the Buddhist context as well, the monastic life involved physical discipline, if not deprivation. This need to ensure the proper environment for self-development in terms of conquering desire without crossing the line into self-deprivation led to some interesting tensions in the mode of monastic conduct, such as, for example, the provision of servants who may well have been slaves in an environment supposedly free of caste biases (Schopen, 1994c). Another is the initial prohibition on ownership, which eventually was modified to allow ownership of thirteen types of monastic necessities, but which in principle went even farther.

The Buddhist texts laying down rules for the organization of monastic communities lay down rules dealing with such issues. Rules for individuals can be prescriptive and left to the individual to follow or not. However, when individuals live in groups, the actions of one individual can affect the well-being of others; hence rules need to take into account the likely behavior of group members and build in rules that elicit appropriate individual behavior. Groups also need to plan for their sustainability and continuity in an uncertain world. Finally, groups need to consider the effect of rules on the behavior of non-group members and their impact on the well-being of the group. In this paper, we look at descriptions and prescriptions of Buddhist Sangha texts regarding gifts; we focus on one aspect in particular, namely the extent to which gifts may not have effected full transfer of ownership in these gifts to the Sangha. By looking at the social and economic context in which the Sangha operated, we try to explain the formulation of the statements in Buddhist texts regarding gifts.

2. Texts

The Pali Buddhist canon consists of what is the Tipitaka, or the three baskets: the Suttapitaka, the Vinayapitaka and the Abhidhamma. The Suttapitaka or the Basket of Discourses consists of discourses, supposedly uttered by the Buddha. The Abhidhamma consists of doctrinal expositions of the teachings expressed in the Suttas. Finally, the vinayapitaka is a code of monastic conduct. There are Chinese and Tibetan traditions, which have their own canons, which differ somewhat in their contents. The vinaya exists in different forms; different sects had different versions of the vinaya, though not all sects had their own vinaya. There seem to be six different vinayas that exist today in full or in part: the Pali Vinaya or the Mahaviharin Vinaya, which is also called the Theravada vinaya (available in Pali); the vinaya of the Sarvastavadin school, the Chinese Vinaya of the Mahishasaka school, the Mahasanghika vinaya, the

Dharmaguptaka vinaya (available mostly in Chinese translations from the fifth century[1]) and the Dulva or the Tibetan vinaya of the Mulasarvastavadin school. The Pali vinaya is supposed to go back to the first century BCE, although extant manuscripts are from a much later date (Clarke, 2014).

The MSV is available in more or less complete form in a Tibetan translation from the 9th century. Certain sections of the MSV are to be found in a Chinese manuscript from the 8th century. However, parts of the MSV were discovered in 1931 in Gilgit in what is now Pakistan, in literary Sanskrit (not mixed Sanskrit). A wide variety of dates have been proposed for the MSV from the first century CE (Schopen, 2004) to the sixth/seventh centuries (Clarke, 2014). Clarke (2015) suggests that there may even have been multiple Mulasarvastivada Vinayas. The Tibetan Derge edition of the MSV contains 4000 folios in 13 volumes. It contains not only the actual rules for monastic conduct, but also many heroic, comic and fantastic stories. In addition to the MSV itself, there is also a summary or handbook of its rules, called the Vinayasutra, authored by Gunaprabha, who it has been suggested may date from the time of Harshavardhana (606-647 CE) (Schopen, 1994). We propose to look at one aspect of one code of monastic conduct, namely the Mulasarvastivada vinaya (MSV, henceforth) that some have argued reflected this tension referred to earlier between satisfaction of bodily needs and self-indulgence. In particular, we will look at the nature of gift made to the Sangha, particularly real estate and connect it to rules of ownership of material goods by the monks.

3. The nature of the problem

Gregory Schopen in his many articles on the MSV, argues that durable gifts, such as land and cloth to the Sangha as viewed by the MSV were not one-time events. Rather, they created an extended bond between the donor and the Sangha that entailed both rights and obligations for both parties. For example, in the *Sayanasanavastu*, the fifteenth section of the MSV (p. 92 of Schopen; 1996, Lay Ownership), the donor (danapati) is asked to make the donated vihara productive, by providing for the needs of the resident of the vihara, which he does by giving the resident clothing. Elsewhere, the *Ksudrakavastu* (Tog 'dul ba Ta 78a.5-79a.2 = Derge Tha 52b.6-53a.6; see Schopen; 1996, Lay Ownership, p. 114) suggests that donors can demand that their donations (in this case, plates)actually be used. This implies that donors have continuing rights on their donations. Here the text does note that merit is acquired only if the monks actually use the donations. While this works as a theological explanation, we are still justified in asking if there was a material basis for this theological rule. Presumably, the vinaya could have allowed merit to accrue as soon as the monks accepted the item, if the situation justified such a rule.

There is another place, though, where there is no theological justification. Schopen (1996; Lay Ownership, p. 105) cites the Sayanasanavastu to show that Anathapindika, even though he has donated the Jetavana, still has the right to determine what sort of construction is done on this land. In fact, the Buddha establishes the need to request permission from Anathapindika to build on the land. In a Kusan inscription from Mathura, there seems to be a similar use of a vihara donated by merchants being used by Nagadatta, a monk donor, to set up an image "in the *vihara* belonging to the timber merchants" *(kasti[k]iy[e vihare svaka[yam ce]ti[yajkutiyam).*" In this case, we are not told if permission was obtained from the timber merchants.

[1] Ende (2016).

Another indication that a donation is not always a complete transfer to the Sangha is given by the use of a genitive construction in referring to the relationship between the donor and the gift. Schopen (1996; Lay Ownership, p. 83) brings several examples of this. For example, he cites the inscription on the Tor Dherai potsherds:[2] "*shahi-yola-mirasya viharasvamisya deyadharmo yam prapa svakiya-yola-mira-shahi-vihare samghe caturdise acaryanam sarvastivadinam prati-grahe*," which he translates as: "This hall for providing water is the religious gift of the Shahi Yola-Mira, the Owner of the Monastery, to the Community of the Four Directions, for the acceptance of the Teachers of the Sarvastivadin Order, in his own— Yola-Mira, the Shahi's — monastery." The genitive case "shahi-yola-mirasya" is used to refer to Yola MiraShahi, he is called the viharaswamin, the "lord" or owner of the vihara/monastery,[3] the vihara/monastery is described as his own (*svakiya*); nevertheless the item that is being given, the hall, which is presumably in this his "own" vihara/monastery is called a *deya*or a gift. To make things more complicated, this Yola Mira Shahi is clearly not, himself, a monk, the term "*shahi*" presumably referring to a local governor or chief.[4] In other words, this seems to be a case of a lay personmaking a gift of a hall in a monastery in which he himself is described as having some kind of ownership. Another case he brings is that of a late 2nd or early 3rd century sealing from Intwa, which reads "*maharaja-rudrasena-vihare bhiksu-samghasya*," which he translates as "of the Community of Monks in the Monastery of the Great King Rudrasena," or ". . . in the Great King Rudrasena's Monastery."

Why does the Vinaya presuppose and, to some extent, impose such a continuing relationship between donor and Sangha? As far as the rights of donors are concerned, it is possible that the rights of donors come from clauses that they themselves have inserted in the gift contract for their own personal reasons; however, it is not clear why they would have made such conditions. But why should donors have obligations beyond their initial donation? We suggest two different explanations for these unusual gift relationships.

4. A solution to a managerial problem

First of all, Buddhist sanghas were large, complex establishments without a priori codes of conduct or highly specified hierarchies. The codes evolved as and when needs arose, as is obvious from the text of the MSV and the Pali vinayas. The Sangha was probably highly decentralized. As a result, solutions for managerial problems were solved using external mechanisms. One problem would have been misuse of property for purposes unintended by their original donors and inappropriate with respect to the ultimate objectives of the Sangha; such activities are detailed in the various publications of Gregory Schopen. This moral hazard problem could be mitigated by providing continuing rights to donors in the objects that they donated. Although much more can be said about this, I will, for now, only bring one piece of evidence from Jonathan Silk (2008). Quoting from the *Karmasataka*, a collection of stories from

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[2] Tor Dherai is the location of a monastery; it is situated on an old caravan route from the Indus Valley through the Bolan Pass into what is now Afghanistan. A large number of potsherds written in Brahmi and Kharosthi script were found here in the winter of 1926-27 by Sir Aurel Stein. Konow (1929) deciphered one of the Kharosthi inscriptions, which is presented here.

[3] Schopen (1996, Lay Ownership, page 81, fn 2) suggests that vihara always seems to refer to some kind of building, but with a variety of sizes and construction materials.

[4] Schopen (1996, Lay Ownership, page 83, fn 6) cites Konow (192) to this effect. According to Tandon (2012), this refers to a Parata king mentioned in inscriptions of Shapur I and Narseh, Sassanian kings.

the Tibetan Kanjur canon (of which he says "this text gives the strong impression of belonging to the Mulasarvastivadins), he describes the case of a wealthy merchant of Benares, who builds a monastery to benefit monks rather than forfeit his wealth to the state upon his death. In addition to building the monastery, though, he appoints a vaiyaprtykara bhikshu, a sort of manager. As Silk notes (p. 191), "this vaiyaprtyakara is appointed by the lay owner of the monastery, rather than by the monks of the community." Clearly, he does not believe the community monks will do a good job of managing the monastery. (Ironically, though, as the story goes on to narrate, this manager himself engages in malfeasance.)

5. A response to a lack of liquid asset markets

The second action is more of a local solution based on the time and place where the MSV was edited. As an organization with a lot of monks who had more or less severed their ties with their families (notwithstanding the evidence that this was not complete), the Sangha had ongoing needs to lodge, feed and clothe its monks. There is evidence that the monastic establishment was conscious of these needs and vinaya rules may well have been devised to fulfill these requirements.[5] Most of the funds for these activities came from donors. It is not inconceivable that there were time as well as material mismatches in terms of donations and needs. One way to resolve these problems would be to develop an endowment fund, not dissimilar to the endowment funds that Universities and other arts-related non-profit organizations accumulate; these funds could consist of financial assets, such as gold, silver and various forms of money, or in the form of real assets, such as land. We do find evidence that monasteries did have such funds consisting of financial assets and that they used laymen to manage these funds through lending and investing. However, in the absence of liquid and well-organized capital markets, use of such endowment funds would have had their own costs. Reliable laymen who could be used to manage such funds may also not always have been available. There is also a principal-agent problem at work here; the persons managing the endowments may not return the funds. (See Vinaya-vibhanga (Derge, 'dul ba, Cha 154b.3-155b.2, cited by Schopen, 1994b, p. 529.)

The Sangha also had land in the form of large donations; however, in the absence of liquid land markets or liquid markets for other kinds of real assets, it would have been difficult for the Sangha to realize cash as and when necessary for the running of the monasteries. A requirement or at least encouragement of the provision of continuing funds for the upkeep of viharas would resolve this problem to some extent, since the onus would be transferred from the monastery to the lay donor. However, even if there were an effort to require the provision of upkeep funds, such a requirement could not practically be enforced without driving away donors. Providing donors of viharas with continuing rights in the objects of their donations would encourage danapatis to provide upkeep funds. Similarly, a theological doctrine that utilization of donated items is required for the acquisition of donative merit ensures that donors keep track of the state of their donated materials.

6. Where was the MSV redacted?

Schopen (1999, page 75ff.) suggests that the events described in the MSV occurred in the North East of India, based on the reference to the Vajrapani Buddha, who is often found in Gandharan

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[5] Schopen (1994a, p. 56-57) discusses the rights to the remains of dead monks and to their relics. He suggests that the progression of the text concerning the funeral of Sariputra (Ksudraka-vastu (Tog) Ta 354a.5-368a.5)) involves first "monastic control of the relics of extraordinary monks; but the monastic rights to the offerings that the presence of such relics generates." He also points out that the text makes a connection between the availability of relics for veneration, and trade and commerce.

art, during the Kushana period. The other and seemingly more definitive evidence has to do with the "prediction" of the construction of Kanishka's famous stupa and his identification as a future patron of Buddhism (Pagels; 2014, p. 17, fn. 5). Nevertheless, as Pagels points out, "it is perfectly conceivable that the presence of such a landmark monument in Kashmir was well-known beyond its borders." He concludes, "Schopen … deals in probabilities linked to circumstantial evidence and calculations of plausibility – not in chronological certainties." Clarke (2015), in order to explain divergent translations into Chinese, posits that the MSV had two different traditions, one known to Gunaprabha (5^{th}-7^{th} centuries) in Mathura and the other, known to Yijing (635 CE – 713 CE) in Nalanda. Although the location of the traditions need not definitively establish the location of the redaction of the original text, it is not impossible that that occurred somewhere in North Central India (near Nalanda/Mathura).

7. Dating Issues

What evidence, do we have, however as to the lack of liquid capital or land markets? This relates to the issue of when the events recorded in the MSV took place. Assuming that this is related to the time that it was redacted, we come to the issue of the dating and the location of the redaction of the MSV. While there seem to be differing opinions regarding this, the seeming consensus is that it was late Gupta or post-Gupta. According to Ulrich Pagel (2014, p.14), the MSV is "a source for the study of Buddhist monastic life in northern India from the second/third century onward." The specific issues that we cite in the MSV do not seem to appear in the Pali Vinaya, suggesting at the very least, a post-Mahasamghika/Sthavira split dating for the MSV.[6][7]Pagel's description of discriminatory customs duties in the MSV – levied on Buddhist monks but not on Hindu ascetics – seems to suggest a time period subsequent to the Guptas, who though Hindu were quite tolerant of other sects. Since Harsha who followed the Guptas was also positive towards Buddhists, this suggests an even later epoch, unless the MSV is referring to Shashank (590-625 CE), ruler of the neighboring Gauda Bengal kingdom, a contemporary of Harsha and a supposed oppressor of Buddhism, according to a 12^{th} century text. (Of course, the Pala kings of the 8^{th} to 12^{th} century in the Gangetic plain, including Bengal, were major supporters of Buddhism.) Schopen is even more definite (1985, page 24 of the 1997 edition) says: it is not until the time of the commentaries of Buddhaghosa, Dhammapala, and others-that is to say, the fifth to sixth centuries C.E.-that we can know anything definite about the actual contents of this canon." Finally, both Ulrich Pagel and Malcolm Voyce relate the contents of the MSV to the Hindu Dharmasutras, such as the Naradasmriti and the Yajnavalkya Smriti, which are probably late-Gupta at best.

8. Urban Decay in India

This late dating can be linked with the ample evidence collected by R.S. Sharma on urban decay in India around the same period (1987). Referring to the archaeological evidence, he notes (p. 59): "Urbanism in eastern UP and Bihar reached its climax during the period from 300 BCE to

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6 Schopen (1996, Lay Ownership, p. 86) does note that there are passages in the Mahaviharin Vinaya, which either "suggest or assert the private ownership of Buddhist monasteries." However, case that he cites, from the Suttavibhanga and the Cullvagga (ii 174.4 and iii 65.38) refers to continuing rights of the private lay owner, not obligations. Schopen does say that he has not studied the Pali vinaya carefully for other occurrences of such lay ownership.

7 On the other hand, Schopen (1992) cautions against assuming that all the vinayas go back to an ur-vinaya. He suggests that there may well have been different vinaya texts responding to different needs in different locations and times (p. 206 of the 1999 edition).

300 CE. In the fourth to sixth centuries, the disintegration of urbanism is visible at Kausambi, Bhita, Rajghat, Vaishali, Kumrahar and Champa. At Sravasti, Ganwaria, Mason, Khairadih, Manjhik Chirand, Katragarh, Buxar, Sonpur and Rajgir, the Gupta phase in urbanism is almost unrepresented. Excavated sites in Orissa and West Bengal show the beginnings of urbanization around 300 BCE and its end around 300 CE." After looking at the literary evidence that supports urban decay in this period, he comments that between 600 and 1000 CE, gold coins were almost absent in India and that in contrast to the earlier period, there was a general dearth of metallic currency in post-Gupta times. Since coins are necessary for trade, the lack of currency indirectly indicates urban decline and directly suggests a lack of active markets. Furthermore, he notes the move to a semi-feudal economy that consists of local economies operating on the jajmani system, a kind of formal barter that did not involve currency and trade. Romila Thapar (2002) too, notes a visible termination of commerce during this period.

However, Maity (1957, page 158) writing of the Gupta period (300 CE to 550 CE) suggests that guilds "received deposits of public money and paid regular interest on them. Maity (1957, Chapter 8) brings examples of guilds cited in Kalidasa's Raghuvamsa (5th century CE) and in Varahamihira's Brihatsamhita (middle of the 6th century).

While we have not sufficiently addressed the issue of where the stories of the MSV took place, the opinion of Pagel (noted above) and Schopen (2004) is that it is North and Northwest India. Furthermore, Northwestern India and Madhyadesa, i.e. Bihar, eastern Uttar Pradesh, Orissa, Bengal were the areas where Buddhism flourished during this time. All of this information suggests that the events in the MSV took place at a time of urban decay when liquid markets did not exist – maybe not even for commodities and goods and even less so for assets such as land. As such, the need for the Sangha to assure themselves of regular provisions of clothing and repairs to buildings was paramount. I suggest that requiring and encouraging an ongoing relationship with donors was a key part of this strategy.

9. Concluding thoughts

If my theory is correct, this provides additional evidence for a late dating of the MSV. Furthermore, it suggests that monastic decision-makers were aware of the economic and social environment in which they lived and modified vinaya rules to ensure their survival. From a juridical point of view, such an approach to explaining aspects of the vinaya could provide guidance to contemporary monastic leaders that have to deal with implementing vinaya rules in a changing world.

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