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ASPECTS OF THE SOCIAL AND POLITICAL SYSTEM OF
MANUSMRTI
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BY

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पित्रे
PREFACE.

In the literatures of the world, Manusmṛti has held for centuries a unique position. Even in its present recension it is admittedly above two thousand years old. For at least a thousand years earlier the name of Manu was cited as the author of many floating dicta to which his name gave weight. Even in Arthaśāstra a school of thought springing from Manu was held in esteem long before the fourth century B.C. The book does not claim to be a direct utterance of God, but to have been revealed by the Father of Mankind to assembled sages through another sage (Bhrigu) to whom its terms had been communicated, and in the presence of the Patriarch himself. The inspirer of the work is one of fourteen Manus, who are divinely appointed regents of the universe for vast time cycles (māṇvantaras), and who are immortal. By agreement, it has been accorded primacy among smṛitis, and dicta opposed to its are rejected. Its study is imposed as a duty on the leaders and teachers of society. Manu is said in Indian tradition to have been the first king of men, the greatest ruler ever born, and entitled to veneration by all who claim to be intelligent (māṇuṣīya māntinōm), in the words of Kālidāsa. For thousands of years Indian society has been moulded on the lines laid down in Manusmṛti. To uphold Manu’s words has been to uphold the Indian social order, to condemn his teachings to reject it. Accordingly, anti-Hindu propaganda dating from the advent of British rule in India, whether conducted by followers of alien religions or by Indians who desired to reform their own religion or society, has made Manusmṛti the chief target of attack. At the same time, Hindu reformers like Swami Dayanand Saraswati, who have advocated a purification of Hinduism and of Hindu society, have turned to Manusmṛti and have used it as a text-book for homilies to Indian leaders. Centuries ago it was carried over the seas by Indian colonists and conquerors and became the law of the lands over which they ruled, and the foundation of their social and political order. Even in the West, its wisdom and foresight have attracted the attention of men not borne down by convention and habit, like Nietzsche, who have looked for new light. Today, after the agonies of two calamitous world wars, there are thoughtful men who find in its social system a model for remaking the world. Attempts have been made to study Manusmṛti in the light of modern sociology, and to find how far its teachings and fundamental beliefs, (metaphysical, ethical and political) can help in a synthesis of a new order in our war-riven world.
The recognition of its commanding position in social literature is not new. The best minds of India, educated on traditional lines, and filled with a knowledge of its basic beliefs, have made it for centuries the subject of study and comment, so that its light may shed illumination on future ages. Not a century has passed without a great commentary on *Manusmrti* being composed. At present, the oldest commentary that has survived is the *Manubhashya* of Medhatithi, which is at least 1200 years old. But Medhatithi used older commentaries like those of Asahaya (whose commentary on *Naradasmrti* has survived in fragments), Bhartriyajna and Bhaguri. What is more significant is that the ancient *smrti* of Brhaspati, which is far older than commonly believed by many scholars, is virtually a lucid expansion of Manu's work—a kind of *varttika*. It explains crucial passages that puzzle modern writers who see in them inconsistency or suspect interpolation. V. N. Mandlik rendered a great service to the study of *Dharmaashastra* by collecting eight famous commentaries on the work and printing them in 1886. Where Sir William Jones had only the guidance of Kulluka, modern students of *Manusmrti* can use the erudition of Medhatithi, of whose work, besides Mandlik's somewhat incorrect edition, we have now two editions and an English translation by Sir Ganganath Jha. They can also find light in Govindaraja's brief but pointed notes. A new edition of this commentary is badly wanted. It is unfortunate that Dr. Jolly's extracts from the *sikas* on Manu could not proceed farther than the third book.

As compared with Indian scholars of the past, their successors labour under grave disabilities. A proper grounding in *Nyaya* and *Mimamsa*, as well as thorough mastery of Vedic texts and of the *sutra* literature, was regarded in the past as essential to a proper study, or even a correct approach to the study and comprehension of Manu. The difference between one commentator on Manu and another is the relative command of this preliminary knowledge. Even ordinary pandits, who did not possess a mastery of Indian dialectics, science of interpretation and grammar, had enough of the necessary equipment to enable them to comprehend the work better than modern scholars. They had further the advantage of a familiarity with the beliefs, which constitute the religious and metaphysical foundation of Indian life, and naturally of the premier work which lays down the way of life to India's millions.

Today, except among those who have made a close study of *Manusmrti* and of *Dharmaashastra* generally, there is often lack of appreciation of its cardinal importance and wisdom. This is due to several causes. First among them, of course, is unfamiliarity
with the technique of the composition of smṛtis, and of the habitual forms of expression that have passed in India from common life to literary works. This defect is due to lack of training in the application of the traditional rules of interpretation collected in Mīmāṃsa, as much as to superficial knowledge or even unfamiliarity with Indian modes of thought and expression. Next comes reliance on a knowledge of classical Sanskrit literature as enough for a comprehension of the smṛti. A dictionary and a grammar cannot make a person interpret a legal treatise. Even the expositions of English law by Blackstone and Stephen postulate, for proper understanding of them, a knowledge of English life and traditions, of English beliefs, of the technique of English law and of English institutional and constitutional history. The position of the basic works in Dharmaśāstra, and of even the nībandhā (digest) literature is not different in this respect. Nevertheless, smṛtis are read, interpreted, translated, commented on, and praised or criticized, without a similar preliminary equipment in students and critics. Our smṛtis are mostly in verse, which displaced the older aphoristic form as a convenient device for memorizing. Their language has a deceptive lucidity, like a well drafted modern statute. One who does not have a knowledge of the metaphysical and religious background of the smṛtis will fall into many errors. A modern reader is apt to miss the form of Manusmṛti:—its being a recitation addressed by a great sage named Bhṛgu, a disciple of Manu, to an assembly of sages (ṛṣis) in the presence of Manu himself. The audience was as familiar with the religious and metaphysical ideas of the land as the reciter. This absolved Bhṛgu from the necessity to give a detailed exposition of the background, viz., the implied ideas on religion, cosmology, mythology and traditional history. Such an exposition is vital for our understanding of the work today. But Manusmṛti has a plan, unity and order, like any carefully composed work of literature. It aims at being self-contained and complete regarded as an exposition of Dharma. Accordingly, some allusion or even a brief indication to the basic ideas, which form its back-ground, is necessary. The organization of life, as detailed in the smṛti, was intended to help men to attain the summn bonum. The order of treatment follows the institutions that are held to help man in his upward march to the ultimate goal, viz., varṇa and āśrama. Life in this world is a hyphen between a series of past existences and of future states. The work is also intended for all time and for all circumstances. Modern readers, who rely on translations, are apt to miss these features of the smṛti. When in almost the same breath the smṛti indicates an institution like niyoga (levirate), and the conditions which should govern its application,
and also condemns it as an "animal practice" (paśu-dharma), vide Manusmṛti, IX, 59-63 and IX, 64-69, the juxta-position of apparently opposed views should be treated not as an instance of inconsistency, or carelessness in composition, or of interpolation, but, as explained by Bṛhaspati, as an indication of applicability and inapplicability to different time-cycles or yugas. Its claim to comprehensiveness in surveying human nature is responsible, on the one hand, for its eloquent pleas for the kind treatment of women (III-55-62) and for the indication also of the weakness and inclination to wickedness in women (IX, 14 ff.) in order that by care they may be protected from yielding to natural urges. Idealization of the sex should not make one overlook bad as well good members of the sex, and the causes that lead to their rise or fall.

Manusmṛti must be read in its literary context, i.e., along with works of the class in which it enjoys primacy and authority. It is not an isolated work. A great part of it is a repetition of material in the sūtra literature, which forms an adjunct to the Vedic (vedāṅga). Dharmaśāstra claims internal consistency, like all literature that ultimately rests on a revealed or semi-revealed source. Modern studies of Manusmṛti often suffer from dealing with it in isolation and apart from related works of the same class. Bṛhaspatismṛti, for instance, explains and supplements Manu's work, and is virtually a vārttika on it. This internal consistency, not only within Manusmṛti but between it and other works of the class, must be looked for, and hasty assumptions of contradictions between smṛti and smṛti should not be made. Such assumptions lead to ideas of evolution of legal or constitutional theories in Indian smṛtis and Arthaśāstra, which Indian tradition will not endorse. A familiar device to convey emphasis is to exaggerate. The description of the king as a god, does not make him literally one, and place him above Dharma. A modern myth of ancient Indian absolute monarchy is based on an understanding of such comparison or rhetorical statements, either in Dharmaśāstra or Arthaśāstra, and taking such exaggerations literally. Similar rhetorical statements regarding the first varṇa have inspired denunciations of the smṛti for upholding a hierarchy. Both the "divine" king and the "divine" Brāhmaṇa are made responsible for their actions with greater rigor than others, which is a serious modification of their "divine" position. Much of the animus against Manusmṛti in our day is due to imperfect comprehension of its real teaching.

We have had several studies of Manu in recent times, to some of which a reference must be made. With matchless and wide learning, Dr. Bhagavan Das of Benares has expanded his Lectures on the Laws
of Manu, published in 1910, and has made the work the chief basis of a study of Social Organization in the Light of Adhyatma-vidya (1932-1934), which he claims to be the proper guide to the modern world. Dr. Kewal Motwani's Manu in Hindu Social Theory (1934, 2nd Ed., 1937) is less profound, and is based on translations alone. It claims "to present Manu's social theory in terms familiar to students of modern sociology", and is in effect an attempt to vindicate the sociological soundness of the ancient work, even when judged by American standards. The late Dr. K. P. Jayaswal's Tagore Law Lectures on Manu and Yajñavalkya (1928) are chiefly concerned with the analysis of the juridical ideas of the two works. It suffers from the hypotheses of a supposed rivalry between Arthaśāstra and Dharmaśāstra and of the superiority (in virtue of greater realism and humanity) of the former, as well as from conclusions based more on intuition than proof, like the theory of the present version of Manusmyti being a composition to justify the Śunga usurpation. None of these works gives a resume of Manu's views, as traditionally understood and handed down from generation to generation in Bhāratavarṣa. His wide knowledge of history and philosophy enabled the late Professor K. Sundararama Aiyar, who was familiar with the fundamental beliefs of the Hindus and whose own blameless life reflected the ideals of the great śruti, to use Manusmyti largely in his Dharma and Life (2 vols., 1924) to vindicate the modernity of Manu's ideals and the claim of Dharmaśāstra to be for all time (sandatana).

The aim of the lectures now published is narrower and different. It is not designed as a defence of Manu or of the social and political ideas contained in his work and claiming to rest on a semi-divine authority. The lectures merely endeavour to present the salient features of the social and political system of Manusmyti—and of Indian society—as understood for centuries by those who drew their inspiration from the work. The only innovation is the presentation of the ideas in language and terms more easily intelligible to modern readers. One of their purposes will be realized if they serve as a stimulus to the revived study of this famous classic, which is more often cited than read and understood. The lectures constitute a prolegomena to the study of Manusmyti. They are part of the task that has been the author's for many years, and the continuation of lectures delivered before the universities of Madras, Benares, Calcutta and Mysore, and an anticipation of lectures delivered recently under the Maharaja Sir Sayaji Row Gaekwad Prize Endowment at Baroda. The author's interest in Arthaśāstra dates back to his college days half-a-century ago, and it has been continued later in studies of Dharmaśāstra, particularly in.
editing certain important digests. The realization of the widespread misapprehension of the ideas of Manu and of the social system that traces itself to his inspiration and authority, as well as of the need to correct the circulation and stabilization of erroneous views, in the interests of scholarship as much as of social peace, and to stimulate a study of the original authorities, was the main inducements to the lecturer to accept the invitation to give the lectures now published, at a time when he needed rest and new work was inadvisable. The suggestion of the theme of the lectures came from the Lucknow University, and emanated apparently from Dr. Radha Kumud Mookerji, in whose honour the Lectureship was founded.

A brief indication of the plan of the lectures may be offered. In the first lecture ("Manu and his rivals") the supposed rivalry between Arthasastra and Dharmasastra is examined. A number of problems that have to be solved by students of Manusmyti today before they can grasp his position and teaching form the subject of the second discourse. The third lecture attempts to describe the background against which the teachings of Manu and the Hindu social system have to be viewed in order to obtain a correct picture of them. The next two lectures deal with the basic ideas of varna and ahrama, and their bearing on life. In the last lecture some salient features of the political system and ideas of ancient India, that may be gathered from Manusmyti, are outlined. A social and political set-up that has embraced a vast continental area cannot be dealt with even cursorily in a few lectures. The present attempt is therefore designed less to convey information than to furnish a stimulus for study of the great social classic. A reference to the lecturer's allied writings may be permitted for further elucidation of his own position and views in regard to the cardinal texts.

It remains to record the lecturer's obligations. To the University of Lucknow he owes thanks for giving him an opportunity to state the position which he regards as traditional in regard to the teachings of Manusmyti, and to Dr. Radha Kumud Mookerji for inducing him to accept the invitation of the University. The lectures were delivered in March, 1946 on three consecutive evenings in the University Hall. To friends in Lucknow, who enabled the lectures to be so given without undue physical strain, the lecturer owes a debt. Weakening eyesight has made him depend on others for taking the book through the press. Chief among such helpers is Sri A. N. Krishna Aiyangar, M.A., L.T. of the Adyar Library, a former pupil and a co-worker of the lecturer for many years. He not only corrected the proofs at every stage but has provided a full Index also, Sri N. Raghava-
charya, M.A., L.T., formerly of the Madras Educational Service, has also helped with the proofs and advice. The Madras Law Journal Press, at which the lectures have been printed, has been subjected to some inconvenience through involuntary delays in passing the proofs and furnishing the index and preliminary matter. To its Proprietor, Mr. N. Ramaratnam, M.A., B.L., an expression of gratitude for overlooking the delay is due.

3, Asoka Road,
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K. V. RANGASWAMI
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LECTURE I

MANU AND HIS RIVALS

I must at the outset thank the authorities of your University for inviting me to address you on a Foundation, which commemorates the services to scholarship and to the University of my distinguished friend Dr. Radha Kumud Mookerjee. When I gave out the results of my studies of Ancient Indian Polity in lectures under a similar foundation over forty years ago in my own University,\(^1\) he was one of the very small band of Indian scholars who had made contributions to the subject.\(^2\) My pleasure and honor in being associated with the Mookerjee Lectures is increased by two circumstances. The inaugural lectures were given a year ago by my life-long contemporary and friend, the Hon'ble Sir S. Varadacharya, who is justly regarded not only as one of our foremost lawyers and judges, but as one whose scholarly interests extend much beyond his special studies and whose discriminating love to Hindu Dharma is an outstanding feature of a blameless life. Though this is my first visit to your city and University, I can claim a shadowy connection with both; for, when your University was started, I was invited by the first Vice-Chancellor, the late Rai Bahadur Dr. G. N. Chakravarti, to accept the Professorship of History, which has been filled with so much distinction by Dr. Mookerjee. I would like to regard my present lectures as in a belated way associated with a chair which I could not then occupy.

I have been asked to speak on the Political and Sociological System or Ideas of the Manusmṛti. In as much as the selection is the work of the authorities who direct the Endowment, under which the present lectures are delivered, neither explanation nor apology for the choice of the subject is required of me. But, I may be permitted to say that, had the choice been left to me, I could not have made a better one. There are many grounds for a review to-day of the social system which is popularly attributed to Manu. His work was naturally

2. e.g. his Introduction to N. N. Law's "Studies in Ancient Hindu Polity", 1914.
one of the first to attract the attention of European orientalists. The translation of *Manusmṛti*, which Sir William Jones gave to the world in 1794, opened the eyes of historians of the West to a valuable source for the reconstruction of ancient Indian society. Its all-pervading influence over the Hindu masses, and the allegiance it commanded justified his description of it as a Code and its provisions as "Laws". It was not a mere relic of a civilization that had passed away; for it still guided the lives of millions in the sub-continent where it had been dominant for centuries. Its dicta had become part and parcel of the Hindu scheme of life, for as long as historical memory could reach. Few books, other than the gospels of wide-spreading religions, had had so widespread a power to mould the minds and lives of men. It had been carried to lands over the sea to which Indians had emigrated for trade or conquest, and had become the basis of the social synthesis attempted in those far-off lands by the incomers, who established their dominion over the older inhabitants. For hundreds of years it has been the foundation of Burmese law. Memories of it are found in the far too few epigraphical records of the Greater India which Indian emigrants created in the Far East. Even to superficial and alien criticism, inspired by a sense of cultural and religious superiority, it disclosed features of unexpected 'modernity' and reasonableness. The great literature that the further researches of Orientalists exposed to view, were seen to be based on it. It seemed to be the bed-rock of Hindu civilization: As an authentic historic source, in the category of literature and 'law', it seemed to have no rivals. From James Mill and Elphinstone to Max Duncker, historians of eminence drew upon it, almost to the exclusion of other sources, for their pictures of ancient Indian society.

This position would have remained unchallenged but for the great advance in Indian studies which revealed other sources, Buddhist and Brahmanical, and which brought to light a subject even more *directly* bearing on social and political life than the smṛti literature from which it seemed to be distinguished by the absence of non-secular features and aims. This was *Arthaśāstra*, whose existence as a distinct branch was all the time known but vaguely, till the accidental discovery of its most important representative, the *Arthaśāstra* or *Arthaśāstra* of

1. The Burmese are governed by *Dhammatat*, which are based on *Manusmṛti*. See Forschammer, "Sources and Development of Burmese Law", 1885.

2. *Manusmṛti* is still used as an authority in the island of Bali. In A. Bergaïene's "Inscriptions Sacrées de Campe et du Cambodge," p. 423, we have an inscription in which occur verses one of which is identical with Manu, II, 136 and the other is a summary of Manu, III, 77-80.
Kauṭilya, the great Mauryan king-maker and minister. The intensive study of this work, in relation to other surviving works of the class, dates from 1889. Its discovery has been even more memorable in the history of Indian sociology than the accidental finding of the Institutes of Gaius at Verona by Niebuhr was to the study of Civil Law. It was natural that in the first flush of enthusiasm Arthaśāstra should be applauded for features which seemed to be present in it alone. Little attempt was made by the new enthusiasts to discover, by closer examination of both this subject and of its “rival”, whether the aspects were distinctive of it only. The difference between it and Dharmaśāstra was likened to that between the work of a statesman and a priest. Much was made of its “secular” outlook and features, as contrasted with the “religious” or “superstitious” attitude of its rival. Even more was claimed for Arthaśāstra. In it alone was to be found the “real and theoretical Materialism of India”. In it are Indians seen “emancipated from their prejudices”, their sole point of view becoming human and a-moral. The traditional exponent of Indian Materialism, Brhaspati, was identified with the pre-Kauṭilyan authority of the name in Arthaśāstra. Each critic singled out for commendation the feature of Arthaśāstra which fell in with his own bias. It was praised for its “modernity”. It was lauded for its considerate treatment of women, and was acclaimed as their special “charter”. The provisions of Kauṭilya’s work, which condemned harshness to women, protected them by stringent penalties from insult, assault and slander, gave married women rights of judicial separation and divorce, and of separate property and rights in inheritance, were held up as special illustrations of its greater humanity. It was pointed out that women were not secluded in Arthaśāstra, that under its provisions the maintenance of destitute women was a first charge upon their relations and families, and ultimately upon the State, and that no woman could be abandoned. Like a magic mirror, Kauṭilya’s work presented to every student the lineaments of his own favorite bias. It was pacifist in outlook and prescription. It reflected the historic spirit—so notoriously absent in Indian literature. Its schedule of penalties is less harsh than that of smṛitis. It stands up for the supremacy of the State. Its author is the upholder of constitutional safeguards against absolutism. Like Machiavelli, he is a nationalist, a patriot, ready to adopt any means, however dubious, for securing his noble ends. Some of these generalizations are mutually incompatible. Others ignore the fact that what was praised as a specific contribution of Arthaśāstra is equally conspicuous in Dharmaśāstra, and that in some respects Manu is even more considerate to women than Kauṭilya. They were however right in explaining the
apparently immoral doctrines of the Mauryan minister as mere statements of fact, or of tradition, as well as of possibilities which no sane statesman can afford to overlook, and that distinct injustice was done to Kauṭilya, when he was ridiculed by Bāṇa and Daṇḍin for his love of detail, ‘immoral’ doctrines and crooked practices (which seemed to justify the pun on his name Kauṭilya made by the dramatist) because these facts were overlooked, and a confusion of the subjunctive and the imperative led to wrong deductions, in such matters as in the specification of modes of embezzlement, of doing away with obnoxious ministers, of getting the better of one’s enemy or of winning a ruler’s confidence or favour. It has been argued that works like Kauṭilya’s attained greater popularity than works like the Manusmṛti (an unproved assertion!) because of their freedom from sacerdotal considerations, higher sense of realities, absence of mere idealism in them, and their greater logic and reasonableness. The grounds adduced would indeed be valid to-day. In the milieu of India of the past, however, it is very doubtful if they would have made for the popularity of Arthaśāstra. The fact remains that this subject has remained in the background, as compared with smṛti literature, and that its most important work has been all but lost. That Arthaśāstra became more acceptable because Sūdra or at least non-Kṣatriya dynasties came to thrones, and members of the last varṇa became opulent through economic changes are also generalizations of doubtful validity. In a consideration of the modern eclipse of Dharmasāstra by Arthaśāstra they have value, as the features are such as appeal to modern minds.

Such views, however speculative they may prove to be on critical examination, are relevant in a consideration of the obstacles to a clear perception to-day of the contribution of smṛtis like those of Manu to the evolution of an organized social order and of its upkeep through the centuries. In every praise of Arthaśāstra there runs an implication of corresponding deficiency in works like those of Manu, and of a silent hostility supposed to have run through history between the two śāstras. The underlying assumption is contrary to Indian tradition, which has regarded the two not as rivals but as complementary, and as differentiated merely by their method of approach to problems and not by a difference in fundamentals and basic hypotheses. It will be seen also to be ill-founded if the character and background of the two are correctly apprehended, and if the identity of their fundamental beliefs is realized. It has however helped to create, along with other influences, to which reference will be made later on, an atmosphere of

1. “Kauṭilyah kutilamatiḥ” (Mudrārakṣasa, ed. Telang, p. 61).
prejudice and misunderstanding of the character, aims, origin and value of Dharmaśāstra literature as a whole, and of its best known work, the Mānava-Dharmaśāstra. Errors have great vitality, especially when they take the form of dogmatic generalizations.

In upholding the superiority of Kauṭilya’s work over a great smṛti, the arguments relied on are usually three: that the former is ‘secular’ while the latter is steeped in ‘religion’; that the former is free of the taint of ‘orthodoxy’ while the latter is its champion; that there is more ‘realism’ in the former and ‘more idealism’ in the latter. The last criticism is that which has been voiced also by writers like Sir Henry Maine, who in denouncing Manusmṛti and its class have described them not as stating what actually was the law but as what an interested class wished to become the law or to be known as the law.¹

The argument of the ‘secular’ character of Kauṭilya’s work, as a representative of its class, is based on a few instances from his work. I dealt with them at some length twelve years ago, when I gave some special lectures² before the Calcutta University, when I showed how they crumble on examination. The data adduced in favour of the thesis are briefly these. Kauṭilya does not provide a place for the royal priest (purohita) among the seven elements of the State (prakṛti). He does not include in his enumeration of the threefold ‘power’ (śakti) on which a king has to rely, the spells of the purohita to ward off dangers. In the enumeration of the subjects of study for the future king, Kauṭilya mentions Materialistic Philosophy (Lokāyata).³ Among the triple aims of life (trivarga) he gives the first place to Artha. In his enumeration of the four vidyās, he gives a place to two ‘secular’ subjects, Vārī and Dayānādi. He condemns the king who is ‘always questioning the stars’ (nākṣatram ati prechatam).⁴ He overlooks methods of ‘divine proof’ (divya) or ordeals, which figure prominently in smṛtis, while allowing torture. The king is advised to

1. “The Code of Manu does not represent a set of rules actually administered. It is in great part an ideal picture of that which in the view of the Brahmins ought to be the law.” (Ancient Law, 1861, ed. Pollock, p. 15).
2. “Indian Cameralism”, March, 1934. The lectures are being printed.
3. A. K. Sen, “Studies in Hindu Political Thought”, 1926, pp. 1-16: A. M. Pizzagalli, “History of Materialism in Ancient India” (in Italian), 1907, p. 86, holds that Nitiśāstra contains the real theoretical Materialism of India and that in it alone were the Hindus emancipated from all prejudices, as “their sole point of view was human, which often led to the sacrifice of the moral” (p. 69).
4. Kauṭilya Arthaśāstra, 1st Edn., Mysore, 1909, p. 349. All references to the work are to this edition.
trade on the credulity of people. The State is allowed to run gambling
dens and slaughter houses, which Manu condemns as adhārmika. He
permits women to remarry and allows divorce (mokṣa), which Manu
refuses. These arguments are found to be weak when seen in their
right context. The purohita is a member of the council of ministers,
which is one of the seven prakṛtis. His salary is considerable and
reflects his value to the State. In unambiguous language Kautūlya
praises the king whose wisdom is reinforced by the counsel of his chief
priest. Like all ancient writers Kautūlya believes in the potency of
spells and incantations from the Atharva Veda, and the purohita is
expected to be an adept in them. A king should take the world as he
finds it, and if it is full of unbelievers, it is good policy for a ruler to
learn their tenets and their philosophy. But the danger of his succumbing
to the heretical views is warded off by the provision that philosophy
is to be learnt by the prince only from men of orthodox learning
(sīṣṭa)—a precaution that provides for both a knowledge of heresy
and the arguments against it. Safeguards against atheistical influences
are provided for the king, whose duty is to maintain Dharma. The
value of each element of trivarga is also canvassed by Manu, who does
not under-rate the value of worldly studies or the pursuit of the means
of well-being. The pre-occupation of Kautūlya is with artha and his
placing it first is only the technique of a specialist. He does not
under-rate either Dharma or kāma, which have their due place in life,
or mokṣa, which is the highest and ultimate aim, for the fulfilment of
personality. Kautūlya condemns—not belief in astrology, but the
addiction to it of the spineless fatalist. He contrasts it, as do smṛtis,
in which the relative value of daiva and puruṣakāra are considered,
with utthāna, the spirit of self-reliance and energy. Kautūlya's

1. Ibid. p 196 and p. 329 (gambling); p. 122 (slaughter-house).
For Manu's attitude, see Buehler, "Laws of Manu" (S. B. E., Vol. XXV,
1886), pp. lxx-lxxi.
2. Kautūlya denies divorce for the first four forms of marriage,
amokṣa dharma vivahānām, p. 155.
3. Ibid., p. 15.
4. Ibid., p. 245. Kautūlya places the acarya, rtaik, and purohita in the
highest class along with the prime-minister, commander-in-chief, heir-
apparent, queen-mother and queen-consort, on a salary of 48,000 paṇas
a month. See Ancient Indian Polity, pp. 40 and 159.
5. Anvīkṣikāṃ ca sīṣṭeḥāṣāḥ (p. 10).
6. भागो भागो भागो भागो भागवसामाधारामान्तरी पीठरति।
भः एव प्रवाह हति कौटिल्यः।
अः भवसुब्रक्षी भागवसामाधारामान्तरी। (क्रि. १२)
7. Ibid., p. 258.
questionable means for circumventing enemies and treasorable subjects are restricted in their application to disloyal or unrighteous persons. The supervision of slaughter-houses is necessary for sanitation, when meat is allowed to be eaten, and of gambling dens in the interests of the police. Mere prohibition of gambling will only drive it underground; it is best to deal with it openly and, as in the case of the sale of intoxicants to-day, make resort to it dear. Divorce is permitted only in the lower forms of marriage, among the lower classes of the population, whose practices are tolerated even by smṛtis, and he expressly excludes from divorce marriages celebrated according to Dharma precepts, i.e., the first four types (a-mokṣyo dharma-vivahānām.) 1 It is noteworthy that Kauṭilya makes the same teachers who give instruction in the Vedas (trayī) to the prince, teach him ānvikṣikī, (Logic and Metaphysics) and Lokāyata. The prince is to be saved from the sophist (hetu-kāstrajña) who questions the validity of the Vedic injunctions, and who is denounced by Manu (II, 11). 2 Manu has no animus against the logician as such, since he gives him a place in the parisad or tribunal which is to settle doubtful points of Dharma (XII, 111). 3 The attempted differentiation between smṛti and Artha-Kāstra is seen in its unreality, when it is found that on almost all points there is really agreement, where disagreement is postulated. In the discussion of the triple aims of life (trīvarga), Manu holds that all three are good, and should be pursued together (II, 224) 4 though in case of opposition to or incompatibility with Dharma, the remaining two should be discarded. (IV, 176). 5 This is not contradicted by Kauṭilya. While by advising concentration in the pursuit of wealth (artha) 'like a heron', Manu stresses its value, Kauṭilya inveighs against the transitoriness of wealth, when compared with more vital aims of life (kā hi anīlā dhane dayā, XII, 1).

1. Ibid., p. 155.
2. Manu, II, 11:
3. Sārva-sthānāṇi te mūre heṣṭuṣṭhākṣaṇaṁ diśa: |
4. Samānyabhirāṇāṁ gātāyā ko nābhiddo keśamānākṣa: |
5. Citations from Manuṣṭhitī will give only the references to chapter and verse and not mention the name of the work, as in the case of citations from other books.
expedients, that are not endorsed by Dharmaśāstra, are specifically qualified as ‘improper’ (adhārmika) by Kauṭilya himself; they are to be used only for unavoidable emergencies and on no other occasions (evam daśyaś ca varṣeta, na itareṣu, V, 2). Improper taxation is to be aimed (according to Kauṭilya) only at the accumulations of profiteers and other anti-social elements.

As regards the assertion of the ‘modern mind’ of Kauṭilya, as disclosed by his rejection of astrology, etc., we must recall his own reputation as a master of incantation and spells, through which he was supposed to have overthrown, as by a thunder-bolt (abicāra-vajreṇa) the Nanda, as proudly claimed by his own admirer and follower Kāmandaka. It may also be noted that the title vedas that Kāmandaka applies to Kauṭilya is the highest that an orthodox Brāhmaṇa teacher can claim. Mantrasakti has a double import in both smṛti and nitiśāstra: it stands for the potency of wise counsel as well as the power of magic formulæ. Kālidāsa labels the sage Vasiṣṭha, the preceptor of the kings of Ayodhya, atharva-nidhi (the treasury of Atharva lore). Such beliefs are common to the age, and Kauṭilya shared the belief. The best Brāhmaṇas were believed to have acquired and to possess this power. In a remarkable passage, which recalls the belief, Manu (XI, 31-33) enjoins a Brāhmaṇa who has suffered wrong, not to carry his complaint to the King for redress, but chastise the offender himself out of the plenitude of his own skill in Atharva-mantra, as explained by Medhātithi.

From what has been said above, it will be seen that the description of Kauṭilya as a secularist is incorrect. This evidence is but negative. Positive evidence will consist in proof of his orthodoxy. Some evidence in favour of this also may now be given. Kauṭilya is a confirmed believer in the traditional system of varṇa and āśrama. He upholds it and declares that the world goes right only when the King does his duty and upholds varṇāśramadharma (I, 4). The King is the appointed

1. Arthaśāstra, p. 244.
2. Varāhamihira's Bṛhatjaśaka (Ed. Allahabad, 1912, pp. 131-2) refers to a work on astrology by Vīṣṇugupta (i.e., Kauṭilya) while the commentator Bhāṭottapala cites verses on astrology ascribed to Cāṇakya (i.e., Kauṭilya). See Anct. Ind. Polity, p. 32.
5. न मार्गशीर्ष: वर्ष: किन्नराज्यि भर्मित्रः
श्रीयमु वागु शिवायु मायावयवार्तिर: ||
कु मोदिः कु मोदिः कु मोदिः कु मोदिः ||
सेविते ये मायावल्ल तेन हृदयरीति व्रजः || (11, 11, 11)
guardian of the system (III, 1) and attains heaven when he rules according to Dharma (p. 165). Improper miscegenation (pratilomnya) is the effect of regal failure to maintain Dharma (p. 165).1 His attitude to varnasamśāra is identical with that of Manu (VIII, 172) who promises heaven to the ruler who prevents it.2 Kauṭilya rates neglect of śāstra in a king as the highest fault, which will ruin his kingdom and himself. In describing the ideal king he stresses the possession of a devout mind (daivika-buddhi) and attachment to Dharma (dharmikatvam)3. Even a woman, or a father, who is ordinarily entitled to be maintained by the family, forfeits the right to maintenance by becoming an outcaste (pati); and only the mother is exempted from the rule.4 In filling the treasury, the king is enjoined to do so in Dharmic ways; the rule applies even to an inherited treasure (dharmādhigataḥ pūrvaiḥ svayam vā).5 Even ascetics should be compelled by kings to adhere to the rules of asceticism laid down by smṛtis.6 Like Manu he calls on the king to cast into the waters or give to Brāhmaṇas fines unjustly levied in trials7 (p. 234). He will brand a Śūdra who masquerades as a Brāhmaṇa, which recalls the penalty of Manu for the Śūdras who take the emblem of the ‘twice born’ (śudrāṁśca dvija-līṅginaḥ).

Kauṭilya’s ban on suicide is stern as that of Dharmaśāstra.8 A Brāhmaṇa’s land is not to be subjected to emergency increase of land tax from a sixth to a fourth or even a half of the out-turn, Remissions of

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1. त पले प्रतिकोम: | स्वय्यमातिकामात्राः | समस्याः | (कौटिल्य, ध. शा., p. 165)

2. स्वय्यमातिकामात्राः | समस्याः | तपालिको | स्वय्यमातिकामात्राः | (Ibid., p. 8)


4. मात्राविदाय | अभिमत: | शाक्रियत: | दातव्यस्य दण्डः | अन्यत्र पतितमङ्गोचितवमात्राः | (कौटिल्य, ध. शा., p. 48.)

5. Ibid., p. 256.

6. Ibid., p. 191

7. Ibid., p. 234:

tax are to be granted for the worship of gods and the manes (p. 240). 1

The lands of śrautiyas (Brāhmaṇas of learning and character) are not liable in any circumstances to confiscation (p. 240). 2 A Brāhmaṇa who drinks wine or eats forbidden food is to be excommunicated, if he does so of his own accord; if he is made to do so, the person who compels or induces him to do the forbidden act is to be severely punished. 3 The cattle belonging to temples or gods cannot be impressed into service (p. 238). Heavier punishments are provided for the seduction of women of higher caste by men of lower castes, than the other way round. 4 Kauṭilya roundly declares that a king must enforce Dharma, and not deviate from it himself, as eternal prosperity can result only from every one following his own duty (svadharma). 5

The orthodoxy of Kauṭilya is not personal. It is common to him along with other writers on Arthaśāstra. His admirer and follower Kāmandaka affirms that a king prospers only when Dharma is maintained, and he enjoins the king to live up to Dharma. 6 Some passages have usually been cited from the Śukraniti (which in its present form seems to be a late work) to show Śukra’s freedom from orthodoxy. But, on inspection, they are seen not to be singular to Śukra or writers of his class. Śukra’s declaration that caste counts only for marriage and interdining, merely repeats a Dharma doctrine. 7 Every smṛti condemns birth unaccompanied by ācara or vidiya, and the practice of forbidden occupations by the Brāhmaṇa. (See Manu III, 64-65, 150-166, VIII, 102, XII, 71 etc.) Śukra’s declaration that for office caste should not count has to be construed with his own rule excluding the Śudra from being a judge or general.

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1. देवधिशृष्टिवादानीं गल्पां न...परिरेष्यः (Ibid.; p. 240)
2. अध्यात्मत्वं अविश्वस्यं न परिरेष्यः (Ibid.; p. 240.)
3. भ्रामणमेवमहत्यं न सहजात्मस्य वचः स्पष्टः (Ibid.; p. 231)
4. भ्रामणमात्रां (अभिरति:) श्रविश्वसनम्, संवेष्य संवेष्य, चुः: कष्टणिना वचः। (कृ. अ. शा., p. 234)
5. स्पष्टे: स्वाभाविकपरम् न। स्वाभाविके सबस्कमुक्तिकाविकैः।।सवावेदोऽस्त्रार्को तत्थम| सवावेदे संवेष्ये: हि श्रेष्ठं च वेद च नवेदत।।स्वाभाविकवस्तुपत्तिः: हत्वानौस्म- शिशित:। हत्वा हि रक्षते होक्ता प्रसीदिति न सीदिति।। (कृ. अ. शा., p. 8.)
6. तस्मात्स्वाभाववृत्तिकसे यद्वस्तुपायेऽपि:।
7. न जाला न कुर्मेष्य अंशवेच्ये: गयित्यते। हिमानि भौतिके मिन्ते गुड्यभविनिभवम्।।

(शुक्लीविस्मय, 9, 87)
government that Śukra advocates for guilds is just what smṛtis grant when they allow such bodies to be judged by their own by-laws. Śukra’s declaration that castes are innumerable owing to caste admixture is only a generalization from such miscegenation as is specified at great length by Manu (X, 6-56). Manu describes the ways in which each mixed caste arose, and determines the duties for each such caste, those of the most general ethical character alone being appropriate to castes springing from pratiloma unions.

In a zealous advocacy of the higher value of Arthaśāstra, it is forgotten that like Dharmaśāstra it is also part of the accepted canon. Saunaka classes Arthaśāstra as an upa-veda of Atharva Veda.1 Āpastamba upholds this view. He adds that it is part of knowledge open to women and to Śūdras, to whom Vedic learning is closed. To such persons the epics and purāṇas are the substitutes for the Veda. Kauṭilya harmonizes the two views by bringing Arthaśāstra as well as Dharmaśāstra under the epics (īthāśa),2 which he declares to be the fifth Veda. Lakṣmīdharā regards Arthaśāstra as one of the eighteen Vidyās, which are enumerated in the Purāṇas, of which fourteen are those with a-dṛṣṭa-phala and the other four (Āyurveda, Dhanurveda, Gāndhārava-veda and Arthaśāstra,) are of dṛṣṭa-phala, and are authoritative.3

To postulate a hostility between the two śāstras is foreign to the spirit of the Hindu canon. A basic belief of Hinduism is that in the triple aim of existence (trīvarga)—duty (Dharma) well-being (Artha) and pleasure (Kāma). Writers on Arthaśāstra and on Kāmaśāstra declare that the pursuit of their special aim is lawful only when it does not run against Dharma. The precepts of Artha and Kāma are governed by Dharma, and are valid only when they harmonize with it. The division of life into āśramas shows the stage at which each may be lawfully and advantageously pursued. It is only in the life of the householder (gṛhastha)—in the second āśrama that Artha and Kāma have validity. The other orders are mendicant āśramas and ban Kāma. The pursuit of well-being and pleasure is lawful and proper, only when regulated by Dharma. This is why the spiritual guide of the king, the purohita, is required to be eminent in both Dharma

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1. तप वेदानामवेदावारां संविदितं | संविदेश आतुर्यारेवं, अतुर्यारेवं, अतुर्यारेवं | संविदेश गार्वश्रेष्ठप्रेष्ठप्रेष्ठप्रेष्ठस्यां | (भरागुप्तसूत्र v)

2. अतुर्यारेविदेशभवेतृ न वेदाः (लैं, ज. दा. p. 7).

3. महाशास्त्रिकाइ, p. 22.
and *Arthaśāstra*, as well as *Jyotisha* (Astrology). The position, which is well-recognized in Indian literature, has to be made clear today owing to the misapprehensions that have been created. The differences are due to both the mode of approach to the fundamental problems of life, which are the same for both, as well as difference of emphasis for immediate as contrasted with ultimate ends. They differed also in the circles for which they were intended. *Dharmaśāstra* was designed for the guidance of all; while *Arthaśāstra* was intended for the guidance of those who lived a worldly life, and did so within the limits laid down by Dharma. The craving for material well-being and the satisfaction of emotions is natural, and its satisfaction is not condemned by Dharma or religion. Such gratification or satisfaction should, however, be governed by the higher ends of life. *Kāma* and *Artha* are only proximate ends, while *Mokṣa* (as will be developed in the next lecture) is the highest as well as the ultimate end of existence. The accepted Indian view of the relative values of the ends is correctly stated by the *Mahābhārata* (XII, 165, 8): 'the wise declare the highest end is Liberation (*Mokṣa*), the middle is Well-being (*Artha*) and the lowest Pleasure (*Kāma*). All the three are said to spring from Dharma. In ringing words the author of the great Epic has asked why *Artha* is not pursued when both it and *Kāma* are derived from Dharma. The chief exponents of the two worldly sciences—Kautilya and Vatsyayana, endorse this view, though they insist that for a king, who has to regulate the ordinary life of man, *Artha* is the immediate and important aim. While every one among the intellectual may accept *Mokṣa* as the real and only aim of existence, even they cannot be converted to a life of asceticism and to a contempt for economic and emotional satisfactions. The subordination of the lower aims to the higher must be part of the discipline of life.

1. पुरुषि, वास्तोत्तदिव्यध्वां वाणीहि देहि निमिति रण्यन्तां नामिनिमों अपदां देवानि, शान्ति आदि।

2. कामो वास्तिनिमिति न प्रयदं निमिति मतिविद्यः।

3. कामेवाहिविरूध्युपेन न कामिनव भोगिते मे।
The planning of life must not miss its aim. To every science, Dharma is the common denominator regulating action. Expediency must give way to the morally right (Dharma). It is to be noted that Indian tradition ascribes a divine origin not only to Dharmasastra, as represented by Manusmrti but to Arthasastra and Kamaashastra the first works in both having been promulgated by or under the inspiration of the Supreme Being. The ultimate source and sanction of all three are the Vedas (sruti). For all three the end of the human incarnation is the same. Both individual welfare, in the highest sense, as well as that of the world (loka-samgraha) require conformity to Dharma, and to the discharge by every one of his appointed duty (svadharma) as determined by his birth and station. This is why Kautilya lays down: "The king should permit no neglect by living beings of their appropriate duty (svadharma). Society (loka) prospers and does not decay only when it upholds the conduct of Aryas (vyavasthita-arya-arya-maryadah), stabilizes the (established) order of caste and stage of life (kria-varnya-rana-stiti) and finds refuge in the Vedas (trayya hi rakshitah)." In everyday life it may be possible to take a lower standard but that is not permissible when it conflicts with Dharma. This is why Kautilya has himself laid down that when there is a discord between the art of ordinary life (vyavaharikam sastram) and Dharmasastra, the rule of Artha (which is usually followed) should be construed in harmony with the rule of Dharma. An enjoined duty admits of no argument; it must be done. Conduct laid down by Arthasastra is justified by manifest advantages, (adrishta-phala) and feasibility. There can be differences of opinion in regard to it. Everything in a smriti is not based on adrishta-phala. There is a large Artha core in most smritis. In fact, a considerable portion of Rajaaniti and Daityaniti in Manusmrti, for example, is Artha in character. This is frankly recognized by the commentators. The same imperative character does not attach to such parts as to the rest on sruti-pramana or on adrishta-phala. But, as a Dharmasastra is not, at the same time an Arthasastra, Vijnanesvara correctly interprets the rule in Vajnavalkyasmitri (II, 21) on the superiority of Dharmas-

1. व्यावहारिकमस्मिनः कृत्याऽमात्मस्विति:।
वस्य दि रिष्कोति लोकः प्रसिद्धति न सीधिः॥ (कृ, अ, शा, p. 8.)

2. संस्कारमहर्षिक शास्त्रेऽव व्यावहारिकमः।
बधिनिः बरस्येत वर्णार्थ विनिष्यते॥ (कृ, अ, शा, p. 150)

3. अर्थालक्ष्यमस्मिनिः रिष्कोति रिष्किः।
(पारसायनसूत्रि, २, २४)
śāstra to Arthaśāstra—as an enunciation of not a mere obvious proposition but of the non-mandatory character of Artha rules in a smṛti, when they conflict with Dharma dicta. The illustration of the seeming conflict between rules of the two kinds that may be found in a smṛti that has been given by Vijñānesvara—namely the permission to kill a Brāhmaṇa assailant and the prohibition of the slaying of a Brāhmaṇa implied in the dictum that there is no expiation for the offence (brahmahātya) may be supplemented by many others. Some of the statements that are found in smṛtis and are regarded as mere “glorificatory exaggerations” (arthavāda), which are not to be taken at their face value, come under the Artha category. There is for instance the dictum that a father must give his daughter in marriage, and the other rule which makes marriage for a girl obligatory, being a sacrament. As against this, there is the declaration of Manusmyti that a nubile girl may remain unmarried all her life (āmarandī tiṣṭet) in the parental home rather than be married to a man devoid of merit (gunahīna). The first two are Dharma rules and are obligatory; they have adṛṣṭaphala; the last has adṛṣṭaphala, a rule of practical wisdom, which is arguable, and therefore an Artha precept. A parent will not stand excused if he does not get his daughter married, merely on the ground that he could not get a bridegroom whom he considers altogether satisfactory; but, the dictum enforces the parental duty not to give away a daughter, without careful enquiry into the character and

1. श्रेष्ठश्रापनुगतेऽकेशवेन सौदासायेशाक्ष्य गिरस्तानां श्रेष्ठश्रापन्नतेऽकेशवेन सर्वमीति-

2. क्रमाणाः मरणादीभिः पूंडलयुपासिपिः

This is construed by modern writers as making marriage optional for women, and as permitting them to remain spinsters for life. See e.g. A. S. Altekar, Position of Women in Hindu Civilization, 1938, pp. 64-65. Varadarāja (Kṣatrapālayaśāstra, p. 389) correctly points out that the verse is an arthavāda (devise for emphasizing) on the preceding sloka (IX, 88) which lays on a parent the duty to bestow his daughter in marriage on an excellent and good-looking suitor of equal caste, in accordance with the prescribed law, though she may not have attained the proper age:

उपासायामन्त्रवाच स्वरूप सहाय व ।

अधामापिः ताः तमः कन्याः द्वारावाचारिः
antecedents of the suitor. The common aim of bringing about the enforcement of varnāśrama-dharma through a competent authority, unites both śāstras in upholding the state and Rājadharma. Both deal with the king's duties, general and specific, but Arthaśāstra does it with greater fulness, as it takes the view-points of feasibility and expediency and of the advantage of the community than of an individual's duty.

The question of differentiation between the two śāstras has to be viewed from another angle. A fundamental postulate of criticism of a work is internal consistency. In a closely reasoned scientific statement there will ordinarily be no room for inconsistent statements from the same source. Scholiasts in India act upon this hypothesis in dealing with cardinal works. The principle becomes obvious when a work or works claim direct or indirect inspiration from divinity. It will be absurd to postulate inconsistent statements of the Omniscient. If two statements, both of which claim the same divine source, appear to be inconsistent, the rule of Mimāmsa is that the conflict is only apparent and can be resolved by research, and that if it seems to evade investigation, an option (vikalpa) is afforded. This rule will apply not only to internal consistency in statements from the same inspired work, but it will apply equally to different works all of which claim a divine or inspired source. As both Arthaśāstra and Dharmaśāstra claim canonical origin, and are classed under śruti, it is not permissible to postulate any real and insoluble conflict between the two. "The hypothesis of divine origin invests both with the qualities of universality, consistency and permanence."1 I have elsewhere dealt with the results of the application of this principle to both śāstras to bring about a harmony in their findings and points of reconciliation, the causes that led to the presence of an increasing Artha core in smṛtis, and the gradual supersession of Arthaśāstra by Dharmaśāstra.2 It was the new era which witnessed this change that saw the exaltation of Manusmṛti and made it the ambition of Hindu kings to live up to it. The scope of Arthaśāstra was narrowed down to embrace only maxims of polity, or Nitiśāstra. Kāmamadaka (who has been identified by Dr. Jayaswal with Srīkarasvāmin, the minister of Candragupta II) describes his own work as "churned from the ocean of Arthaśāstra (arthāśāstra-mahodadhī)," and a comparison of it with the Kauḍūliya will show how the chapters on law and administration as well as economics, which are the most parts of the older work now most valued have been

dropped in Kāmandaka’s recast. Though Arthaśāstra has canonical sanction, its chief exponents were not sages like the authors of Dharmaśāstra but distinguished men of affairs. This is why it is not cited in dharma-nibandhas by purists like Lākṣmidhara. To them even Kauṭilya would have been an ādhunika (one of recent times). It may be noted, in passing, that citations from the extent Manusūryit are found in Kāmandaka’s Nītiśāra.

The discussion of the alleged “secularism” of Arthaśāstra may now be closed by a consideration of the place of secular elements or sides in Hindu thought and life. It will be noticed on a careful review of both that the distinction between “secular” and “religious” is alien to Indian tradition; even the familiar distinction between laukika (what pertains to the worldly life) and vaidika will be found to be more popular than śāstraic. The Veda is eternal and uncreated. The sages, whose names are associated with particular hymns, are not believed to be the authors of the hymns, but as those who “saw” them intuitively; they were literally “seers.” The Veda is the basis of all knowledge. Veda and Vidyā are derived from the same root, ‘vid,’ ‘to know.’ All relevant knowledge is comprised either in the Vedas, the Upa-Vedas and the Vedāṅgas, or in knowledge derived from or based on them. Śāstra is derived both from “śas” ‘to command’ or from “śās” ‘to teach.’ In the former etymology, śāstra will mean knowledge that the Veda has ‘commanded,’ in the latter it will mean a co-ordinated body of knowledge that can be ‘taught,’ i.e., a ‘science.’ We find the expression vedasāstra used in the sense of Vedic metaphysics. In the Indian conception of the matter, the distinction between ‘physical’ and ‘super’- or ‘metaphysical’ has no place. To import the terms into ancient Indian thought would be to put into it concepts which are incompatible with its fundamental hypotheses. Similarly, we have no word in Sanskrit for “religion.” “Māta” is “view” and “Aryamāta” the sum total of Aryan belief. In English-Sanskrit dictionaries, the words ‘religion’ and ‘religious’, are rendered by compound expressions of which the first qualifying part is dharma, or bhakti, which mean ‘duty’ and ‘faith.’ The power of knowledge has been held in such regard that the highest knowledge, parā vidyā, is that of the Supreme Wisdom. Knowledge is held to be so potent that it has been deemed unwise to scatter it, so that he may pick it who chooses to do so. The secrets of nature are not to be broadcast but to be imparted with safeguards.

1. Nilakanṭha cites Kāmandakiya Nītiśāra in his Nītimayūkha.
in close intimacy between teacher and learner. The word *Upāniṣad* describes an attitude of the learner in which the wisdom of the Vedas was conveyed to the pupil by the teacher. The description of the ceremony of initiation of the young *dvīja* into *Sāvitrī* is by the term *upanayana*, 'leading.' In the ritual of initiation a curtain is drawn round teacher and pupil, and the words of power are *whispered* by the *guru* to the *acolyte*. There is thus, in Indian tradition, the distinction between exoteric and esoteric or secret knowledge. The best in wisdom is *guhyā, rahasya*, 'hidden', secret.¹ It is conveyed orally and not by books. The gifts of books to *mathas*, which late *smrtis* recommend, are for the creation of reference libraries in days when learning had decayed and memory was not what it had been. Mādhava-cārya cites a verse ² attributed to Nārada which condemns (because it will not convey debating competence) knowledge acquired from books, and not orally. Reliance on books was not inappropriately compared to laziness and sleepiness, among six obstacles to learning.³ Oral instruction and transmission had two advantages: It ensured grasp of the subject, as the teacher would not proceed till the pupil was perfect in comprehension and retention of what had been taught; and it safeguarded knowledge by preventing its communication to unfit persons, or those lacking a sense of moral responsibility. A famous and ancient verse, which is cited by Yāska, mentions how knowledge (*Vidyā*) approached the Creator and made this petition: "Save me from being communicated (*ma brāyā*) to the man of envy, untruth, idleness, for I am your trust, and must retain my power."⁴ Āpastamba excludes from initiation (*upanayana*) the person given to wicked pursuits (*duṣṭa-kārmā*).⁵

Certain results, which flowed from this distinction between secret and open doctrine and knowledge, must be noted for a proper appreciation of some aspects of our ancient literature, which have been missed by

1. *Bhagavadgītā*, IX, 1-2 :

2. पुस्तकम्यायायं नापीतं गुहस्विष्टि | भाजते न समाश्च ज्ञातम इ स्विष्टि :-

3. क्षुदगुप्तमिनादधितिशीः च स स्विष्टि तन्द्र न निधर्च च क्षिप्रविक्षरग्राहिः ॥ (सङ्कराचार्य, नवयुगांशिनी, 9, I, p. 52, ed., Mysore.)

4. बिष्य इव भाजतमात्रायम गमय यो रामसिद्धिविद्वाति | अयुक्तेऽपायायुज्येव तः मणि ईश्वरियेति तव स्वामि।। (निरुक्त, २,८,१)

5. *Abhāṣāyādukaśākara-pānana* (साप्तत्त्वप्रधान, १,२,४,५.)
most writers, and which are responsible for several wrong conclusions. In
the old Indian system of education the pupil had to live, during the
period of education, with his teacher or guru. It was gurukula-vāsa.
Till he had mastered all that his teacher could impart to him, he lived
there. The normal period was twelve years, for the education to be
over. The ceremonial introduction (snāna) which, with the permission
of the preceptor, marked the end of the period of learning under the
first guru, was equal to graduation. The ‘accomplished student’ was
termed snātaka and received many marks of recognition and honour.
Manu (IV, 31) lays down that householders “must worship by gifts
of food, sacred to gods and manes, those who have become snātakas
after studying the Veda, or after completing their vows have become
householders and śrötriyas.” Like a king or a venerated relation or a
son-in-law, the snātaka is to be received with madhuparka (III, 119).1
Way must be made for a snātaka (II, 138-139) as for the king, and
if the snātaka and the king meet, the latter must make way for the
former. It is a regal dereliction of duty if a snātaka perishes of
hunger. It was an honour to be classed with a snātaka and nine such
persons (among them a student of the Veda) are named by Manu
(XI, 1-2) to whom gifts must be made in proportion to their learning.
Ordinarily one did not change his guru, except after becoming a
gṛhastha, or after becoming a snātaka and engaging in what would
now be termed “post-graduate studies.” The teacher was paid nothing
for his teaching and the food, which was collected by the pupils by
begging from suitable households.

Oral instruction under the roof of a teacher implied two things:
all necessary knowledge was imparted by one and the same teacher;
secondly, devices had to be made for oral instruction and retaining
what was taught in the memory. Each teacher had therefore
to be a store-house of all the knowledge of the day. This is the
reason, as I have explained elsewhere, for the rise of self-contained
schools, which bore the names of the founders, whose disciples bearing
still his name carried on the work, and continued the tradition and
teaching.2 This feature will explain the baffling attribution of works
on different subjects like astronomy, Dharmaśāstra, grammar, chemis-
try (rasāyana) to a school bearing a common name. Thirty years
ago, I pointed out that we have to postulate the existence of schools
which gave instruction in a circle of sciences and arts, and did not

1. नेत्रविद्याशास्त्रानु भौतिकानु यून्हेविनः।
   पुनसे र्वर्त्तकानु भिन्नरीत्ता भवेवेत (५३३)
restrict themselves to single subjects. Affinity will be commoner in social sciences, and schools which dealt directly with those branches of knowledge which treated of the four puruṣārthas or at least with trīvarga. Each school might develop individual features in detail or doctrine, while maintaining common features with other schools. The competition of teachers must have contributed to the progress of knowledge, and the system of transmission to its spread. Even in subjects traced back to revelation, points of difference might arise, and even more easily differences of emphasis due to differences of valuation. It will become necessary to compose manuals in aphoristic prose (sūtra), which will fulfill the dual purpose of keeping lecturers and learners on tracks (like modern syllabuses) and also indicate adjustment of values. They were indispensable aids to teaching and transmission of knowledge, from generation to generation. Thus arose sūtra books, first in Brāhmanic literature, and then by imitation in Buddhist. Max Müller, whose special field was Vedic literature, noted that each Vedic carana or school had its own compendium or kalpasūtra, in which sacrificial, domestic and semi-public duties and rites were dealt with. Only two or three complete specimens of kalpasūtra have come down. The old theory that every school had its complete kalpasūtra, consisting of Srauta, Gṛhya and Dharma sūtras is not now accepted. There are sūtras which stand alone e.g. Gautama and Vasiṣṭha Dharmasūtras. The point is of some importance because by applying the principle universally, missing sections have been predicated to extant sūtra works. Manusmṛti has been regarded as a version of a lost Mānava-dharmasūtra.¹ We have a Mānava Gṛhvasūtra, which has been edited twice. Some parallels between it and Manusmṛti have been pointed out by Bradke, but they are few and inconclusive. The Gṛhvasūtra of the Mānavas contains matter not found in Manusmṛti. It deals with Vināyakaśāntī (like Yājñavalkyasmṛti) and tests for selecting a bride (which correspond to Aśvalāyana Gṛhvasūtra, 1, 5, 5-6) but the topics are not found in Manusmṛti. MM. P. V. Kane has given a number of instances, in which the doctrines of the Gṛhvasūtra and the Smṛti differ. Most scholars now share today his scepticism of the existence of a Mānavadharmasūtra, which was the original of Manusmṛti.²

The utility of a sūtra book lay in its compactness and easy retention in the memory. A properly constructed sūtra book will string

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¹ G. Bühler has argued elaborately that a Mānava-dharmasūtra once existed. See the Introduction to his Laws of Manu passim.
together the śātras in an order which will make them interdependent and render repetition of words unnecessary. The aphorisms served as guides to memory during recitations. In the case of the Vedic literature public recitation of the śātras must have been a practice. The Buddhists adopted it and the convocations of the Sāṅgha were occasions in which such public recitations took place, in order that by such recital the accuracy of the canon might be tested and guarded. The chief value, from the standpoint of those who wished to keep the knowledge contained in a śātra book within the school, lay in its unintelligibility without the oral interpretation of the teachers, which itself was transmitted traditionally from generation to generation. In later times, such explanations were reduced to writing, from the prodigious memory of students who could repeat entire lectures without error. Extant commentaries on śātras, in all branches of knowledge, are largely based on such oral expositions of the cryptic original aphorisms. Variations between commentators reflect more often the traditional variations that grew up in the process of oral transmission of the aphorisms and comments than the differences in the personal opinion of commentators themselves. The developed literature of every śāstra will reveal the existence of a multiplicity of aphoristic works and their oral commentaries. In course of time, it will become necessary to standardize the teaching in the śāstra, and the teachers who undertook the task will compose śātra works in which differences of ancient opinion will be noted. Unless, as in the case of the aphorisms of Pāṇini,1 extra-ordinary skill is shown in condensation and stringing up aphorisms, there is a tendency for śātra books to become diffuse. Loose prose passages are not easy to memorize. Verse, in the familiar śloka form, furnishes a mechanical rhythm that enables the words to stick to the memory. It is also possible to make a śloka more intelligible than a prose aphorism of a very condensed character. The śloka thus becomes a rival of the śātra for recording teaching and replaces it gradually.

The theory of Max Müller that originally all śāstraic works were in śātra form and that the works in śloka form came later is now discredited. Yāska cites a śloka of a śṛṅti; it shows that śṛṅtis in śloka form existed even in his day.1 In the most ancient śātra works we find ślokas. The mixture of śātra and śloka in the same book is not uncommon. We find the mixture not only in comparatively late works of the śātra class of śṛṅtis like those of Viṣṇu and Vasiṣṭha, but we

1. circa 650 B.C. Dr. S. K. Belvarkar will place him about B.C. 750, Systems of Sanskrit Grammar, 1915, p. 7.
find it in the earliest also. Indian tradition gives a hoary antiquity to the śloka, making its discovery occur in a moment of intense emotion, as a divine accident, that befell the author of the Rāmāyana. We may reject the story, but find in it the belief, now seen to rest on credible evidence, of the great antiquity of the use of the śloka.

A feature of the sūtra books is that from the space assigned to a topic it is not just to estimate the importance assigned to it by the author or founder of the school to which the sūtra work belongs. A correct estimate is possible only when the entire oral exposition is available. If any interruption occurs in the oral transmission of doctrine, it may lead to wider diversity of opinion among those who reconstruct the views of the school from a book. He who composed a sūtra work—and many ēdhunīkas attempted to do so—ran this risk of being misinterpreted by later commentators. That the risk was real and grave is seen from the precaution which a famous sūtra writer is said to have taken to guard against the misinterpretation of his own views by composing himself the commentary on the sūtras. This was done by Kaustīlya, according to a verse which appears at the end of his Arthaśāstra. "Having observed the discordant views attributed to the same author by commentators on his sūtras, Vishṇugupta (i.e. Kaustīlya) himself composed both the sūtras and the commentary." It is immaterial if this verse is by a disciple and not (as is equally probable) by Kaustīlya himself. It states what must have been a well-known fact. Dr. T. Ganapati Sastri held the first chapter of the extant book—the prakarana-dhikaraṇa-samuddeśa to contain the sūtras: every chapter heading is a sūtra. The title given to the first chapter—"the list of chapters and sub-sections."—is not found at the end of the chapter; it is not part of the book. Each section is headed by a sūtra, which now serves as a chapter or section heading.

An alternative form of composition to the combination of sūtra and bhāṣya, as in the Kaustīlya, by the author himself—which dispenses with the need of vārttikas [as in the case of the darśanas (philosophy) and vyākaraṇa (grammar) aphorisms] is that of a verse-compendium, which gives a comprehensive exposition of the views of a writer or school. Such works are known as saṁhitās. Manusmṛti is often referred to as Manusāṁhitā. Elaboration and intelligibility (springing from comprehensiveness) are the features of a saṁhitā. A saṁhitā will not need much

2. हृद्धा विविधविन मुद्या शास्त्रघातामानसः
  स्वप्रभाव विभागुरुक्षक गुरुं च भागेष्वं ज || (कृ. व. शा. p. 429).
explanation, at any rate on the scale of a commentary on a sūtra work. But, in spite of the care lavished in the composition of a smāhīlā, it may present apparent contradictions and obscurities, springing in some instances from brevity of treatment. This has happened in Manusmṛti. The smṛti, which passes by the name of Bṛhaspati, is not simply based on Manu’s work; it is, as recognized by scholars, virtually a vārttika on the older smṛti. In many cases Bṛhaspati is obviously explaining, illustrating or elaborating the laconic statements of Manusmṛti. He has done for Manu’s work what Patañjali claims to have done for Pāṇini’s; viz. removed misunderstandings or strictures passed on it by explanations, illustrations and resolutions of apparent contradictions. The reconstruction that I have attempted¹ of Bṛhaspati’s lost smṛti is still a torso; but it is already nearly as large as Manusmṛti. The study of the two smṛtis side by side will prove a useful corrective to a disposition to see inconsistency and contradiction in ancient works. I may have to refer later on to specific instances of supposed contradictions in the text of Manu, which are held to prove that it passed through the hands of several editors or redactors.² But, it may be stated now that critics, who fasten on instances of apparent conflict in statement or doctrine in an ancient Indian work, which has been held to be divinely inspired, very often overlook probabilities. Indian scholars and commentators do not betray either lack of acumen or independence in discovering flaws in the works they deal with. If they do, their readers and critics will not overlook their failure. Carelessness will not be attributed to a divine being, and if instances of apparent slips occur in a work that claims divine authorship or inspiration, it will be treated by our writers either as proof of the unauthenticity of the work or of the unreality of the contradiction. A feature of ancient India was the wandering scholar, as in mediaeval Europe, who travelled from place to place displaying his erudition and critical powers before assemblies or kings and challenging everywhere scholars of repute settled there. The discussions would develop acute critical powers and result in many exposures of wrong interpretations, citations or inferences. Real defects will seldom escape the vigilance of

¹. Bṛhaspatismṛti (Reconstructed), Gaekwad’s Oriental Series, Vol. LXXXV, 1941.

². Bühler laboured under this belief, and tried to discriminate (Introduction to his Laws of Manu, pp. lxvi-lxxii,) between supposed older and later parts of Manusmṛti. He held that it had undergone several revisions (Ibid., pp. xci-cvii).
such public contests, in which an original work that is cited is construed to establish its internal consistency as well as the validity of its doctrine. A work will not escape in ancient India sharp criticism of obvious defects and their exposure merely because it claims divine inspiration. MM. P. V. Kane (following Büehler) cites six instances of conflicting statements in Manusmṛti, and I venture to affirm that in every one of them a reconciliation is possible.¹

One of the subjects which has exercised the minds of modern students of Dharmaśāstra is the difference in subjects dealt with in different smṛtis and difference in stress on certain topics, as reflected by the space given to them in the books. Conclusions as to relative chronological position or the evolution of doctrines have been hastily drawn from such differences between smṛti and smṛti. If a topic is omitted in a sūtra work, is it conclusive evidence to show that the topic was unknown in the epoch or to the author, or that the author deliberately omitted it as unimportant? It is a matter of daily experience to those who give oral expositions of sciences that they vary the stress or expand or contract treatment of specific topics, according to the nature of their audience—its capacity, bias or mental equipment. If the discourses are reproduced verbatim every year, variations will be seen in the relative position given to topics and the stress laid on them. Will it be valid to infer from these a constant change in the stand, or in the opinions of the lecturer? The point is relevant. In the earlier Dharmaśātras the treatment of law and politics is meagre or scrappy. This feature is generally attributed to the following causes. The authors were Brāhmaṇas concerned more with ritual and penance than with politics or law; or they left these topics to be learnt from Arthaśāstra; and the 'other-worldly' outlook of the authors and their disciples was reflected in a becoming contempt for civil institutions. Such explanations overlook some features of the schools, the purpose of the works and the milieu in which they were composed. In the Indian view, as will be elaborated later on, to distinguish between the matters that appertain to this brief life and to the lives to come is both a delusion and a snare. With the exception of the atheist (nāstika) the derider of Vedic philosophy (vedāntindaka), the heretic (pāṣaṇḍa), and the materialist (Lokāyata), who are anathema to smṛtis which treat them as social outlaws, every one else in society shared this belief. If the omitted topics were to be learnt from Arthaśāstra, why should they be mentioned at all? Was it not the aim of the teacher to give a complete education to the student, so that on the termination of his education

¹. 'History of Dharmaśāstra', I, pp. 148-149.
the ‘accomplished student’ (snātaka) may be in a position to enter upon his duties as an active member of society, discharging with capability both his religious and civil duties? The educated Brāhmaṇa had many judicial and other duties imposed on him by the State. How was he to discharge them without training in the only period in which he was segregated for education? In the present chaotic state of our knowledge of the chronological position of beliefs, it is a sign of courage to make confident assertions that such things as the presence of Viṇāyakāśānti and Gaṇapatipuja (which occur in smṛtis usually regarded as separated by centuries—like those of Āpastamba and Yājñavalkya for instance) make the works in which they appear comparatively late compositions. The bane of false or hasty generalizations from inadequate data, which Sir Henry Maine deplored, is very much in evidence in the treatment of the mutual relations and position of the works in our smṛti literature. We have the testimony of Megasthenes to the frequent consultations held by the king with learned śrotriyas, who lived in the woods outside the city. Were these appeals made to persons ignorant of law and polity? Out of the 28 chapters in Gautamasmṛti only 4 deal with law and polity. Did the school of Gautama turn its back on these subjects and train its members to do so in life? How were the two aims of discharging one’s duties (svadharma) and of bringing about the best for society (lokaśamgraha) fulfilled by persons who had been taught to neglect subjects of ordinary daily occurrence in the world in which they had to live and serve? It is because of the lop-sidedness of śāstra literature that sanhitas came to be composed, and later on digests (nibandha) and commentaries (bhāṣya), in which complete pictures of social duties were furnished to students of Dharmaśāstra, by piecing together the dicta in different smṛtis (including Dharmaśāstra works). A good nibandha, which covers the entire field of Dharmaśāstra furnishes a rough picture of what the substance of oral discourses in an ancient gurukula on the subject would have been like.

It now remains to consider a different class of arguments used for establishing the in-utility of study of a work like Manusmṛti. Referring to smṛtis as a class and the varṇāśrama-dharma that they upheld, Sir Henry Maine declared: "The impression left on my mind by the study of these books is that a more awful tyranny never existed than this which proceeded from the union of physical, intellectual and political ascendency." Assuming for argument, that the purpose of the smṛtis is to uphold a priestly oligarchy, how does it detract from the need for making a study of the smṛtis and their influence? Maine has described ‘Brahmanical India’ (the India of smṛtis) as persisting “at a stage at which a rule of law is not discriminated from a rule of religion”
and transgressions of religious ordinances are visited by civil penalties while "a violation of a civil duty exposes the delinquent to Divine correction."

The charge may have force if it is made against a modern code of law. But, as a description of an ancient jural system, it will fall into line with description of other ancient systems or with the surviving traces of the combination of law and religion even in modern law. Apostacy and blasphemy were offences in English law till the other day. It was only in the 19th century that in English law excommunication was relieved from civil penalties other than imprisonment for six months. It was not only in India that rulers have felt themselves, under the influence, or direction of Dharmaśāstra, under a duty not only to maintain peace within the country but promote religion and morality. It has admittedly been so in England. If ancient Hindu rulers took delight in styling themselves Dharma-Mahārāja (as the Pallavas, Gangas and Kadambas did in Southern India) the occupant of the British throne still counts among his titles that of "Defender of the Faith." Marriage and divorce are still within the purview of semi-ecclesiastical jurisdictions, in modern England. In modern countries in which Roman Catholicism is the recognized religion of the people and of their Government, Canon Law still governs the lives of the people in a large number of matters, which are strictly civil in nature. It is so in Islamic law and in countries in which it prevails. The religious background of smṛtis will not therefore make them singular instances of archaic survivals. The religious bias that we find in ancient systems of jurisprudence has its parallel in the economic or political bias of modern laws. As Vinogradoff shrewdly pointed out many years ago—"If individualistic civilization were to give way before one based on socialistic conceptions of the social tie, all the positions of our jurisprudence will have to be reviewed." It has happened so in Soviet Russia. While it is yet too early to estimate the extent of the change that has crept, as the result of five years of war experience, into our conceptions of what man owes to man—and to woman—it cannot be gainsaid that we are now on the threshold—not only of social and political changes which will reflect the war experience of the world, perhaps in different ways in different countries, but of changes in some fundamental conceptions or principles on which legislation may proceed. When A.V. Dicey wrote on the "Fundamental Principles of Modern Legislation," his idea was that the type of modernism was

2. Rajadhama, pp. 144-145. Bhadravarman, the Kaundinya, King of Campā, styled himself Dharma-Mahārāja (R. C. Majumdar, Campā, III, p. 3).
England with its legal system, and the idea behind the fundamental changes was Benthamism. We have travelled far from Dicey's position. Our search for 'fundamental principles' may drive us—not to the dominant ideas of the 19th century Europe—but further back to ancient systems like those of India. The errors of writers like Maine are due not merely to the sense of superiority, which was a common failing among English writers of his day when they dealt with alien or ancient cultures and systems, but to inadequate perception of the lines of jural development, in the infancy of historical study of jurisprudence in their day. It is also not improbable that the translation of the title Manusmṛti or Mānavadharmaśāstra as 'code of Manu,' suggested that it should, as a code, possess features of modern codes like the Code Napoleon. When Maine's later studies extended to primitive systems he was not slow to discover that there were resemblances between the Indian smṛti and the Hebrew 'law books,' in the detailed rules laid down for all situations in life from birth to death. This is the declared purpose of Dharmaśāstra; only it goes beyond birth itself to prenatal ceremonies beginning with the rites of conception. In a more correct view, its work ends only with the indication of the ways of securing 'release' (mokṣa), and it is in this sense that a nibandha like the Kalpaśāstra has understood its scope.

There remains one more criticism of Dharmaśāstra which has derived great publicity from Maine's enunciation of it in his vivid phraseology. The description of the chief work of the class—as an idealized picture of what a selfish priestcraft desired to see established as the world-order—has been seized upon for discrediting both the work and its class. A student of law wants laws for study; the laws which were actually administered, not the laws of Utopia! The criticism may be dealt with in two parts. First, is an ideal unworthy of study even in jurisprudence? Next, how far did ideals and realities tally in the Hindu systems of law and polity?

To take the first point first. Men with a desire to be known as practical minded persons did not like to be described as idealists. Idealism suggests the visionary. They prefer men who have their feet firmly planted on the earth! An idealist had to confront a hostile environment. The days are changed. Half the discredit of ideals came from the circumstance that they were not tested in practice. The scope for social experimentation with ideals seemed once so small. It is now otherwise. We have seen, in the field of politics and social reconstruction, ideals translated into facts. The strength of an ideal lies in the belief it inspires and its power of reflecting correctly human experience as well as human needs. He who knows where he has to
go, and the route he has to take, gets to his destination quicker than he who merely drifts along. We are in the age of plans, and have seen the end of Laisser Faire. The ‘plan’ is to the modern administrator what the compass and the chart are to the mariner. To implement plans we need more than knowledge; there must be a driving force behind it. “One person with a belief is equal,” said J. S. Mill, “to ninety-nine persons with only interests.” In the field of legal reform, we now look more forward than backward—to ideals than to tradition. Those who were formerly afraid of even small changes now support large plans as the more effective; the bigger, the wider the reach in space and time, the greater certainty of success and permanence! In this view, there must be utility in the study of a smṛti, which expounds or enjoins social planning on a scale so wide that it is not for a long period of time but for all time (sanātana), and to bring within its ambit not one nation but the entire world. The principles of social construction underlying varṇaśrama-dharma, as expounded by smṛtis, may have uses in plans for reconstruction even to-day, as I pointed out elsewhere some years ago, though it is the part of the old system that has come in for most criticism in modern times. In that sense, a study of the social and political systems of Manu will have its uses, even if they are regarded as having in them an element of unreality—of unrealized idealism.

But, as a matter of history, it cannot be denied that smṛtis had as much influence in guiding the lives of men and women in India, and still in a large measure have, as if they emanated as laws from the state. The sanction—the power of imposing penalties—of the State is not always necessary to make laws of rules of conduct accepted by a community, or at least by the bulk of those who lead them. We have instances of ‘laws’ behind which there is no State as originator or sustainer; and in which breaches of such ‘laws’ are visited by public opinion with a power of implementation not inferior to that of a State. We have out-distanced, in the light of comparative and historical jurisprudence, the Austrian conception of law. But, even in the Austrian sense, Dharmashāstra can be said to have attained the rank of a law book in ancient and mediaeval India. The responsibility of an Indian king was personal, and it extended to all that befell the people over whom he ruled. As a corollary, it implied supervision of the lives of the people and ensuring their conforming to established usages or rules. In this sense, the specific duty of the king (Rājadhāma) came to coincide

with a knowledge of the duties of all in the kingdom. Śarve dharmāḥ rājadharmaṁ pratiṣṭhāḥ (all duties are implicit in the duties of the king). It became a matter of pride for rulers to excel in maintaining Dharma and to describe themselves as such. In the case of kings who were not of ksatriya lineage, or of 'Aryan' birth, the desire to excel in enforcing Dharma was even keener than in those whose titles were faultless. In the place of a multitude of śṛṭis, we have had under royal patronage, or in the expectation of royal patronage, digests of Dharmasāstra, which resolve the seeming contradictions in śṛṭis, fill up the blanks in one śṛti from what is given in others, and present a coherent picture of the Dharma, which the people might follow and kings enforce. When such digests or commentaries which are virtually digests (like the Mitākṣarā), were composed under regal direction, and were upheld in the states in which they were first composed, and afterwards in others, can they be denied the title of laws even in the Austrian sense? Among kings who have promulgated nibandhas of Dharma, composed by themselves, we have Bhoja, Aparākṣa and Pratāparudradeva. Among writers of nibandhas commissioned by kings, we have Lākṣmīdharā—the author of the Kṛtya-Kalpataru, the most complete digest of Dharma, and the oldest now extant, Vijnānēśvara, Mādhavācārya, Hemādri, Caṇḍēśvara and Vācaspati. The need to follow the old law, which was accepted by the people and followed by them (even under foreign rule), is behind the nibandhas of the sixteenth and seventeenth centuries, and it is significant that in the case of three of them—those composed in the name of Toḍārimal and under orders of Warren Hastings and T. E. Colebrooke—(by Jagannātha Tarkapaṇcānana)—we have proof of the validity of śṛṭis even when India was ruled by foreigners who differed from the foreign conquerors of earlier times, in not adopting the religion of India or accepting its culture and ideals. The desire to excel in enforcing śṛṭi rules is shown in South India, which has always had a population less influenced by Aryan elements than the rest of India, and in which a modern school loudly demands the replacement of Aryan features by Dravidian. One of the oldest classics of Tamil literature, the author of which (Tiru-valḷuvar) bears a name suggesting his low varṇa, reflects a mastery of Manusmṛti and a reasoned loyalty to Manusmṛti. The most famous of South Indian dynasties (the Cola) claims descent, like the kings of Ayodhya, from Manu himself, and a title which Tamil kings have delighted to bear is 'the king who does

1. Sānti-parva.
not swerve from the Laws of Manu' (Manu-neri-tavarāda-mannan). It will recall Kālidāsa's description of Dīlīpa as one who did not swerve even by a line from the path blazed out by Manu.1

We are seeing in modern Russia not only the power of ideals to create and transform social institutions but to reclaim and raise, in the cultural scale, millions of backward races or peoples. We have forgotten that the same work had been done silently and slowly in India itself in the past, when under the wide wings of Dharma room was found for measures for the uplift of communities and for their cultural and spiritual elevation. One instance of the zeal with which backward peoples or tribes took advantage of the scope that the social system outlined in Manusmṛti and works of the class of which it has been the outstanding representative, is seen in the desire to drop their own group customs and usages and adopt those prescribed for the varṇas in such personal matters as marriage and inheritance. The rules of Manusmṛti and of Dharmaśāstra generally were not imposed on those who did not come under the cātur-varṇa, and considerable freedom was given to tribal, family and sub-caste usages, particularly to those who were not within the regular varṇa scheme. The 'Aryanization', or what its modern detractors term the 'Brahmanization' of such peoples has been done, not by fiat of the State or by dictation of a hierarchy, but by acquiescence of those who realized that the scheme of the sūtras presented the best means for their social, spiritual and cultural uplift. No higher tribute to the genius or inherent power in Dharmaśāstra is possible. History knows of the raising of the human levels of submerged populations by a higher type of religion. The silent transformation effected by the influence of Hindu Dharma is not as easily recognized, because it is also due to the feature, which has often been condemned as inherent in it, namely the basing of law and polity firmly on the foundations of morality, religion and philosophy.

1. Raghuvaṃśa, I, 17:
रेखामानमपि चुणाकामनोनेच्छेत: परस् ।
न चयतायुः प्रजास्तत्व निविन्दुनामिमिकः ॥
LECTURE II

SOME PROBLEMS OF MANUSMRTI

Manusmrti has had a position of pre-eminence not only in Dharma-
stra but even in the literature of Hindu speculation. Alone among
the smrtis, its dicta have been cited as authority in the literature of
Indian philosophy. The designation of the class of which it is the most
illustrious work, viz., smrti, is given in Indian philosophical literature—
contrary to Manu's own definition of sruti and smrti,—to even the ancient
depositories of tradition like the Puranas. One of the attractions of
the Great Epic, for which its semi-divine author (Vyasa) made the
claim—"all that is in this work, and all that is not in it is not"—is
that it has been regarded as a Dharmastra. To-day, the parts of the
Mahabharata which are most frequently read or cited are, after the
Bhagavadgita, not the attractive narrative sections or the sublime and
simple poetical interludes, or the homilies, but those, which like the
smrtis deal with the duties (dharma) of all, in the sense of Raja
dharma. What the Mahabharata holds up by express precept and description,
by parable and story, by homily and narrative, as regards the duties of
men,—which Dharmastra, deals with—is done by way of con-
crete illustration in the older epic, the Ramayana. For conduct and
behaviour that rise to the highest levels of Dharma, we look to the
practice of Sri Rama and of those who saw in his physical and moral
perfection the warrant of manifest Divinity. The points in the story
on which even to-day its commentators and readers are most exercised
are those in which practice (as depicted in the poem)—for example the
suicide of the saintly Sabari, the slaying of Tatak, the honour shown
to the nisada Guha, the instruction to Sumantra to give Dasaratha an
explanation that was not true, the performance of funeral rites for

1. Ramana (Sribhasya, I, i, 1) describes his citations from the
Bhagavadgita as from smrti but seems to differentiate between smrti and
purana. Saikara, following Brahmasutra, IV, ii, 21, describes srnkhya and
yoga smrtis, and cites Bhagavadgita, VIII, 24-28 as from a smrti (see
2. Ramayana Aranyakanda, LXXIV, 33.
3. Ibid., Bhalakanda, XXVI, 26.
4. Ibid., Ayodhyakanda, L. 33 ff.
5. Ibid., XL, 46-47.
Jaṭāyu, the salutation of a kṣatriya by Hanumān disguised as a bhikṣu, ambushing Vāli, and Sitā’s denial of knowing the identity of Hanumān—seem to conflict with the ethical injunctions in smṛti. The accounts given of srauta śrāddhā, and domestic rites in the Rāmāyana tally with those in extant grhya and śrāuta works, and it is against probabilities to suppose that they were interpolated from the latter. It demonstrates only the antiquity of the ritual.

The influence which Manuśmṛti has had on the lives and ideals of Hindu India for centuries can well be compared in regard to its extent and thoroughness to that of Confucius in China. But the Chinese sage was a historical person, and the teachings attributed to him are probably those which actually emanated from one who was raised above his contemporaries by his superior wisdom and moral elevation. The ‘author’ of Manuśmṛti, if Manu can be so called, in spite of the tradition recorded in the smṛti itself, is a semi-divine being about whom conflicting traditions had sprung up even in remote antiquity. Modern students of comparative religions and laws have pointed out a resemblance, which is more than merely phonal, between Menes, Manu and Moses, as the traditional lawgivers of three ancient peoples. A modern student of Manuśmṛti, who has made a comparative study of the land-laws and the trade regulations of Manu and of the ancient Sumerians, has suggested that the source of the latter lay in the former; and he is for putting back the work of Manu or at least the substance of it, to the third millennium B.C. The discoveries at Mohenjo-daro and Hārapa have disclosed the existence in so early an epoch, which is usually held to have preceded by a long interval the ‘invasions’ of the Aryans, of a type of culture which shows considerable advance in agriculture and trade, and in legal ideas connected therewith. This is only an illustration of the manner in which the intense study of the smṛti reacts on some minds. Scholars who are facile in finding the sequential relations of legal works from the ‘advanced’ or ‘primitive’ character of the jural ideas found in them, would be puzzled to explain some features of Manuśmṛti, which disclose ideas more modern in substantive and adjective law, and especially in criminal law, than those found in advanced modern communities. A lawyer who has made a careful study of the works named after Manu and

1. Ibid., Aranyakāṇḍa, LXVIII, 22-31.
2. Ibid., Kīśkindākāṇḍa, II, 2-3.
3. Ibid., XVI, 37; XVII, 14-52 (Vāli’s indictment of Śri Rāma).
4. Ibid., Sundarakāṇḍa, XLII, 8-10.
5. Manuśmṛti I, 58-61, 102, 119; V, 1-3; XII, 2, 126.
Yājñavalkya has pointed out how in some respects these ancient books have anticipated recent developments in law, and have been found good enough to guide modern judges in laws other than personal, in which of course it would be natural to seek for light in ancient śāstras, even after the personal laws of the Hindus have been changed out of recognition by judicial decisions.\(^1\) Normally a legal treatise will reflect the ideas of the time in which it appears. This will be true of at least a great part of it; for, it may contain ideas of a bygone age, which appear as survivals; or it may be in advance of the times. The second feature is unlikely in a work that aims at wide influence.

In any attempt to appreciate the teachings of Manusmṛti a correct understanding of its background—religious, economic, political and social—is a pre-requisite. But certain questions relating to the authorship of the Manusmṛti, its age and antiquity, causes of its wide-spread reception, authenticity and homogeneity demand a prior consideration.

Manu in literature and tradition; Vedic tradition.

The name Manu goes back to the Rg Veda. He is the hero who is the father of the race of man, ‘Father Manu’, after whom men are known as manasvah. One tradition represents him as the son of the Aditya Vivasvat (hence his title Vaivasvata), and another as the son of the Self-existent Supreme Being (hence his title Svāyambhuva). He is called also Sāvarṇi because he was born to Vivasvat by a female of his own varna (svārṇa). In the Taittiriya Samhita (III, 2, 8, 1; IV, 1, 9, 1), he is invoked in sacrifices as a Prajāpati (‘Lord of Creatures’, i.e., creator of living beings).\(^2\) In the Maitrāyana Brāhmaṇopanisad (V, 1) he is identified with the Supreme Self, Brāhmaṇ. These are his aspects as a divine being. On the human side he appears as a rṣi (Rg Veda, I, 80, 16, 1, 12, 16),\(^3\) or as the hero-king of the great flood in which the human race was destroyed, leaving him as the only survivor, and who recreated through Iḍā (who sprang from his sacrifice) the human race, or as a father who divided his property between his sons in his own lifetime\(^4\) (Tait. Sam. III, 1, 9, 4) and as a man following the prescribed customs (Sata. Br. I, 8, 1). He is referred to as a king, the father of king Purūravas by Iḍā, the father also of a king named Śaryāta and of king Ikṣvāku (the ancestor of the famous Solar dynasty of Ayodhyā),

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1. K. P. Jayaswal, Manu and Yājñavalkya, 1930, passim.
2. प्राचीन मनव स्मारक (प्रायःगमिनीसहित, १, २, ४, १, ५, २, ९, १)
3. सामान्यतः मनवयोग्य द्वारा भविष्यता (अनेकालंसहित, २, २०, १६;)
4. रक्षयवृष्टि द्रष्यवान्तस्मारक (भ. त. १, २, २)
and as anointed as king by Prajāpati himself. He is said to have introduced the fire-sacrifices and śrāddhas. He is credited with the ‘discovery’ of several Vedic hymns. The designation of Śrāddha-deva applied to Manu in the Mahabhārata (XII, 121, 29) is reminiscent of the legend. The Chāndogya Upaniṣad states that its last section was first revealed to Kaśyapa Prajāpati by Brahmā (Hiranyagarbha), who communicated it to Manu, who broadcast it to mankind. In the Bhagavadgītā the Lord ( Bhagavān) states that the yoga was first communicated by him to Vivasvat, who communicated it to Manu, who passed it on to Ikṣvāku, from whom ‘royal sages’ derived it in succession from generation to generation (IV, 1-4) till knowledge of it became lost to men. The oft-repeated Vedic dictum—‘Whatever Manu has spoken is medicine’—implies that Manu was the author of many injunctions or rules of conduct whose beneficial effects are testified to in the statement. That his practice created a precedent to be followed is signified in the passage in Taittiriya Samhīta (III, 1, 9, 4), which declares that he divided his property between his sons, or the śloka in the Nisukta (III, 4) which affirms that “according to the sacred law, inheritance goes without distinction to sons and daughters, as declared by Manu Svāyambhuva at the beginning of creation.”

That the rule here ascribed to Manu is not only not found in Manusmṛti but is opposed to its rules of inheritance, is irrelevant, as the point in the statement is that Manu was believed to be an authority on the law. In the citations of the very words of Manu in Dharmasātras, in regard to mutually contradictory doctrines as well as to doctrines for which there is no parallel in Manusmṛti, we have to see (as Bühler pointed out) the beliefs in laws originally laid down by Manu and the indisputability of any dictum or practice

1. इन्हें विस्तार कोई मोहनालिमानयम्।
विवशासनयोग प्राण मनुरशासनात्मवीद॥ (सम्राप्रा, १ ४) ; also lbid., IV, 2.

2. वै वेष मनुरशासन तत्रेत्यम् (४, २, ३; २१, २१, २१, २१)
मनुवं वानिकनन्तरेतत्वातिपाये (तात्क्रियाययायं \ रूः, २१, २१, २१)
ज: लम्बता नन्ति सनु निरक्षातः।
स स्वार्तिकोपतीको वेन परिवर्तनयो हि स: ॥ (२, २)

3. अधिकृतेऽस्मातिः पुत्र दायद धीति (र्नरुत्रूः—क्रोधांगणमुक्तम्। “अहासासंवतिः
हुयाबहिन्यासे। आत्मा वै दुः नामाति स दीये यातः: गदाम्॥” धीति।

“अस्विकृतेऽस्मातिः पुत्राचार्य महति भवति।
मिनुनानात वित्तुर्गीि मनु: स्वार्तिकोर्तिमही॥”

4. Bühler, Laws of Manu, p, LXIII.
that could claim his authority. This is the spirit in which the very words of Manu (‘Manurabravita’) are cited in Dharmaśutras. The Vedic legend of Manu’s invention of śrāddha is explicitly stated thus in Āpastamba: “Formerly men and gods lived together in this world. Then the gods in reward for their sacrifices went to heaven, but men were left behind. Those men who perform sacrifices in the same manner as the gods dwell (after death) with the gods and Brahma in heaven. Now, seeing men left behind, Manu revealed this ceremony, which is designated by the word śrāddha.”¹ Gautama (XXI, 7) cites a rule that is found in Manusmṛti (XI, 194-92, 104-105).² The Vedic text of the equal division of his property between his sons by Manu is mentioned by both Āpastamba (II, 14, 11) and Baudhāyana (II, 3, 2). The authority of Manu is apparently relied on by Baudhāyana for the sin of the father who keeps his daughter unmarried after she attains puberty (VI, 1, 13).³ Vasiṣṭha has several citations from or references to Manu. The legend of Manu’s revealing the śrāddha may be compared to the declaration of Manu in Manusmṛti that the ten sages, whom he created (I, 37), created in their turn the manes (pitarā́ḥ) for whom śrāddhas are intended.

Manu and the Mahābhārata.

The close affinity between the Great Epic and Manusmṛti makes the occurrence in it of the name of Manu of special significance. Twenty-four citations from Manu occur in it. Of these, sixteen simply refer to a Manu, without any descriptive epithet; one refers to an opinion of Manu Prācetas in his account of the duties of kings (rājadharmaśc); seven are ascribed to Manu Svāyambhūva, and they relate to ordinary śrāttī topics. The Epic makes Manu Vaivasvata, the hero of the Deluge. He is said, in another legend in the Epic, to have been given by the Creator a sword which contained Dharma within it (dharma-garbha). He was to protect all creatures

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1. सर्वेषमुभाभागिनां निधिके पुरा प्रियोः। भव देवम् नमस्मिदिन्य जगुर्देवीयवति मनुभागः। वेदम् वे कर्माधारस्ते तदं देवेश्च चालुचिन्यं कोन्ये निधिन्। अभिषेकम्: आदित्याः कर्म प्रीतांगि। प्रवामिकंसं च॥ (आपत्तमभमेभु, 93, 16, 4)

2. भौग्नि प्रभुमानिनातिवधान नुः (भौग्नियमेधु, 21, 4.)
   The reference is to the three first mahāpūtakas, as defined in Manusmṛti, IX, 235 and XI, 56.

3. भौग्नि वपोपार्थनातिवधान व: कर्मं न प्रीतांगि।
   स गुरुं मुनास्याय: दैवज्ञानस्यस्यद्वसम्॥ (४, २, २३)
   Compare Manusmṛti, IX, 90-91.
with this sword. As Manu is a king, his receiving this sword is a symbol of his being vested with the power of punishment, and it recalls the similar legend (i.e. of the creation by Brahma of Danda or Punishment) and of the king being made to wield his rod (danda-dhara). The Bhagavadgītā refers to the 'four Manus' (catvāro Manavaḥ). The Purāṇas develop the lists of Manus and make them out to be fourteen in all, each of whom is 'regent' of a vast time-cycle (manvantara). Of them six have already ruled, with seven more yet to come before the kalpa is finished. Of these, the Svāyambhuva is the first, and Vaivasvata, the regent of our time, is the seventh. The six are descendents of the first Manu (Svāyambhuva) and are named respectively Svarocīṣa, Auttama, Tāmasa, Raivata, Cākṣuṣa and Vaivasvata (I, 61-63). Svāyambhuva claims (I, 33) to have been created by Virāṭ and to have himself created ten sages (Marici, Atri, Angiras, Pulastya, Kratu, Pracetas, Vasiṣṭha, Bhṛgu and Nārada) who, in turn, created seven (?) other Manus (I, 36). It will be noted that Prācetas Manu, whose dicta on rajadharma are quoted in the Mahābhārata, is not in the list of seven or fourteen Manus, but among the ten sages, who created the Manus, but a Manu created by him would be Prācetes Manu. In the account of the Creation given briefly in Manusmṛti (I, 1-110), and more fully in the Purāṇas, vast time-cycles of the duration of many billions of human years are mentioned, for each of which a Manu is creator and guardian. He not only creates all animals, plants, etc., but makes regulations for them. "Manu Svāyambhuva composed the institutes of sacred law that pass by his name in order to settle clearly the duties of the Brāhmaṇa and those of other castes." (I, 102). The varṇadharmas are therefore held to rest ultimately on divine sanction, and their institution is also the work of Divinity. The task of Svāyambhuva Manu was to declare the duties laid down by the Supreme Being. The ultimate sanction for the dharma outlined in Manusmṛti is thus held to rest on God, who is also (according to the Puruṣasūkta and its paraphrase in Manusmṛti, I, 87) the author of the varṇas, each varṇa having been born from a part of his divine person. For each cosmic period or manvantara, the Manu of the epoch is the expounder rather than originator of the system of the Universe and its regulations.

1. तस्य कर्मशेषाय: श्रवणामसत्युतमः । 
स्वायमकुवे मनुष्यामानिदशाक्षसकलबद्ध ॥ (१,४०२)  

2. संसारस्य तु सर्ग्यं गुणधर्मं स महायुगिः । 
कुशलाहृदयवानां युधक्ष, कर्माभ्याजकलबद्ध ॥ (१,८९)
Immortality is postulated in the Purāṇas for all the Manus, and the original sages who were created by Śvāyambhuva Manu. It makes them the eternal custodians of tradition and the appointed regulators of laws. "The knowers and doers of Dharma, well-instructed and distinguished beyond others, who remained behind at the end of the previous manvantara and now stay on in the world cycle, in order to maintain unbroken this chain of worlds, kingdoms and races, and to preserve the ancient dharma from falling into decay and ruin, by constantly instructing the newly created in their duties—these are the Manus and the seven sages. Out of his memory of past ages, our Manu declared the Dharmasāstra suited for the present cycle." The Manus of past manvantaras do not pass away, and the Manus of the future are already born and await the time for their assumption of regentship. The word 'Manu' is therefore, as has been pointed out by Medhātithi, the name of an office rather than of a person. An unbroken tradition is maintained by the succession of Manus, and the chief function of a Manu is to keep it up. The work of the first Manu continues in that of the seventh, Vaivasvata, who governs the current manvantara. This is why Manusmṛti claims to be revealed by the original Manu of this kalpa, even though it is intended for those under the sway of his seventh successor. To support the infallibility of the original Manu, whose dicta are held to be contained in the present smṛti, he is referred to as omniscient (II, 7), as identical with Agni, Indra, Vāyu and the Eternal Brahman, (XII, 125) and as a king who gained sovereignty by righteousness. The ultimate source of all knowledge and all rules is the Veda (VII, 42). All that Manu says must be regarded as contained in the Veda. Bṛhaspati declares that pre-eminence is due to Manu's work on dharma because it is filled with the Veda, and any smṛti opposed to the sense of Manu is not esteemed. 3

The Idea of Progress.

In the tradition thus recorded, it is explained that each kalpa repeats what happened in a previous kalpa, and there is continuity in tradition between manvantara and manvantara. What we crudely call 'creation' is in the Hindu view but the systole and diastole of the

1. सत्समुदया, क, १४५
2. सर्वभानविभि सि हि (२, ४)
3. ब्रह्मभूतिसंस्कृताम् प्रामाणयम् तु सनोऽस्मात् स्मृताः
भवति विशेषते तु या स्मृति: सा न श्रद्धेते"
(ब्रह्मभूतिसंस्कृति:, G.O.S. LXXXV, संस्कार, २१)
Universe, its evolution and involution, coming up after a maha-pralaya and proceeding to another such dissolution. Within a manvantara we have vast cycles of time known as yugas, which form a quartette of tapering lengths of years for each of the four and of diminishing virtue. The first is the Golden Age and the last the Iron Age, ‘the age of Kali.’ We are now in it. The regulations that are made are providentially devised to suit the conditions of each age. Men were not only more virtuous in the earlier ages than in the later, but they were more long-lived. Their powers of overcoming the drag of sin were greater. The rules that are suited to one age may be unsuited to others. This is picturesquely stated in the dictum that for each age there is force in one predominating moral quality or action, vis., austerity (tapas) in the first age, divine knowledge (jñana) in the second, sacrifices (yajña) in the third and charitable gifts (dāna) in the last. The implication is not that one alone has to be practised in an age, but that all are prescribed for all time, the one indicated for a particular age having more power in overcoming the defects of men in that epoch. In western countries the Golden Age was put in the remote past. In Hindu belief the Golden Age is both in the past and in the future, because the Age of Iron must, in the unending cycle of ages, be succeeded by the Golden Age. Another implication of the yuga theory is that duties are adjustable to circumstances. They are not to be changed by human volition. Different modes and morals are divinely indicated for each period. Diminishing power makes it impracticable for the degenerate men of a later age to bear the moral strain of the earlier. Hence many rules that are found in smṛtis even now are to be rejected on the ground that they refer to another age (yugāntara-visayam). The permission or duty to slay a manifest assassin, even if he is a Brāhmaṇa, which we find in the same smṛtis which prescribe Brāhmaṇa immunity from capital sentence, is dismissed as suited not to the present age but to a former.\(^1\) The theory of ‘age-contraction’ (yuga-hrāsa) implies not merely a diminishing length for each yuga but a corresponding diminution, in longevity, strength and stamina for those who live in it. In course of time, this doctrine (of which the germs are found in Manusmṛti) was developed by later smṛtis and commentators into a long list of nearly fifty-five forbidden usages of Kaliyuga (Kalivarṣya). The first digest in which the enunciation and enumeration occur is the Smṛtyarthasāra of Śrīdhara (c. 1200 A.D.) but the ideas are in the germ even in the Mahā-
The idea is that increasing weakness, physical and spiritual, demands relaxation of rules in favour of those who live in the later ages. The recommendation of gifts (dāna) and faith (bhakti), in preference to yajña (sacrifice) and prāyaścitta (expitiatory penance or rite), the adoption of the principle of substitution (pratīnihāti), by which in the absence of anything that is prescribed a substitute for it can be used instead (in a kṛcchra penance, for example, a money gift to the person who is supposed either to do the penance in the place of the donor or to take over the demerit for which the kṛcchra is indicated) and a recommendation to drop certain institutions or ceremonies on the ground that they are unsuited to the growing weakness of Kaliyuga (kalivārpya) are illustrations of the action of the principle. Under the principle, women and Śūdras (owing to their physical and spiritual weakness) are given lighter penances and easier means of attaining the same results as men of higher castes. We find it already in operation in the distinction between dvija (twice-born caste) and Śūdra and the literature open to each class. The famous rule of Manu (II, 24)1 which permits a Śūdra to live anywhere (i.e., in regions in which a dvija is not allowed to live) is an instance in point. So is the rule of Manu (X, 126)2 that a Śūdra does not commit any offence entailing loss of caste, e.g., by eating garlic, or drinking wine. The religious instruction that a dvija acquires painfully through a long period of studentship, the Śūdra can get by hearing recitations of the epics and Purāṇas. The śloka which indicates for each yuga a special dharma-pravartaka, which occurs in Parāśarasmrī3 and is ascribed by the Ācārāṅgatna to Brhaspati (‘in Krīyayuga the duties to be followed are those laid down by Manu, in Tretā-yuga by Gautama, in Dwāpara-yuga by Saṅkha-Likhita and in the Kaliyuga by Parāśarasmrī’4) is not a denial of the value of all smṛtis (including Manusmrī) in all ages, but a recommendation of one specific smṛti for the Kaliyuga, viz., that of Parāśara, who has laid down (I, 33) that the twice-born in every yuga only reflect the dharma standard of that age, and cannot be reproached for it.4 The sacrifice of cows

1. शुद्धता वरिष्ठनिं सिद्धस्थिः प्रक्षेपत्रुणिनिविदित: (२, २४)
2. न शुद्धे पातक किंवि प्रयुक्त: न विकर्मादिः (१०, २६)
3. भ्रमणस्वरूपं भ्रमणस्वरूपं नामाभिप्रेक्षये (पराशरस्तोत्र, २, २५)
4. तेषां निरं न कत्वा भुगृहा हि तेषाः (पराशर, १, ३३)
and many dubious acts done in ages of the past, which now perplex
us, are explained away by the principle that such acts did not bring
misfortune to those who did them in the ages long past because of the
'power of their superior lustre' (tejovīteṣa) which enabled them to
overcome the bad effects. A married woman has many domestic duties
which stand in the way of her performing numerous vratas (vows)
involving starvation and other austerities. Parāśara (IV, 17) prohibits
them for married women. The Śūdra may clear himself of the
effects of a sin by a mere gift, instead of doing the elaborate
penances that are prescribed for dvijas (VI, 51). The idea is
different from that which lays on a king a personal duty to enforce
Dharma on all his subjects. As he does it well or ill, his epoch
becomes analogous to a Golden Age or the reverse, and it is
signified by such expressions as the much misunderstood dictum of the
Mahābhārata (XII, 69, 103)—rājā kālasya kāraṇam (the king is the
creator of the age) or of the Śukraniti (IV i. 90 ff)—yugapraavartako
rājā (the king starts the age). Acting under the sanction allowed
to the conventions of those learned in Dharma (darmajñasamaya), a
number of ceremonies, which seem to be beyond the capacity of the
men of our times, or practices that are abhorrent to our
sense of right, (like the levirate or niyoga) are placed outside the duty
enjoined for those in Kaliyuga. In Manusmṛti, niyoga is treated as
an existing practice, and sons by the device are named and dealt with
for inheritance, but the institution is explicitly condemned (IX, 64-68)
for dvijas. Manu mentions that this 'paśu dharma' ('morals of
the farmyard') had been in vogue in the days of a bad king
of the remote past, in whose time the dread mongrelism (varṇa-

1. पत्नी तीमति या नारी पर्योष्ट्र तत्नावेरेः
   आधुण्यं इते। भूः सा नारी नरके ग्रेदेः। (Ibid., 8,2)

2. भूराणां निन्यास्व: श्रावू शूरो दत्तम युध्यति। (Ibid., p. 6,2)

3. See the Note on these dicta in my Rājadharmo, pp. 102-104.

4. नायमिनसनुः विच्छः नारी नियोक्षणसा द्रिकादिमिः। (9,4)
   अर्थ विवेकी विनियोगः पद्धवमाँ विगारितः।
   मनवानामाप्सो भगो भगवान ऋष्पान्तरः। (9,66),
   न महोक्षिकाँ दुःस् राज्यान्तरः। (9,66)
   भयोनां सहारं चक्क आनापितं स्वारः।
   लत: ध्रुवित्य वो महाद् न्रामांश्च तिरिक्ष:।
   निषेधवनलिंधे वं निगारितः सा। (9,67-68)
*sanākara*) became common. Bṛhaspati (p. 194) explains Manu's position in condemning the levirate, after mentioning its continuance, as due to the view that in the first two ages (*Kṛta* and *Trėtā*) men were endowed with power springing from their austerity and learning, of which those of *Dvāpara* and *Kali* ages are lacking, resulting in lack of power to overcome consequences of the acts.\(^1\)

Among modern writers there is a disposition to commend the rules of *Kalivarṣīya* on the score of their being progressive. The ancient attitude to them is fundamentally different from the modern. The practices, which (though upheld by *smṛti*) are treated as unsuited to our degenerate age, are also condemned but as wanting in authority. By the convention of the elect (*dharmaśaśaṇa-samaya*) they are considered as beyond the shrinking strength and stamina (physical and moral) of our times. *Every* one of the practices, whose discontinuance is urged under this rule of *Kalivarṣīya*, will not appeal to a social reformer. Thus, among the practices that are to be dropped are the remarriage of widows, intercaste *anuloma* marriages and sea voyages. Their rejection in the modern view, is not only unprogressive but reactionary. The rejected items are not on a par with other inhibited practices like human sacrifice, religious suicide, drinking of spirits, pious improvidence (*āśvastanika*) and needless asceticism. It is puzzling to see both humane and retrograde customs, rejected on the same principle in *Kalivarṣīya*!

The modern difficulty in appreciating the constituents of *Kali-varṣīya*, and in reconciling the progressive and reactionary elements in it, arises from lack of understanding of fundamental differences of outlook, leading to the adoption of altogether different scales of values. Like a modern thinker, the ancient Hindu aimed at the good of the world (*lokasaṃgraha*) and put a premium on unselfish, altruistic work. He attached equal importance to provision of charitable works of public utility (*pārta*) as to ritual sacrifices (*iṣṭā*). In modern estimation, the aim of social advance is to secure the maximum of increase

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1. उक्तो निमयोऽनु निमित्तः स्थनेव दु: ||
   दुःधातावशायेव कहङ् शोभितानाति: ||
   तपोमांसमावृत्तः कन्ये तेजाश्च नरः ||
   धापो न कर्ती नुषा शक्तिपालितिनिति: ||

   (ब्रह्मसूतं, स्वः, २५, २६-२७)
in wealth and the material objects of well-being, an increase in our knowledge of the secrets of nature and greater command over nature’s forces, with wider application of science to war and industry. Our standards are material and largely external. The old Indian belief was different. The contrast between the East and the West comes out in many ways, even on a superficial comparison. Religion dominates all Indian ideas. While happiness (in a Hedonistic sense) is the Western criterion, duty is the Indian. In the Indian view man is a soul disguised in a body. The body perishes but the indweller, the ‘self’, survives eternally. What is ‘good’ is not what seems ‘good’ to the perishable, but is ‘good’ to the imperishable. Worldly prosperity is no index of man’s advance. It is delusive, and is ásuri, demoniac, not daiví, divine. Indian thought thinks not in terms of countries, nations or peoples, but of the universe; not of the short span of human life but of eternity. The only advance that is real and lasting is the spiritual, the ‘ascent,’ of the self. An advance in spirituality coupled with one in morals, is the real index of progress. The self (ātman) has a goal so remote in Time that it is invisible, and is gained by conquest of the trend to re-birth (and all that it implies) and the ultimate approach to and merger in the Supreme. Nothing that is thought, felt or done is lost; all make a permanent impression, and their effects cling to the self through Time. The supreme purpose of those who enjoy a vision that is denied to ordinary folk is to indicate the ways in which the ultimate goal can be reached. Anything that makes his approach to the distant goal easier, quicker and more certain is what one should do; anything that retards it is what one must avoid. The catalogue of duties, which constitute Dharmaśāstra, is intended to help in the attainment of this end. The purpose of social organization, and the disciplined life of the āśramas have also the same aim. The appointed means are mainly disciplinary, and the inculcation of standards of value different from our present day scales. They take note of the strength and weakness of every person and appoint means suited to each. They are integrated to a complete philosophy, and the declaration of their derivation from a divine source is only an emphatic way of asserting their supreme necessity for the uplift of the self. Dharmaśāstra and Darśanaśāstra (philosophy) share this aim, and their prescriptions are the same, with stress on the superior validity of one or another means of grace. They agree in indicating the ways to the goal by the broad roads of Yōga, Bhakti, Karma and Jñāna. Leaving aside the precise definitions in the darśanas, the purpose of the four may be stated to be the training of the mind, the heart and activity, and their sublimation,
The methods of approach in smṛti and philosophy to the means of attainment of the end differ. A smṛti merely describes the modes and indicates the outlines of the processes or technique of each; the darśana expounds the principles and supports them by reference to reason as well as scriptural authority. When philosophical schemes were elaborated for study and differentiated from one another, antagonism, or at least inherent rivalry, was postulated between them. This seemed obvious by the stressing of its own mode of realization by each darśana. It is otherwise in a smṛti. Its approach is synthetic and inclusive, with an emphasis naturally on karma, in the sense of both moral duty and enjoined rites, as they accord best with the concept of Dharma based on Vedic injunction. With the exception of the Bhaktimārga, we find the other three in Manusmṛti. Indian thought realizes that the self has a body, which is liable to weakness and temptation and needs to be trained. The appropriate training to enable it to reach its goal is behind the constitution and rules of every varṇa and every āśrama. Discipline is the common denominator of all the rules and the entire system of varṇāśrama-dharma. It is the universal regulator. Pleasure, if it is not coarse and does not retard the progress of the self, is permissible. Aimless asceticism is not the teaching of Dharma. Higher ends and means must prevail over lower. Acute study and knowledge of the relations between mind and body and between man and his environment, and of the physical bases of emotional, intellectual and spiritual life, are behind the meticulous regulation of such things as time for conubial intercourse, continence of man and woman, lawful and forbidden food and drink, clothing, the quantity and type of nourishment that is permissible to different persons, the modes of life for different persons according to their adhikāra (duty or function), the amusements that are lawful, and the detailed code of ethics and etiquette. In Indian belief a person's relations extend both vertically and horizontally, in space as well as in time. He is a link between ancestors and descendants. Man is midway between the sub-human and super-human worlds. There is belief in the inter-connection between action in one plane and in others. Such relationship has to be conceived as not of two, or even three dimensions but of many. Cosmic relationships defy human analysis. Their realization is either intuitive or empirical. What the sages have said is based on both. The wide scope given to the intuition of the erudite and the elect (not of the half-human or savage being) in the determination of Dharma—ranging from spiritual to civic duties—is due to the hypothesis of the reliability of the intuitions of such persons. Since the vehicles in which the self can march to the goal are the body and the mind, both have been
subjected to intensive study by the framers of the rules of Dharma. It is not only in the rules for the observation of the conduct of witnesses in an enquiry or in those for the determination of persons fit to be chosen as partners in marriage that we find proof of profound study, and of empiricism which has been translated into tradition. We find it also in a study of sex-behaviour, of the psychology of adolescence and of those who have reached the climaeteric, and of the reaction of function on mental content and disposition. Details, which look wearisome, when crudely translated and superficially studied, will be found to be based on time-worn experience. In every detail or rule, there is only one aim: how to come nearer the attainment of the sumnum bonum, and how to conserve the spiritual strength, overcome weakness, and lift up the self. Whether in any specified condition or circumstance the path of activity (pravṛtti) or that of renunciation (nīvrtti) is the better, and whether one may be satisfied with being raised by good deeds or scrupulous attention to enjoined rites to the bhoga-bhūmi of the world of the gods, or should aim higher, are matters that come within the scope of Dharmaśāstra. It will be noticed that a phala (result) is specified for every act, good or bad, and for every omission of enjoined duty that is unexpiated. Their enumeration in a smṛti is wearisome to a modern reader. But for one who knows Dharmaśāstra and looks to it for guidance, they are of great significance. So are the catalogues of sins, and of the means of expiation of sins. In general, a sin springs either from an infringement of enjoined duty (Dharma) or the omission of a duty that is imposed on a person. The ways of overcoming sins are seven: by undergoing suffering, either as the natural consequence of the offence or otherwise, by undergoing civil penalties (since punishment purifies), by post-mortuary suffering in other worlds ('Heils'), by countervailing measures which create a stock of merit to balance the sins (as by charity, pilgrimage, penances, austerities, vows, Manu, XI, 236-240), by prayers and ritual, by penitence and public confession (e.g., Manusmṛti, XI, 228-233) and above all by leading a life of virtue and unselfishness. There is the belief that in determining his future birth a man’s actions in this life have a decisive influence. The recital of the forms which various offenders assume in the next incarnation, which is wearisome for us to read, is part of a smṛti; for, it was part of the wide-spread belief of the times.

The mistakes that are usually made by modern students of Dharmaśāstra are mainly two: they judge the ideas and belief of other days by those of their own; they do not often appreciate the rationale behind injunctions or institutions that do not appeal
to them. There is also the temper of superiority or condescension which is difficult to overcome, and which makes a modern student miss the significance of what sympathetic understanding might reveal. These are sins against the historic spirit, often committed, like common sins, in the name of the virtues they transgress. The combined effect of these is not only insufficient understanding or inaccurate perception of the value and meaning of rules or institutions and their effects, but application of faulty methods of textual criticism.

Though a smṛti is not expected to prove a work of philosophy or theology, and expound a complete scheme of life, it must be based on the acceptance of one. It must have a metaphysical background. In Hindu belief, all wisdom and all knowledge are contained in the Veda. To challenge the omniscience of the Veda is impiety and exposes the doubter to the charge of heresy. No amount of doctrinal divergence will make a Hindu a heretic, if he does not deny this. If he does, he is a heretic (veda-bāhya, veda-nindaka), and an atheist (nāstika). The highest compliment that can be paid to any canonical work is to describe it as containing the cream of the Veda. The purāṇas, the epics and smṛtis claim to be so. The wisdom of the Veda is not to be gathered from a superficial understanding of its verbal meaning, though to know even that is better than learning the Veda only by rote. It is the proud claim of Manusmr̥ti (II, 7) that all the duties described by it are based on the Veda, for its 'author' Manu was omniscient (sarvajñānamaya hi sah). It is unnecessary to try to find a passage in the Veda for every statement in Manusmr̥ti. It is in the sense of the Veda as expanded in itihāsa and purāṇa that its source may be found. The two types of literature are among the springs of tradition and duty. They are the records of cosmic history, in a sense more profound than and different from our conception of world history. They deal with the rhythmic swing of the coming and going out of Being (pravṛtti and nivṛtti). Their concern is not merely with the story of short-lived generations of men, which pass away far too quickly, or with the genealogy and story of regal lines. Creation, dissolution and the ages of the world are not less, in fact more, their concern. History (limited to what it now is) is the story more of the bodies than of the souls of men. The body dies but the soul, the self, is immortal. Death is not extinction. To know the story of one cycle of time is to know all, because the repetition of the cycles stretches from infinity to infinity. Seen against the background of the story of cosmos, the struggles and the rise and fall of empires and dominions seem petty and futile. The great conquerors and kings have passed away. The author of the
Viṣṇupurāṇa repeats in ringing words the disappointment of the study of human or dynastic history, that it has retailed, and condemns it as the vanity of vanities.¹ What survive are not the body and perishable institutions, but the punya or pāpa, merit or sin, that result from action (karma) and that adhere to the self till it is absorbed. The most practical of studies will therefore be that which enables the self to transcend its obstacles and reach its goal. Among the ways discovered for realizing it is the pursuit of duty (Dharma). Intuition of it is enshrined in the Veda and cognate literature, from which Manu’s work and others of the kind must, according to Hindu belief, be interpreted.

This is the reason why (without any trace of self-consciousness) Manusmr̥ti prescribes its own study for the teachers and custodians of knowledge and tradition, viz., the Brāhmanas.² If the wisdom of the teacher, who by example and precept, by instruction and practice, guides the lives of those whom he is appointed to train, is ensured, then that of the community is safeguarded. He who learns the smṛti must be already erudite (vidvān). He must be a man of austere righteousness ;³ for acāra (conduct) is the transcendent law⁴ (acāraḥ paramo dharmah) whether it is in harmony with what is enjoined by the Veda or the smṛti. The man who is soulful (ātmanavān) should conform to the highest tradition in his own conduct, i.e., adherence to principles. Manusmr̥ti is comprehensive, for in it has been stated “the good and bad qualities of human actions and the immemorial rules of conduct (sāsvataḥ acāraḥ) to be followed by all the four varṇas” (I. 107).⁵ It details the svadharma of every one. By daily study of it and by teaching it daily a learned Brāhmaṇa will increase social welfare and his powers of understanding, earn fame, and attain longevity and ultimately supreme bliss (niś-śreyasam param). The student of Manusmr̥ti is further said to sanctify his


2. विद्वान् भाषणेमेत्यत्वेत्त्र्यं क्षणतः ।
   विद्वाने वर्णव्ययं सम्बन्धमात्रत्य केदारनाथ || (२,१०३)

3. कर्मेण स्वस्त्यवनावतं महानं महाभित्त्वात् || (२,१०४)

4. अधिकारः परस्पर धम्मं वृद्धम् समारे एक एव ।
   द्रव्यादिन्द्रियादि विषयं निलं स्वातं समावृतं द्रिते || (२,१०५)

5. अर्थस्य के मलान्तिः गुणवधीपं न कर्मपाश्च।
   व्यवाहारिक वर्णवीपाचर्ये शास्त्रं || (२,१०६)
ancestors for seven generations and his descendants for seven generations.¹ "He alone merits the whole earth" (prāvim api so arhati, I, 105). He who studies the work diligently and lives up to its injunctions is untainted by sin, from thought, word or deed (I, 104).² The daily recitation of the work will ensure virtuous conduct and the attainment of all one's wishes (XII, 126).³ It is noteworthy that while the earlier statements are made of the teacher, who has to be a Brāhmaṇa (as the smṛti is like a Veda, which a Brāhmaṇa alone can teach), the fruits of daily recitation are promised to all the twice-born (dvīja). The same destiny is held out to the diligent teacher of Manu-smṛti as to the Brāhmaṇa who combines austerity and Vedic learning (XII, 104).⁴ It is only those who know their own duties and the duties of others that are efficient wardens of society. It is in this sense, and not in that of upholding (as suggested by Dr. K.P. Jayaswal) the Sunga usurpation, which contravened the fundamental varṇa-dharma as well as the sāmānya-dharma laid down by himself, that Manu declared: "Command of armies, royal authority, the office of judge and sovereignty of the whole world he only deserves who knows the Veda science (vedośāstravit XII, 100).⁵ The source of all dharma is the Veda, and he who has mastered the Veda, is a master of Dharma lore. As all dvījas are entitled to a knowledge of the Veda, and it is up to one of the second and third varṇa to attain (as King Janaka did) mastery of the Veda the glorificatory statement will apply equally to him. It is in essence only a magnification of Dharma and its revealed source.

Traditions of the origin of Manu-smṛti.

The present text of Manu-smṛti is divided into twelve books of unequal length, and comprises 2695 ślokas. It is the largest smṛti extant. It gives a short enumeration of its chief titles or topics at the

1. पुनाति पदेनि युक्तं सम तत्त पराभरम्।
2. मनोवाचिवैतिषिकं समारदसोंधितं प्रविष्टः।
3. यवेकमात्रं योनि ज्ञानं पवंतमित्रः।
4. तथो विषयं न विषयं निन्दायस्तं संस्कर्तं पदम्।
5. सन्नायेन न राज्यं न रणमेयं विचित्रं न।

Jayaswal, Manu and Vyāsabalkya, pp. 43-45.
end of the first book (I, 111-118), which tallies with the actual contents. This specification of contents was obviously intended to prevent the incorporation of other subjects. This practice is not unusual; for example the Arthasāstra of Kauṭilya gives a viṣaya-nirdeśa at the commencement of the work. In later times, every nibandha (digest of Dharmaśāstra) followed the practice. The oldest extant commentary on the smṛti is that of Medhātithi, who lived probably in the 9th century A.D., about two centuries after Asahāya, whose commentary on Manusmrtyi has not survived. Other commentaries on the smṛti seem to have existed in the days of Medhātithi, which are also lost (e.g., Bhāguri, Bhartṛ-yajña) and the text seems to have been settled before their time. It is almost identical with that which later commentators followed, and which now passes as Manusmrtyi. We have in the verses of Bṛhaspati a check on the doctrines of Manu, and the reconstructed Bṛhaspati confirms the text of Manu which has come down to us. It has undoubtedly been deemed authentic for over fifteen centuries at least. "No one can doubt for a moment that the extant Manusmrtyi was an authoritative work in the seventh century."

The work gives an account of its own derivation. Its contents were communicated by Brahma to Manu Svāyambhuva, the first Manu, who taught them to the ten sages who were appointed by him to create living beings (1, 35, 58). Manu had himself composed the sāstra, and when he was approached by the sages to declare the eternal laws, he commissioned his mind-born son and disciple Bṛgu (one of the ten sages) to recite the laws to the other sages. It is therefore in the form of a monologue by Bṛgu, occasionally interrupted by the sages, who ask for elucidation of some points (V, 1-3; XII, 1-2). The implication is that the substance of the original composition of Manu was conveyed by Bṛgu practically in Manu's words. There are eighteen instances in which Bṛgu cites the actual words of Manu, and they occur in seven out of the twelve books. The subjects dealt with in these citations are not however of such importance or uniqueness as to demand the very words of Manu. The description of the quotations as the actual words of Manu has no special significance, except as implying that the rest of the work represents a paraphrase or

3. III, 222; IV, 103; V, 41, 131; VI, 54; VIII, 124, 139, 168, 204, 242, 279, 292 and 339; IX, 158, 182, 239; and X, 63 and 78.
condensation of the original composition of Manu. Its authoritativeness is equal to that of the original, as it was recited in the presence of the semi-divine author. An invocatory śloka, which is found in some editions of Manusmṛti, has led to the explanation that the text of the smṛti, as we now have it, is the reproduction of what was recited by a pupil of Bṛihgu, who must have been among those to whom the work was taught by that sage.

The significant points in the tradition, which rests on statements in the smṛti itself, are: firstly, it contains the Dharma laid down by the Supreme Being and taught to Manu Svāyambhuva in the beginning of this cosmic cycle (kalpa), billions of years ago; secondly, its authenticity and authority are vouched for by the legend that it was recited in the presence of Manu himself, by a pupil deputed to recite it before sages who wished to get the revealed law from the fountain head; and in its present form it represents the third or fourth version of the original divine dictation. Apart from Manu’s own declaration that he had received the law from the Supreme Being (as a guide to his own regentship and that of future Manus), at the very beginning of things, the supreme authority that attaches to Manu’s work is reflected in the Vedic statements commending all that Manu said, in the claim to omniscience made by Manu himself and in the dicta of Brhaspati and Āṅgiras that no rules opposed to those of Manu have validity.

There is evidence in Manusmṛti itself which seems to go against the claim it makes to so remote an antiquity. There are references in it to the Vedas, Vedāṅgas, Dharmāsāstra (“Dharmāsāstra is smṛti”, II, 10), works on Dharma (dharmeśastra), khila of the Veda (e.g., Śrīśukta), histories (akhyāna), the epics (itihāsa) and the purāṇas, which the performer of a śrāddha is asked to recite for the benefit of the manes (III, 235), the experts in Mimamsa (mimamsaka), and etymology (nārāyukta) as well as he who can recite Dharmāsāstra (dharma-pāṭaka) and the logician (hetuka), who are among those required to constitute the pāriṣad (XII, 111), to the opinions

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1. स्वाभविके समस्तका भाषणेदिक्ततथे।
   मनुमृणीतां विद्विषा धर्मों वस्तुति शास्त्रतानु।

2. स्वाभविके भाष्यस्ति। अथ्यानात्मविद्विषां द्वारावती स्वाधिनि व।
   (२, २२२)

3. भौतिको हेतुप्रज्ञाको भौतिको धर्मसाधकः।
   विवेकाक्विनः। पूर्णे विनिलयाध्यायर। (२, १४१)
of authorities on Dharma like Atrī, Gautama (‘son of Utathya’), Saunaka and Bhṛgu, as to when a Brāhmaṇa who marries a Śūdra woman becomes an outcaste (III. 16), to the teachings of Vikhanas (who is said to have laid down the rules for hermits, (VI. 21) and to the rate of interest fixed by Vasiṣṭha (VIII. 140), which is given in the extant śṛṅti of Vasiṣṭha (II. 51). Of these, three (Atrī Vasiṣṭha and Bhṛgu) are among the ten great sages created by Manu Svāyambhuva, who in turn created the seven Manus (I. 35-36). There are allusions to heresy, heretics and heretical books and to “despicable systems of philosophy not founded on the Vedas” (XII. 95). There are references to the atheist (nāstika), atheism (nāstikyaṃ) kingdoms over-run by atheists (nāstikākrāntam rāṣṭram) and Brāhmaṇas who are atheists. The caviller of the Vedas (vedanindaka) and works on duty composed by those who deny the Veda (Veda-bāhyāḥ smrtayaḥ), are mentioned, a description that might appear to fit the Vīṇāya-piṣṭaka and Abhidammapiṣṭaka of the Buddhists. Divergences of doctrine are alluded to, e.g., option on the disposal of the śrāddha-piṇḍa; the relative claims of the ‘soil’

1. Śr. dāyikāḥ yavadesaścādāntavāṃsa H.(3, 16)
2. Bṛhaṃsāṃste ṛṣitaḥ: H. (9, 21)
3. bhūtvadṛṣṭaṃ svete vishvāntarībhīṣaṇī, H. 1.20
4. māraṃbhṛṣṭaṃ pūrvarvam punāḥ kṛṣṇo।
   bhūtvam bhuṣaṇāḥ ca bhūtv nārādman ca H.
   yataḥ punāḥ dharmaṃ上下adhautetvas: H.
   ābhavā devaṁkāyākṣaṇaḥ dveṣvināśētvas H. (9, 16-16)
5. pārthānāno nirmāṇkāyān vādyakruṣṭakāyākṣaṇam H.
   kauravaḥ kauravaḥ pātraśaṃśo gamanāvivekāḥ H. (4, 10)

See also IV. 61, V. 89-90, IX. 225, XI. 66 and 8, 30, XII. 95-96.

1. H. 11.
2. IV. 163; XI. 66.
3. VIII. 22.
4. III. 150.
5. II. 11; III. 161.
6. 11. 11.
7. IV. 163; XI. 66.
8. VIII. 22.
9. III. 150.
10. II. 11; III. 161.
11. H. 11.

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and the *seed*\(^1\) and to the *interpretation of the term bhārta* or lord in relation to a father’s rights over a son.\(^2\)

Such allusions and references will appear incongruous in a work which claims to represent the dicta of the *father of mankind* \(^1\) and to be incompatible with the primeval age of the law emanating from him. It is noteworthy that this aspect has not struck the acute commentators on *Manusmṛti* or later Hindu writers, who have accepted without question the legend of its origin and its paramount authority. We, who do not share the faith in these, will see in such references only proof of the composition of the entire work in an age in which such knowledge of the matters or persons alluded to would have been natural, and in which divergences of view might be predicated along with heresy in its many forms. It is otherwise with the scholiasts. Omniscience is claimed by Manu for himself, and it is admitted by the orthodox, among whom the commentators on *Manusmṛti* and writers on Dharma would be classed. Omniscience implies a knowledge of the past as well as of the present and the future. A work on Dharma has to lay down the conduct appropriate to epochs in which Dharma decays, and heresy becomes rampant as well as schismatic views. Further, the theory of the repetition of the features of each cyclic period of creation in all future cycles, would make the memory of Manu of the past degeneracy an indication of future decadence. Indian commentators (like Śabara, Viśvarūpa and Medhātithi) are acute and critical by nature, and are not likely to overlook obvious inconsistencies. Medhātithi, for instance, did not seem to have held the view (as pointed out by Dr. Jayaswal)\(^3\) that all that is found in *Manusmṛti* represents the very words of the divine sage. He refers to the author as “a man named Manu” (*Manur nāma kasci purusa-viśeṣaḥ*, I. 1).

Besides the story of its origin that *Manusmṛti* itself furnishes there are other legends, which bring a work of Manu on Dharma among

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1. भीमेश्वर महापरिवर्ती प्रसन्नमयी मन्नातिकः।
2. भीमेश्वर वर्षाकारोऽस्मयोऽत्तिकः प्रसन्नमयी।
3. मद्ये: पुरुष विवाहविषयतः अशीर्वाद।

1. Manu and Yajñavalkya, p. 44.
those divinely composed on the puruṣārthas. Thus the Mahābārata gives two accounts. In one the Supreme Being is said to have composed a huge work on Dharma which was summarized successively by Manu Svāyambuva, Uśanas and Bṛhaspati. In the other legend Brahma is credited with the composition of a work in a hundred thousand chapters, which dealt with Dharma, Ārtha and, Kāma, and this was successively abridged into 10,000, 5,000, 3000 and 1,000 chapters by Viśalākṣa (Siva), Indra, Bāhudantaka, Bṛhaspati and Uśanas. A similar tradition as regards Kāmaśāstra, along with works on the other two puruṣārthas is given by Vātsyāyana. The introduction to one version of Nāradasmṛti states that “holy Manu” composed a book in 100,000 slokas and 1,080 chapters and delivered it to the sage Nārada. Reflecting that so huge a work could not be remembered by mortals, Nārada condensed it into 12,000 slokas, and delivered the abridgement to Mārkaṇḍeya, who reduced it to 8,000 slokas, and delivered the abridgement to Sumati, son of Bhṛgu, who realizing that the longevity of men had been reduced in the transit of the ages, reduced the work still further to 4000 slokas. The last abridgement is meant for mortals, while the original work still exists in the worlds of gods and superhuman beings. The extant Nāradasmṛti (to which this preface is attached) claims to be the ninth book of the original (in twelve thousand verses) that Nārada had composed. The present text of the Smṛti is about a thousand slokas long, and deals only with law proper, and the claim seems to be supported. The approximation of the length assigned to Bhaṛgava Sumati’s version of the extant Manusmṛti makes Dr. Jayaswal regard it as the composition of a historic person, Sumati, who composed the present version of Manu in the Sunga age. A fifth tradition found in two purāṇas (Bhavishya and Skanda) states that there are four versions of the original smṛti of Manu Svāyambuva, and these are respectively by Bhṛgu, Nārada, Bṛhaspati and Angiras. This tradi-

1. Śāntiparāja CCCXXXVI, 38-46; LIX, 80-85.
2. मनुस्मृतिसाहित्य प्रबंधः सुप्रेरवलोकनाय विभिन्नात्मकतायाः प्रभुवासानां वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति वाति

5. The following sloka from Bhavishyapurāṇa occurs in Hemādri’s Dānakhandā (Bibl. Ind.), p. 528.

मानवानां नारदीयः च बार्हिस्वयम्भितस्मिन |।
स्वपुराणं शास्त्रं वृत्तं संहिता मताः ।।

7678 688.
tion probably springs from the obvious foundation of the extant smṛtis of Nārada and Brhaspati on Manusmṛti, which they supplement. The order of enumeration, however, places Nārada before Brhaspati (a sequence generally accepted by modern writers) but I have tried to show that it should be reversed, as Brhaspati is cited by Nārada. The version of Nāradasmṛti (which is only about two-thirds the length of Jolly’s text) with the ancient commentary of Bhavasvāmin, shows many variants from the Nāradasmṛti for which the ancient commentary of Asahāya is partially available. Bhavasvāmin’s text clearly has the tradition in mind, as it is decribed as Nāradīyā Manusamhitā, the Nārada version of Manu’s work. I have found most of the quotations in the Kṛtya-kalpataru, as often in the version of Bhavasvāmin as in that of Asahāya.

The legends have this significance. They establish the ancient belief in the divine origin of Dharmaśāstra and its authentic promulgation by Manu Svāyambhuva, from whose work later versions were derived. Manusmrtil, as we now have it, by claiming to be the authentic work revealed to Bhṛgu, gained the power to over-ride all rivals by its emanation from the Father of Men and the Creator. The claim of divine origin or inspiration has had several consequences. By referring back all laws to one primary source, of which an authentic text exists and can be consulted, it secured uniformity in usages and law. The older customary laws tended in course of time to approximate themselves to those of the divine smṛti, and though the bewildering variety of customs did not altogether disappear, there was a tendency for their gradual reduction and amalgamation. The theory of divine origin secured for the injunctions of smṛtis both a stability and a force that they could not have otherwise obtained, as mere human works. The supersession of the older sūtra works by smṛtis, for daily guidance, was the result. Basing laws on a source that does not admit of change contributes to social stability. But it is at the expense of unadaptability to altered conditions, as civil authority has no power to change laws by legislation. But the pressure of hard necessity finds a way out. The hypothesis of a divine, and infallible, source, carries with it the corollary that the laws promulgated will suit all times and circumstances and will be

1. See my Introduction to Brhaspatismṛti (1941), pp. 138-141.
2. Published by Sāmbaśīva Śastry in the Trivandram Sanskrit Series in 1929. Dr. Kane does not use it but Dharmaśāstra does. More of the citations in the Kṛtyakalpataru from Nārada are found in this version than in the text of Jolly, based on Asahāya.
just and equitable. Where they apparently fail in these respects, investigation or interpretation can discover ways of reconciling them with the demands of the moral imperatives. The smṛti contains the warning against literal interpretation, and advises the use of logic (nyāya) and intelligent interpretation (yukti) as well as the institution of bodies (pariṣad) to resolve disputed points of law and give decisions on matters that are not dealt with in the book itself.¹

Reductions of Manusmṛti

Tradition by describing the passage of the contents of the original divine smṛti through Manu, Bhrgu and possibly a pupil of Bhrgu, may appear to open a way for modifications of the original rules in the process of transmission. This is ruled out by the ascription of the recapitulation to persons with divine power. Modern students of Manusmṛti consider that revisions of the work are proved by the presence of contradictory views in certain matters: e.g. niyoga (IX. 59-63 and 64-69), a Brāhmaṇa marrying a Śūdra woman (III. 12-13,14-19), forms of marriage appropriate to each varṇa (III. 23-26), eating meat (V. 27-56), the relative status of teacher and father (II. 145-146), and the birth of Bhrgu (I. 35 and IX. 32-56). It does not appear to be right to take such instances as proving the incorporation of contradictory statements at different times, in successive editions of the work. It ascribes clumsiness to editors. In a revision one would expect obsolete matter to be cut out, not controverted. It is more natural to take such cases as reflecting actual or possible differences of view, which the smṛti tries to resolve. Mm.P.V. Kane rejects the theory that Manusmṛti underwent several recasts, and considers that one revision will account for the conflicting statements in the smṛti on which the inference is based.² He rightly draws attention to the traditional practice of setting side by side conflicting or divergent views, and indicating either preference or option. The story in the Nāradasmṛti that it is a version of Manu's original code looks plausible, as it explains the fragmentary character of Nārada's extant work, which deals only with Vyavahāra and omits other topics deemed by general agreement to be necessary in a complete smṛti. But it makes the extant fragment not part of the Code meant for men, but that which is intended for the gods! It thus proves too much. Bhavasvāmin is unaware of the story, or at least does not give it, though the colophon

¹. For the constitution of a Pariṣad see Manu, XII. 108-113.
of his commentary describes it as that on the Nārādīya Manusamhitā. His text is only about two-thirds the length of that dealt with by Asahāya. While the modern view of revisions postulates additions to the content and elaboration, the old traditions, utilizing the belief in declining powers in succeeding yugas, represent each succeeding recension as a condensation of the preceding. The stories are unknown to the author or editor of the extant Manusmṛti, and are suspect, on the ground that they attempt to give other smṛtis the authority that Manu’s enjoys. The many verses which pass as those of Brāhma-Manu and Vṛddha-Manu may be genuine in at least some cases and represent floating ślokas in circulation and ascribed popularly to Manu, which are not found in Manusmṛti, like the verses ascribed in the Mahābhārata to Manu and not found in Manusmṛti. The declared aims of Manusmṛti are comprehension and completeness in detailing the duties of every one. It is addressed to all persons, and its study is described as a duty of Brāhmaṇas, particularly of those who have to teach others. It has not the narrow audience of a kalpasūtra before it. Constant study of a work, which was made an obligatory study, in epochs in which there were expert reciters of smṛti (dharma-pāṭhaka) would safeguard the text from corruption and stabilize it.

Alleged Interpolations in Manusmṛti.

Dr. Bühler, after an exhaustive survey of the contents, rejects about half the extant text as interpolation. His arguments are in substance two: Manusmṛti is a versified form of a sūtra book which belonged to the same school as that to which Viṣṇusmṛti belongs. Accordingly, by a comparison with sūtra books and Viṣṇusmṛti, the portions of Manusmṛti which may be regarded as added can be separated and rejected. Secondly, certain topics are Purānic in character and not relevant to the subject of the smṛti. The theory of Bühler that Manusmṛti is a versified version of an original Manava Dharmasūtra is now rejected as unproved and improbable. It overlooks the purpose of both the older sūtra form of composition and the later versified Dharmasūstras like the smṛtis bearing the names of Manu, Yājñavalkya and Brhaspati. In a sūtra book, which serves the purpose of a syllabus for oral exposition, the space given to any item should not, properly speaking, be deemed to reflect its importance in the view of the author or head of the school; nor can differences of viewpoint be inferred between two schools by merely comparing their respective aphoristic syllabuses. The versified samhitā aimed at a wider audience than the kalpasūtra and at an audience which would not be under the guidance of a teacher. Its greater fulness is not a proof of the importation of new matter, that
was unknown to those who orally expounded the dharma and grhya aphorisms. Even versified sanhīdūs differ from one another in the space given by them to the elaboration of particular topics, for, they too would be subject to oral exposition, on which later on commentaries will be based. That such bhāsyas existed for other branches of learning we know. That they existed for Dharmasāstra is a permissible deduction from the lines of development of Indian literature. The individuality of writers will be indicated by their improving on existing works, by incorporating more of the matter passing orally, in their works than other, older, writers. Yājñavalkya's smṛti is fuller on Yoga than Manu's. His language is more precise. It is not right to postulate development of doctrine merely from differences of views on any specific matters between smṛti and smṛti. They can differ in precision of expression and capacity to convey unambiguously what they intended to teach. The view now generally held is that legal ideas become more developed in course of time, and the development is reflected in the larger space given to definition, classification and elaboration of details in later smṛtis than in earlier, in Brhaspati, Nārada and Kātyāyana for example, as compared with Manu and Viṣṇu. It seems plausible, but it overlooks the fact that every smṛti did not necessarily reflect current practice or jural ideas that emanated from the brain of its author. The first view is contradicted by the presence of archaic and modern matter in the same work, and of developed doctrine in earlier and undeveloped in later works. The second view overlooks the fact that most writers on Dharma must have cherished the belief that they were incompetent to innovate. The more natural explanation is that a later writer supplies, not from his own experience or inner consciousness, matter not found in earlier treatises, and seeks to make up for omissions or summary statements, by his own fuller exposition of the legal or ceremonial practices that were current and held to be based on valid authority and to be consistent with the extant corpus of Dharma. A comparison of the Kautiliya and a smṛti far removed from it in age, like Yājñavalkyasmṛti will not reveal any marked difference between the two ages in the way of refinement of legal and moral ideas and development of institutions. In a vast country like India, there have been many different cultural levels at the same time in different parts of the country. That fact has always been taken note of in Dharmasāstra and Arthasastra in the recognition of usages that do not conflict with Dharma or morality. In the Introduction to my reconstruction of Brhaspati's lost smṛti, I have tried to show that (contrary to accepted ideas of their relative chronological position) the smṛtis of Brhaspati and Kātyāyana are older than that of Nārada
notwithstanding the circumstance that in elaboration of civil law Kātyāyana is fuller and more precise than even Nārada, and possibly Yājñāvalkya. If all smṛtis said the same things with the same emphasis on specific points, there will be no scope for individuality or for new smṛtis. The purpose of a new writer is not to create new laws but to state more fully or better what has been stated by earlier writers. Historical writers who reconstruct the social life of a period do so on the basis of smṛtis the composition of which is ascribed conjecturally to that period. On the other hand, they assume that the views in such works are personal. Both points of view overlook the repercussion on life of centuries of study and adherence to works on Dharmaśāstra, and the probability of the evolution of conformity to it in actual life. They also miss the hypothesis (which is not a 'legal fiction') of concord in all works on of Dharmaśāstra.

Bühler's Excisions.

When Bühler wrote forty years ago, the Arthaśāstra of Kautāliya was unknown. It will take us far out, if we undertake a review of the data for establishing the authenticity and date of this remarkable work. Even without the commentaries (as in the case of smṛtis) that would elucidate its provisions, it reflects a very highly developed administrative and legal system. In many respects it is in accord with Manusmṛti, and differences are explainable on the score of divergence of view-points between the two śāstras. I have already dealt with the erroneous views which have become popular about the nature and authority of Arthaśāstra and of the wrong interpretation of such ideas as secular and religious in regard to allied forms of complementary literature. Had Bühler lived after the discovery of the Kautṭiliya, some modification in his point of view and conclusions will have been made. The small space given to procedure or adjective law in Manu is held to indicate its early date (Bühler, p. xcix). “As regards procedure” (says he) “the Manusmṛti pays more attention to the moral side of the duties incumbent on the judge and the other persons concerned, than to the technicalities, which are more clearly and minutely described in the Dharmaśāstras of Yājñāvalkya and Nārada.” This is an indication of difference of aim, not of difference of knowledge or of evolution of ideas on law and procedure, Bühler ascribed Manu’s work, as it now exists, to c. 100 B.C., at the earliest. Is it meant that no elaboration of procedure had taken place then or earlier? It is not a justifiable use of the argument of silence.

Throughout Manusmṛti the stress is on general, moral and metaphysical points. It might savour of bathos if a revealed book
of enjoined duty became, in spite of its already large bulk, a work on judicial procedure. Adjective law largely depends on conditions in which the administration of justice is carried on and the persons who are affected by it. These are more liable to change than fundamental, ethical and legal principles, which are the prime concerns of Manu.

Among the portions of Manusmṛti that Büehler considered to have been interpolated the most conspicuous are the cosmological, metaphysical and theological parts comprising almost the entire first parts of the second (89-100) and twelfth books. He declares that no Dharmasūtra begins with an account of its own origin, much less with an account of creation. This overlooks two points: that a Dharmasūtra represents the syllabus of a small part of the instruction given to a pupil, and that the rest of the kalpa as well as the subjects of the curricula of the average Brahmacārin would supply just the missing theological or metaphysical knowledge. Such knowledge is basic. Manu attributes the social danger of heresy and infidelity to an absence of such beliefs. The unbeliever is a social danger and has to be extermed from the state, as his lack of belief in the ultimate basis of social and ethical duties constitutes him into an antisocial person. India has never placed any embargo on the mind. But a social thinker is entitled to point out the risk to society of a mere attitude of negation (nāstikya) leading those who hold it to defy the conventions on which social order is built. Manu notes the existence of heretics in large numbers, and of the unstable condition of the kingdom in which they abound. It is to overcome the results of an unchecked tendency to question the very foundations of religion and morality that he condemns those who apply dialectics to the authority and sanctity of Veda and smṛti, while he has no prejudice as much against hetusāstra, and provides for a logician in every pariṣad, which is to declare the law (XII, 111) and accepts the fundamental pramāṇas of Nyāya (XII, 105). The sūtras are textbooks by human authors. Manusmṛti claims divine authority behind it, and aims at a universal appeal. The validity of its authority, no less than its teachings, rests on theological and metaphysical foundations. The divergent duties imposed on varṇas and āśramas, have all of them their foundation, or justification, in fundamental assumptions that constitute the background of the minds of those who laid down the laws, and those who followed them. As a book that is one of many taught in a complete scheme of education, a Dharmasūtra can

1. धर्मसूत्रे धर्मव्यथायां सांस्कृतिकाक्षणमहिलन्यस।
   विद्वान्यस्ततां तत् कुस्तने हुणिक्ष्यायिन्यपतिः॥ (५,२२)
merely allude to these beliefs and assume knowledge of them in the learner and teacher. But it is not so in a work intended for wide study.

The suggested rejections, on the score of interpolation, are curiously just those parts of the smṛti which are needed to supply the background for the social and political system which it is the object of the book to uphold. Among the other unwarranted suggestions for omission as interpolations are the account of Karma (II, 1-11) which has to be taken with that of transmigration and karmavipāka and the verses on the anikāra and sāvitri (II, 76-87). The account of the 21 hells is rejected, and in short the entire background is rejected. The two grounds usually adduced for eliminating passages are either that it is wanting in Dharmaśāstra works or goes into details. It is needless to expatiate on the theory. It is evident that the text of Manusmṛti, as we now have it, has been unchanged practically from the date that Buehler and others assign to it, viz. c.100 B.C. It is curious that the passages that are to be rejected, because they have a philosophical or theological flavour reminiscent of the Upaniṣads, are deemed worthy of being treated as interpolations, according to MM, P. V. Kane (I, p. 149) because they “have the flavour of modernism (?) about them.”

We may close this lecture with a few words about the date of Manusmṛti. For external evidence, we have citations from it by Aśvaghoṣa and the Dhammapada, an anonymous citation of a verse from it in the Mahābhaṣya, an early Cambodian inscription which cites Manu (II, 136) without naming him, and gives the gist of Manu (III, 77-80), and Vātsyāyana’s reference to Manu. One of the aspects not touched on is the similarity in many passages between Manu and Kāuṭilya, and in the Tamil aphorisms of the early Tamil ethical writer, Tiruvalūvar, for whom a date in the 2nd century A.D. is assigned. In internal evidence, reliance is laid on the alleged mention of the Chinese, Parthians, Yavanas, and Śākas (X, 43-45) in the enumeration of kṣatriya tribes or people, who had become vṛṣalas, by neglect of their enjoined duties (kriyālopaṇa). In Medhātithi, the name Pallavas appears as Panhavas, and in Bharata’s Nātyaśāstra as Pāhrava.1 Such passages, containing enumerations, are easily interpolated or altered, in the interests of invaders who wished to be brought into Manu’s scheme. If they are genuine and not interpolated, the extant version cannot be older that the 2nd century B.C. and would approximate to the date suggested by Buehler as an upper limit.

1. Manu and Yōjñavalkya, p. 27.
It is noteworthy that, judging entirely from its content viz., ignorance of places south of Hindustan, when Ceylon was occupied in 500 B.C., the omission to refer to the worship of Puranic deities like Śiva (who are mentioned in early Buddhist literature), imperfect knowledge of the six darśanas, omission to mention the names in the great epics, Max Duncker¹ was inclined to date Manusmṛti soon after 600 B.C. Undoubtedly, a work that denounces the Licchavis cannot have been composed in the Gupta period, when the emperors boasted of their Licchavi connection. Its "awkwardness" in enunciating rules of judicial procedure, which is taken along with its omitting two out of the usual eighteen titles of law, is held to be a sign of early date. If we accept Büehler's dictum that Manusmṛti shows a period in which the systematic treatment of law had begun but had not advanced, the argument can be used for putting Manusmṛti before the Kautilya. Speculations about the native country of the author are inconclusive. They are also irrelevant. The feature of historical validity in Manusmṛti is that for nearly two thousand years it has enjoyed a position of paramountcy among the books which aimed at guiding the daily lives of Indians, and its social and political systems have had remarkable constructive results.

The reasons for its great influence, apart from its claim to be divinely inspired, are obvious. It deals more with civil matters (982 ślokas out of 2685) than any older work. It is non-sectarian. It was not composed by order of any ruler, and so had no limited influence. It relies on the oldest sanctions, viz., those of the Veda. It nowhere inculcates the worship of Puranic deities. Its tone is ethical. It deliberately aimed at wide influence by being prescribed for study by those, who, in the social order, were the teachers and leaders of society. Above all, it enjoyed the prestige and power natural in a work that claimed as its author the parent of mankind.

LECTURE III
THE BACKGROUND OF MANUSMRTI

Institutions have validity only in their context. Even modern codes of law can be properly appreciated only in relation to their unspecified but well-understood presumptions and postulates. Right and wrong are terms that have meaning generally in relation to a particular social set-up. Few institutions or laws have a universality of application that will make them good for all times and circumstances.

In the case of a work like Manusmrti, the chief cause of much defective perception of the purpose or justification of its dicta or rules has been the failure to grasp, at the outset, the difference between the modern standpoint and that of the smrti. Even in ancient times, when dissent had created groups that did not share the beliefs that Manusmrti deems fundamental, the dissidents framed for themselves rules of conduct modelled on the older Dharma works, with such modifications as were necessitated by the change of outlook and hypotheses. We can see it in the modifications in Buddhist dhamma for the laity and the clergy that had to be made in the older rules of Brahmanical Dharma to suit the changed outlook of the Buddha. Today the law of inheritance for Buddhists and Jains is largely identical with that of their Hindu brethren, but it is because in regard to it the outlook between the older and the newer religions was not materially different. Modern laws relating to property, marriage, inheritance and relations to the state may show material variations in a capitalistic and socialistic environment. With changes in economic attitude such things as laws regarding industrial combinations, have, for instance, been altered and are being altered day by day. Even in the field of morals, it is now urged that the idea of

1. "Buddhist countries like Burma themselves borrowed their laws of succession from Manusmrti." (p. 560). "Buddhists had hardly any independent set of juristic ideas or works different from those of the Brahmanical jurists, and in mediaeval times countries like Burma professing Buddhism turned to Brahmanic codes like that of Manu for regulating succession, inheritance and allied matters." (P. V. Kane, History of Dharmaśāstra, Vol. III, 1946, p. 640). In regard to the share of an adopted son after an aurasa son is born, Jains follow (Ibid., p. 698) the rule of Vasiṣṭha and Baudhāyana giving the adoptee an one-fourth share.
evolution must, if applied, lead to a revision of accepted ideas of right and wrong. In the light of the repercussion of circumstances on moral ideas, no moral code has universality or can claim to be based on eternal principles.

Modern ethics is becoming not only evolutionary but behaviouristic. We look not to psychological imperatives but to the adjustment of individual conduct to what society demands. Subjective treatment is giving place to the comparative and historical.

It is this which necessitates an inquiry into the basic assumptions of the code of conduct that passes as Manu’s. It is only by looking at the rules in relation to such postulates that their meaning and significance can be properly comprehended.

In this respect Manusmṛti offers us a help in our study that Dharmasūtras will not give, at any rate to the same extent. A Dharmasūtra is part of a bigger syllabus dealing with domestic and śruti rites and duties, along with the rules of ordinary conduct. It was intended for guidance in oral instruction, and was not meant to be read. Those who followed it would be familiar with many foundational ideas, on which the dicta of the sūtra rest. Manusmṛti belongs to a different class of composition. It was not meant for oral exposition, in a narrow Vedic school (cārana). Its appeal was to the entire community. It was intended to be studied by itself, not as part of wider curriculum. It was meant for grown-up householders, and in a special way to the learned Brāhmaṇas, who were society’s appointed teachers and spiritual guides, members of committees for determining doubtful points of dharma, assessors in courts of law, judges and advisers of kings. It also assumes an antecedent knowledge of the basic beliefs of those to whom it would appeal or apply, in those who read or use it, but it is more self-contained and aims at greater completeness in enunciation, explanation and prescription. Nevertheless, much in it would remain obscure to non-Hindus.

To begin with, Manu’s eulogia on the Vedas are not rhetorical. The religious and philosophical ideas of Manu are Vedic. Its ritual is Vedic. Its fundamental beliefs go back to the Veda. Its similarity to parts of the Mahābhārata and the Bhagavadgītā is due to common obligation to a Vedic source. It is a claim of Hindu Dharma that it is for all time and circumstances: sanātana. But that there may be areas or people who will have ideas

1. For example, Āpastamba’s Dharmasūtra only forms chapters 31 and 32 of the Kalpasūtra.
that go against Hindu dharma, is tacitly admitted in definitions of the areas from which alone correct precedents for action can be drawn. If Dharma depends on revelation (śrutī), tradition (smṛti), the customs of "good" men and conscience (ātmansastuṣṭi), as laid down by Manu, a further definition of valid customs and of the elect, whose inner monitor is the Judge for them and others as to what is Dharma and what is not, becomes necessary. The traditions of Brahmacārīa, handed down from generation to generation, as regards both the approved varṇas and varṇas not so approved, constitute the valid criterion. The usages of Brahmairṣideśa furnish the standards for the dharma of the stages of life (āśrama). In a broader sense, the land between the Himālayas and the Vindhayas and between ocean and ocean is the area of approved persons (āryavarta), and areas outside the limits of the habitat of the spotted antelope are those of barbarians. The skin of the antelope (Krṣṇājina) is needed for sacred rites, and as the area over which it can live is virtually the whole of India, the limits are extended thereby. The test is extended by a purāṇa to include all areas in which articles necessary for daily ritual, like the kuśa grass and barley (yava) are found along with a further test, namely the prevalence of the system of the four varṇas and four āśramas in the area, and this criterion is stated also by Viṣṇusmṛti. The discussion

1. वेद: शून्य: सत्याचार: वर्ण न विमानस्य: ||
   चतुर्वत्स्थिपं माहु: साधारणस्य महान || (२,१२)

2. तर्कवाचर: व आचारा: तार्कवेयमागतः: ||
   वर्णोऽवसानरकास्य स सदाचार वसाने || (२,१४)

3. दिनहस्तिनमभाग्यो वहारुः विना वनस्पति: ||
   प्रथणं प्रयाग्य मध्येदाह: प्रमोक्तिः: ||
   आसानान्तु व वृक्षसाधनानु विविधपावः.
   समविनातार धिमो: आयामं विदुर्जना: ||
   कृष्णारण वृक्षोऽऽवसाने वनं व भारावः: ||
   स वेदो वाणिज्य देशो भृगण्याश: नानादेशः: ततः: परम् || (२,१२-१३)

4. Krṣṇājina "has been throughout the ages a symbol of holiness and Vedic culture: vide Sat. Br., I, 1, 4, 1-2, where yajñā is said to have escaped from the gods and wandered about as the black antelope, and the white, black and yellow hairs of the antelope are said to respectively Rg. Śāman, and Yajus." (Kane, History of Dharmasūtra, II, p. 1026, l.n.)

5. कृष्णारण: सर्वेष्ठ: चातुर्वात्मविनाशः: ततः.
   समवि प्रमोक्ति: तार्कवेयविविधः: ||
   (आयामेतलुम, वीरमनोद्भवस्वरुपकाशि, पृ. ५७)

6. नवोऽवस्थापानस्वरूपं देशो न विविध: ||
   भृगण्याशः जानविपातं तार्कवेयमागतः: परम् || (विना, ४७,४)
leads back to the recognition of *varṇāstramadharmā* as the final proof of the acceptability of an area. *Per contra* it has been argued by Medhatithi that if in any area the system disappears through foreign occupation, it ceases to be a holy land. If a Hindu ruler conquers a country outside the limits specified and introduces the *varṇāstramadharmā* there, it becomes a Hindu area. The historical significance of Manu’s holy land is according to Dr. Jayaswal, that it came under alien occupation in the 2nd century B.C., and it would then have ceased to be “holy.” But there is nothing to show that the customs of the elect had changed during foreign rule. The interpretation of Medhatithi is an extension of Manu’s criteria on the lines of **Viṣṇusmṛti**.

**Manu’s Cosmology.**

The cosmological beliefs of Manu have relevance to his views. He recognizes one Supreme Being, who is immanent, and from whose sport (litā) the evolution and involution of Cosmos take place. He alone is. He is infinite, eternal, beginningless and endless, and unchangeable. He is the first cause, the cause of both mind and matter. He can be realized, or experienced by the supreme wisdom that man may acquire by leading a pure life. God bears the world but is not lost in it. (*Bhūtabhṛt na bhūtasthaḥ*): “The world is in God, and not God in the world.” In his account of the evolution or creation of the universe, Manu does not postulate an Absolute standing aloof from creation and another functioning as creator, a kārya-brahman and a kāraṇa brahman, as in the Vedānta of Saṅkara. Nor does he treat the world as unreal, and as over come by Māyā (illusion). He takes the synthesized Sāmkhya-Nyāya-Vedānta standpoint. He is a realist and admits the authority (pramāṇa) of perception (pratyakṣam), inference (anumāna) and scripture (śāstra) as the only valid means of knowing; and he lays down that he who desires to understand the pure Dharma should master the three. The moral law is an expression of His justice and uncapriciousness. He is beyond concrete description, and the sages of the Upaniṣads

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1. चद्रि कथविश्वाकर्तादिविदेशस्यतिमयस्य भवते; तत्तदाशुभ; संयतीयधिरेतीकी राजा साधारणो भवते; प्रातः प्रामोक्ते, भवेन्यं प्रामोक्ते, भवेन्यं भावेन्।

2. **Manu and Yajnavalkya**, p. 32.
4. प्रस्तुत वासुदवनं न केदरास्तिरोपिना।

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*12, 13*
could only define Him negatively (*neti-neti*). He is realized by the 
muttering of the *praṇava* (*aum*) with the three *vyāhrtis* (*bhūḥ*  
*bhūvaḥ* *suvaḥ*), which “the Lord churned out of the triple Veda.”  
The recitation of these along with the *Sāvitrī mantra*, and the  
suppression of breath, while muttering words of power (*Prāṇāyāma*)  
confer vast occult powers of purification on him who utters them.  
The *praṇava* is itself an esoteric Veda.

The power of recitation of such *mantras* is both positive and  
negative; they confer powers, and they wash off sins, as by  
expiation. Sacrifices, great and small (*maha* and *pāka-yājñas*)  
have similar powers. The five minor sacrifices which the house-  
holder (*grhaastha*) has to perform every day, have this cleansing  
property, and one of their effects is to remove the taint, born of using  
five domestic articles, whose daily use for cooking destroys life and  
makes them so-to-speak “five slaughter-houses” (*pañca-saṅhāh*).  
The five minor sacrifices are offered to Brahman, the manes (*pitr*), the  
gods (*devāh*), all living beings (*bhūtāh*) and guests (*nr-yajña*).  
Learning and teaching the Veda is the sacrifice to Brahman; the  
offering of water and food is the sacrifice to the manes; the *homa*  
(*fire rite*) is the sacrifice to the gods; the *Bali* is the sacrifice to living  
beings; and the sacrifice to men is the hospitable reception of guests.

Mann upholds the Vedic belief in the effect on other worlds of enjoined  
rites done in this world. Thus, he enunciates the old belief (which we  
find in Kālidāsa and in the *Bhagavatgītā*) that sacrifices cause rain and  
fertility. “An oblation thrown daily into the fire, reaches the sun;
from the sun comes rain, from rain food, therefrom living creatures derive their subsistence" (III, 76). A Vedic injunction requires no justification for its validity except itself. It is held self-proven (svatas-siddhaḥ). An allied idea is found in the ancient Vedic doctrine of the triple debt in which every one is born, the debt to the gods, (deva-r̥na), the sages (ṛṣi-r̥na) and the ancestors (pitr-r̥na), which are discharged by offering sacrifices to the gods, according to one's ability, having studied the Vedas in accordance with rules, and begotten sons 'according to Dharma' (VI, 37). The implication of the doctrine of debts is that on every regenerate man there rests a lifelong duty to conserve and spread traditional knowledge, derived from those who had contributed to it in the past, to keep society going by adding in lawful ways to the population, and to make a grateful return to divine beings for the blessings they shower on mankind by commemorating them in ritual sacrifices. The triple obligation is held as so important that he who omits to discharge them is "fallen" (patita) both in this life and in the future. It is noteworthy that Manu rules that in making the offering to the gods (vaiśvadevam), who are named in detail (III, 84-90), no Brāhmaṇa should be entertained with the cooked food, and that what remains after the offerings made to each god by name, should be placed on the ground "for dogs, outcasts, Cāndālas (svapāka), those who are afflicted with diseases as punishments for sins committed in former births, crows and insects." (III, 92). Compassion for living beings should know no limits. The Vaiśvadeva offering is a daily reminder that the feeling should ever be uppermost in the mind of the householder, who is born a dvija through his good actions in past lives, and is able to maintain himself in health and affluence. In the field of life, the migrations of the self have no limits. Every animal, however despicable, and every man, however lowly and unfortunate, is an ātman (self) to be redeemed, as well as fortunately placed men to whom nothing seems denied. The bonds

1. अष्री प्रास्तायि: सम्भवादिकमुपालिति।
   बाहिसा: नायते इति: कोस्यू ततः: प्रान्त:। (२,८६)
2. जानानावोः मानाकारिनि: कोशीवो नायते, मानाभ्यो कोशम्योः वहेन् देवेयः: प्रभयः
   विदुर्भुष्य पव वा अनुभु व: पुष्की विक्रम मानाकारिनि। (७४, ६, २, १०, ९)
3. अनवच्छ द्रष्टि बेदाननुनुस्य तथा प्राजयः।
4. असिद्धा वैव विभेष भोज्यमिच्छन्नज्ञायतः। (६, २०४)
5. Failure to discharge the triple debt is a pātaka (२, ६२)
6. झुन्तः व पवित्रावे व श्रवणापारोवियाय।
   बायावायाः कृष्णाः न श्रवकैविनिवेशमु}
which unite soul and soul, in mutual service, pass the bounds of transient forms.

The feeding of learned Brāhmaṇas in śrāddhas and sacrifices as well as of one who comes as an unexpected guest is ascribed mystic effects. "An offering made in the mouth of Brāhmaṇas, rich in sacred learning (vidyā-tapas-samyuddha) and austerities, saves one from misfortune and grave sins." (III, 98). But it is not to be promiscuous and indiscriminate hospitality; it should not be shown to ignorant Brāhmaṇas, "who are mere ashes" (bhasmitbhatru vipreṣu, III, 97). A Brāhmaṇa house-holder cadging for food is condemned (III, 104).

The principles underlying the belief in the three-fold or five-fold debt are, firstly the impossibility of getting rid of an obligation except by discharging it in an appointed way (there being no way in Hindu theory of the redemption of an undischarged moral insolvent), and the connection between visible acts and invisible (adṛṣṭa) effects, which pass beyond this brief life, and cling to the self. The latter is not a subject for argument or proof. Its being enjoined is enough for its validity. The Cārvāka scoffs at making offerings to dead ancestors and asks why, if they are efficacious, offerings should not be made for absent travellers or persons at a distance. Such men who question the foundations of belief are dangers to society. Their atheism refuses to recognize a proper sanction behind moral rules. It is noteworthy that the typical Cārvāka is credited with saying: "Let us borrow money (without meaning to repay it) and drink clarified butter." Denial of funeral rites to atheists, of distribution to them of oblations first offered to gods and manes (III, 150), and retention in good society (II, 11) are the lot of the atheist and scoffers of the Veda in Manusmrṭi. Basing morals on

1. विशालपःसुध्वेषु इतः विमुच्छाप्रियः। लिस्वायती दुर्गच्छ महावैभ किलिणाद्। (४,९८)
2. नष्टिः हत्यक्रयाणि तत्रानामविज्ञानानाम।
   नासीतोत्पत्री मात्रव्यथापने राज्यार्थः। (४,९८)
3. क्या करते न युक्तः: परापप्पुकः।
   तेन वे प्रेम परमतां बन्धवसाधिनात्मः। (४,१०४)
4. उल्लिख्य बते विषयोऽपेक्षा अभेदयतः। न वै सवास्यायांस्य तात्वमः असी द्विनिषेधः।
   वेदान्तमेव देवी देवसाधारणाय।
   ए नास्तिक्षः। ततन हत्यक्रयाभिमानात्माः मुद्रक्षिप्तः। (४,९५)
revelation keeps them out of the reach of question by the orthodox, but not of the scoffer, reviler of the Veda, and the unbeliever. If such a person can question some dicta of the scriptures, he can challenge the constitution of society and the state, which rests on revelation. It is this which necessitates his externment.

A fundamental difference between modern ideas of the relation of man and environment, and of the ancient Hindu view lies in this: we regard man as liable to be influenced by his surroundings, while Hinduism regards it as perfectly possible for the external world to be changed by the invisible effects springing from impious or pious acts. The inculcation of a proper regard for such acts or rites, whose effects are widespread, is the purpose of Dharma and society. In Hindu belief the margin that divides the natural from the supernatural is thin, and one merges into the other. It is not only mind that, in the Virgilian sense, moves matter; morals also do so. If we find physical changes or degeneration in our surroundings their causes have to be sought in psychical changes and moral deterioration in a people or its rulers. The seasons are propitious when kings rule righteously, and their subjects imitate the virtues of the rulers. Anarchy in life produces anarchy in nature. We know how mistakes or misuse of the governors of men result in widespread misfortune. The identical principle is upheld in Hindu belief, with an extension of the scope of errors to include similar negligence of enjoined duties (Dharma).

The rhythmic swing of the systole and diastole of creation and dissolution proceeds through uncountable ages.¹ The constituents of the universe, primeval matter and spirit (prakṛti and puruṣa) by their union bring the worlds and their content into life. The transmutation of the primordial elements (pañcabhūta) proceeds. The primary creation by the Lord is followed by the secondary by Manu and the Prajāpatis. Names, actions and conditions for all created beings were assigned in the primary creation itself by the Supreme (I, 21).² The gods were created, and the Vedas were drawn forth from Vāyu and Sūrya (I, 23), and so were qualities and

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1. एवं स ज्ञात्स्मान्याविद सर्व ज्ञाज्ञारस।
संबोधति चाजस्ल प्राप्तयति चायय: ॥२६॥

2. सर्वश्रेष्ठं दु: स नामानि क्रमाणि च पृथृं पृथृं।
वेदश्रेष्ठं पादश्री पृथृं संस्कारं निमिते ॥ (२२२)
relationship (I, 23-26) and the distinction between right and wrong (dharma and adharma) pleasure and pain (sukha and duhkha, I, 26). Whatever course of action or quality He assigned in the first instance, was repeated in them in each new creation (I, 28). He created for the “progress of the worlds” (lokañām viyorddhyartham), the four castes and decreed their functions. He divided Himself into male and female, and with the latter produced Virāj, who produced Manu, and Manu in turn the Prajāpatis, who made the third creation (I, 36 ff.). It is implied that plants, for example, are evolved so, in view of their past karma, and are possessed of consciousness. Bhṛgu, in describing creation again, refers to the creation of the four varṇas from the mouth, arms, thighs and feet of the Supreme Being (I, 87), and pronounces an eulogy on the first varṇa. He is the vehicle for conveying to the gods and manes sacrificial viands (I, 95). He is born for the protection of the treasury of Dharma (dharmkośasya guptaye, I, 99), i.e., for conserving and preserving the revealed Dharma, by assiduous study of Manu’s work teaching it (I, 103), and by practising it, as conduct (more than precept) is highest law (ācārah paramo dharmah, I, 108). It may be noted, as related to the time when the Manusmṛti was recited, that Bhṛgu, who made the communication in the presence of the first Manu, mentions (I, 62) the next six Manu’s, ending with Vaivasvata Manu, as already created.

The Law of Karma.

A cardinal belief of the Hindu is that it is man’s privilege to lead a moral life. Life below the human is not held as

1. कर्मणां म निवाचय भमीवष्णु स्वेतवान।
   हृदीयोचवेशमा नुक्तु शारदिर्मिति भवति:॥ (१,२६,५)

2. यं स कर्मिव परिष्नस्य स्ववृक्ष प्रथमं भुव।
   स देवस्य स्वयं भवते सम्पर्कमान: दुः: पुनः दुः:॥ (१,२७)

3. तोकामां म बिहतोष्णं मुलुकाश्वाहत:।
   आयामेन श्रवणं वैषयं वृद्ध या तिर्थक्षेत्र।॥ (१,३२)

4. सुमुक्षुमां म बिहते तथेऽव वायस्ताय:।
   बौद्धकाव्यकं प्रतापं कत: एव न:॥
   बन्धुं कृत्वा वनवीर्यायेन बन्धेदुर्याव:।
   अन्तःस्वाभ नवन्येषु नुक्तु:समानित:॥ (१,४४-५१)

5. वस्मायेन सदाश्रयैत्य हर्षायेन निविषयं:।
   कर्मानि नेत्र वितरः कि मृत्युम्पिरक तत:॥ (१,५५)
governed by moral imperatives. It is guided by instinct, not by volition, based on standards of right and wrong. It is by his own action that man can rise or fall. It is this which makes human birth a thing to be coveted even by the gods. Their condition does not admit of change for the better by one's own effort. Man can raise himself to the level of the gods, and to heights that cannot be reached by them. The law of consequences is universal; it holds in all spheres of life, in its most extended term, so as to include all that is created. Minerals, vegetation, lower animals and superhuman beings are what they are, in virtue of their own past actions. But such actions have been spontaneous. In human beings alone there is deliberate choice, which enables them to be architects of their own fortune. Man can use the law of consequences to lift himself up. He has the scope for the moral life. The power to lead a moral life is made by Manu himself (1, 96-97) the criterion for the gradation of living beings. "Among created beings, those with sentience are the highest; among them those with intelligence (buddhi); among these human beings; among men Brāhmaṇas; among Brāhmaṇas the masters of learning; among the learned those who recognize the need to do enjoined rites (kṛtabuddhayaḥ), and among them those who do perform them: and of these (last) those who realize the Brahmā."\(^1\)

The purpose of human intelligence is to know what to do, and to make one do it in enjoined ways, which lead to the knowledge of the ultimate Reality. Śaṅkara (in the (Vivekācūḍāmaṇi) makes the aspiration for liberation (mokṣa) the highest possession, and the most difficult to acquire in men.\(^2\) The function of enjoined duty (Dharma) is to guide man towards the highest, to lead the self to self-realization. The heaven of the gods is the place of enjoyment of results (bhoga-bhūmi). When one is lifted to it by his sat-karma, he dwells in it, as long as the accumulated merit (purya) lasts, as a lamp burns as long as there is oil in it to feed the flame, and then he drops out, to begin again the soul's pilgrimage. Even perpetual enjoyment of pleasure can cloy and tire; and yet this is the lot of the gods, from which

\[1\] Mūlamāṇa Maṇiṇa: Abha: Maṇiṇa Brāhadīvaṁśa: ।
Śrāvinsu Netra: Abha: Nāravi Sākṣāyamānita: ॥
Maṇiṇa Abhi: Abha: Abha: Sākṣāyamānita: ॥
Kāraṇaṇa Kṛṣṇa: Abha: Abha: Sākṣāyamānita: ॥
(1,16-18)

\[2\] Kumāra Bhāgavataneśwarananda Dhumkur: ।
Mādhava Mahārāsaḥ Mahāraṣṭrāchār: ॥
(विनाशकोपाध्याय: ४)
there is no way out for them. This earth is better, because it is the vantage ground for the performance of actions (karma)—the theatre of moral life (karma-bhūmi) (Adiparva, 64, 39).  

The dominating conception of Hindu theory of life is the law of Karma and its corollary, the belief in transmigration (samsāra). The law is an enunciation of causality in the sphere of ethics, and of the law of conservation of energy in the field of morals. Consequences follow action with the inevitableness of a physical law; and no action (karma) is lost—be it of thought, word or deed. One reaps only as he sows. A good deed is never lost; nor a bad one, be they ever so minute. Even a little of righteousness will save one from the great fear, says the Gītā (II, 40). Even he who makes the great effort to raise himself and slips—the yoga-bhrācta—is not lost altogether. A bad end is not for him who endeavours to do the right (na hi kalyāṇakṛt Kaścit durgatim tāta gaccati, VI, 40). God is the supreme judge of action (karmādhyakṣa). In the eternal and invisible moral scales all action is weighed and credited to the doer. Every day is a day of reckoning. Judgment is not in the remote future of Time, when all souls are mustered up to hear their dooms. A criminal may escape the policeman and the judge, but not the inexorable action of his karma. Actions pass beyond the physical plane. Divine justice is certain; it defies evasion. To the self are given possibilities for both good and bad action. He who sins denies the endowment of his soul. We are propelled, we are directed, by our own past action. The unborn self carries with it vāsanā, antenatal tendencies, which develop after the self takes the form determined by its past. But its destiny after its reincarnation has yet to be decided by its own acts. The law regards the past as finished, but the future is left a possibility, a potential. Within the bounds of his nature, man has freedom to shape his destiny by his own effort. He can overcome his instincts,
the drive of even his past. The self (âtman) is raised only by the self (âtmanâ); and lowered only by itself. Man is 'the master of his fate, the captain of his soul.'

The power to shape his own destiny, if he follows the moral routes, stresses man's freedom, and does not make him the blind instrument of destiny. In one aspect, the universe is subject to the future that has been determined for it at creation. It includes all who are of the universe. The beginning of karma, which has set the wheel of consequences in regard to the self in motion, is lost in the dimness of the primeval past. The inevitableness of consequences of action seems to make the law of Karma the determining agent in the government of the universe. It seems to stress the necessity of effect following cause, and thereby to abolish the intervention of God and the freedom of the self. But the very emphasis on the force of action brings out the importance of human agency. Daiva (divine power) and puruṣakāra (self-effort) are both needed for the fulfilment of the law. Freedom and destiny are not opposed, but co-operating agencies. The best soil (kṣetra) will lie barren unless seed (bijā) is thrown on it; and the best seed will fail to germinate in barren soil; and so, without human effort, destiny fails to find fulfilment (Anuśāsanaparvâ, IX, 9). A small fire becomes a conflagration when fanned by the wind; so is the effect of past action when helped by individual effort (Ibid., IX, 45). The smṛti and the Arthaśāstra stress the need for their co-operation. A car moves not on one wheel; so daiva does not move without puruṣakāra says Yājñavalkya (I, 351). If man merits success by his actions, he commands his success. Fate is nothing but the influence of past action (Yājñavalkya, I, 349).

Action (karma) is classified in two ways, according to its relevance to time and to purpose. In the former, it is of three kinds; accumulated (saṅcita), "in being" (prārabdha) and "doing" (kriyamāṇa). The first is capitalized merit; the second, the action

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1. बभा नीवं बभा श्रेष्ठां भमति निष्कल्पः।
   तथा पुस्थापितं बभा दैवं न सिद्धवति॥ (आनुशासनपर्व, ९, ९)

2. बभा नीवं बभा श्रेष्ठां भमति निष्कल्पः।
   तथा कमकामशुलबं दैवं साधू विश्वपति॥ (Ibid., ९, २४)

3. बभा नीवं बभा श्रेष्ठां भमति निष्कल्पः।
   पशु पुस्थापितं बभा दैवं न सिद्धवति॥ (गाय. र्थ., १९, ९२)

4. दैवे पुस्थापितं कन्या निविद्यायानिविना।
   पशु दैवारिकमणं नीवं चबरीदिणम॥ (गाय. र्थ., १, २४९)
that has begun to manifest itself in its effects, which we call fate; and the action that we can now do. In regard to the last alone is man free, though even there his prenatal disposition (vāsanā) will show itself; it eliminates the risk of mere chance action, impelled by the will. The aim of action makes it of two different kinds, when it is purposive and when it is selfless—kāmya and nīṣkāmya. These are termed in Manusmṛti-prāvyāta and nīvyāta. "Acts which secure the fulfilment of wishes in this world or in the next are called prāvyāta (i.e., that "continue") and acts performed without any desire for a reward, preceded by the acquisition of true knowledge (jñāna-pārva) are declared to be nīvyāta (i.e., that "end"). The reference to the result here is to the continuance or the cessation of rebirth. For, he who does prāvyāta or kāmya acts, attains the promised worlds of enjoyment (heaven). The man who does nīvyāta actions, attains mokṣa. The superiority of non-egoistic action is thus indicated in the distinction. The injunction in the Gītā not to think of the effect of karma or its fruit (karmaphala) has the same aim. The world of life is a web in which the beings of the past, the present and the future are strands, forming the warp and the woof. The "triple debt" (gaṇatya), which has to be discharged in order that the ātman may be redeemed, is one way of stressing this interdependence that permeates creation. The injunction to make offerings daily to the bhūtas and to the Vīṣvedevas, and to give the offerings to the lowest of the low among men and animals is another device to show it. "He prayeth best, who loveth best both man and bird and beast". On the same ground, the preparation of cooked food, as if the only persons to consume it are the householder and his family is condemned. (Manu, III, 118). The philosophical foundation of the duty to humanity, of altruism, is the unity of the self and the self. One who sees everything in God, and God in everything never loses his hold on God (Bhagavadgītā, VI, 29-30). Manusmṛti works out the idea in

1. श्र्यं नावनुहिः सा नायं प्रहुंच कामे कीर्तयेतः निष्पक्षम् त्वां प्रहुंचलमिदः ।
2. कर्मवेधाशिकारते न श्रीमुदु करारमः ।
3. यथा कर्ममेव प्रहुंच ते सदग्रामस्यविधीम् \(r_1,4,3\)
4. यथा कर्मेव लक्ष्या शास्त्राणां मैत्रीकोऽऽ ।
5. यथा कर्मेव लक्ष्या शास्त्राणां मैत्रीकोऽऽ ।

These constitute two additional debts linking the Self with all creation.

4. स्यं से कर्मसु नुक्षेत्र से पन्थार्थाणां ।
5. स्यं से कर्मसु नुक्षेत्र से पन्थार्थाणां ।

भगवद्गीता, 6,15-30
detail in many places by injunction and by implication. But, it is significant that the distinction between the two ways of "doing" is followed up by this declaration: "He who sacrifices to the Self, recognizing the Self in all beings, and all beings in the Self becomes a master of his soul (svārājyam adhigacchati, XII, 91). Altruistic action makes for liberation.

Transmigration.

A law which does not enunciate the sanctions by which it is enforced will cease to be respected. There must be a visible or intelligible retribution for breaches of even an ethical code. Dharmaśāstra is a guide to correct conduct. It is based ultimately on Sruti, i.e., the Veda, which represents the spiritual visions of gifted superhuman beings, and on smṛti, which is the authentic record of the experience of ancient sages. It rests also on revelation and on empiric data furnished by records of tradition (śiśuṣa, purāṇa). The inexorable nature of the Law of Karma is signified by the fruits that follow deeds. What they are may be experienced in life. Sin is defiance of or dereliction of duty (Dharma). A diseased frame is the consequence of a defiance of a law of health. Effects of action may be immediate or ultimate, appearing in this life and in after lives. Thus in ordeals, the appearance of disease or of misfortunes in the family circle of the man who forswears himself, is asked to be noted. Intense sin and super-virtue may manifest their effects even in this life. But in Hindu belief the main effect is on future births. Life, to the person gifted with real vision, is painful and disgusting. Subjection to countless births, through millions of years, is indescribable misery. The self is condemned to such rebirths by its karma. Action is retuitive in two ways: in other worlds, and in future births. Every act, if it is to have any effect in the hereafter, must give indications of its power even in the present. The result which follows karma, is either an imperceptible accompaniment of the deed or an antecedent condition of its future effect. It is termed apūrva (Sārīrakabhbāya of Śaṅkara, III, 2, 38). For the good deeds the self may enjoy a sojourn in heaven; or for its sins it may suffer in one of the hells. But there still remains

1. शास्त्रोंतु चाचात्यां शब्दमुखि चाचार्योऽि।
   सम पद्मवचायानी स्वराज्यविभि गि (१२,११)
2. न चात्मकाति शब्दे स चये: श्रवं शुचि: (८,१५)
3. See the citations in chapter VIII (वैराजम्) in मोक्षकाम् (G.O.S.
   CII, M. ६६-८४)
4. शास्त्रों, ३, २, २४-२५
a residue of action (ānusāya) which precipitates the self in new forms of life (B.S., III, 1, 8). Ritual and moral deeds have an influence in determining the forms of rebirth; and their converse also.

In the scale of ascent in evolution, we proceed from so-called inanimate or mineral matter to lower forms of life, and from them step by step ascend to man, and higher still to superhuman beings. The characteristics of such beings or forms of life are settled at Creation (Manusmṛti, I, 28); that is to say the possible forms into which mutation may drive the self were fixed at the very beginning. When the body dies, the self first undergoes its appointed purgation by suffering for its lapses (XII, 17-18) and then re-enters the five elements composing the material body in new form, according to the rules determining the births of different types of actions, springing from mind, speech and body (XII, 3), though really mind is the instigator of all action, whether mental or bodily. The threefold definition of sources of action is intended to enforce the need for control over the body, mind and speech, if one is not to lapse into sin. The ascetic, who aims at liberation and bears a triple staff (tri-danda) as the emblem of his status, must bear it symbolically to represent this triple restraint that alone will help in gaining freedom. Sins are defiances of Dharma. They are so-called supreme sins (mahāpātaka)—whose number is usually given as five, but whose number is enlarged by analogy, and ordinary sins (upāpātakas). Purification in after-life or post-mortuary purification of the self may be reduced in intensity by remedial acts in this life.

1. कस्ताद्विख्यतुमार्गाय इत्सुतित्वत्रा जनविकायेः (कामसूत्र, १, १२८)
2. See footnote 2 of page 68, infra.
3. लेतावोशुध्या स बामीः पारिर्धिष्ठ चायनः हातिवाणः मृत्यक्षम विभागः दिलो लोकः चर्चितां विषयानां व्रतेश्वरं किङ्करीय महान तिराणि (१२, १६-२५)
4. स श्रीदेवी दीर्घकारः हातिवाणः पदार्थानि दुन्स्मेति मागशः (१२, २३)
5. शुरुवातुमकः कर्म नोवजातीदसमन्तः कर्मां जमयेत् नृणं देशविवस्थयम् (१२, ३)
6. वाग्नेत्रोद्वत मनोदवं: कमेवाकलेश्व च। वेष्टे सिशियतु मुदी शिस्तमिति स उन्नये (१२, २०)

सामस्यं तु दण्डम्य प्राणायामो चिन्याये (१२, २१)
itself. These constitute the means of redemption that are called penitential or expiatory (prāyaścitta).

A common denominator of all classifications of action or physical, spiritual and mental states in smṛti and philosophy in India is the division into guṇas: sattva, rajas and tāmas. They are primordial in origin, and according to the Gitā are of Divine creation (VII, 12). They are qualities rather than substance. Sattva is characterized by purity (nirmalatva) and brightness; rajas by energy and passion; tāmas by sluggishness and darkness. The categories are of universal application. In regard to conduct they will represent goodness, egoism and badness. The qualities may develop in the self. He who has been a sattviKa will attain the pure worlds of those who know the Highest. The rajasīc self is reborn, in active lives; and the tāmasīc is reborn among the ignoble and the deluded Gitā (XIV, 11-15). Sattva stands for wisdom, rajas for greed, and tāmas for delusion (Ibid., XIV, 16). He who attains liberation (mukti) is one who has transcended the guṇas (Ibid., XIV, 20). Such qualities attach themselves to environment and are normally transmissible from father to son. The division into the four varṇas or hereditary castes is stated in the Gitā (IV, 13) to be according to guṇa (innate quality) and function (karma). Manusmṛti develops the idea of the determination of future states of the disembodied self, in accordance with the guṇas and their sub-divisions into highest, middling and lowest types (XII, 40-50). The outward marks of the possession of the qualities are indicated also in detail (XII, 31-38). The purpose of the enumerations is to warn off persons from becoming slaves of the wrong types of qualities, and to ask them to cultivate the better; for, if they do not, they will suffer not only in the trends of their dispositions in this life (which will have effects on future states of existence) but also determine their future states of existence, which again, as they are high or low in the scales of created “life,” will imply a contraction or an expansion of the vast stretches of time that will be taken before the self attains its liberation from rebirth. Śūdras are born of middle type of tāmasic quality, and (XII, 43) Kṣatriyas of the middle type of Rajasic quality (XII, 46), and Brāhmaṇas from
sātvic qualities. To the same type belong incarnations of those who become kings and royal priests. The lowest guṇa type produces persons who pursue ignoble professions, become drunkards and gamblers. Even the celestials, who lead lives of sensual pleasure (Gandharva, Guhyaka, Apsarasas) are only the fruits of Rājasaguṇa (XII, 47). The list is illustrative, and is developed in great detail by other smṛtis. Sensual lives and omission to do appointed duties lead to low types of birth (XII, 52). As in criminal law, a first moral offence entails lighter penalty than repeated offending (XII, 73). The degrading forms in which criminals or sinners are cast in their next janma are detailed next. (XII, 54-69.) The twice-born who neglect their Dharma have terrifying destinies (XII, 77-78).

The Aims of Life (Puruṣārthāh).

Behind the institutions of Dharmaśāstra lies another fundamental concept; the fourfold aim of life, the puruṣārthas. They are Dharma, Kāma, Artha and Mokṣa. These stand roughly for Morality, Pleasure or Desire, Wealth and Well-being and Liberation. Each is so vital a feature of life and its aspirations that it has become specialized in detailed studies. Social organization reflects the fourfold aims: the first varṇa is dedicated to Dharma, the second and third to Artha, Kāma, usually taken as sex-attraction or desire, stands for all pleasure, among which that from the union of the sexes is fundamental to created beings. There is nothing ignoble about any of them. The Supreme Being divided himself into male and female, (I, 32), and in Indian belief there is always a feminine aspect of every god, which is represented as a goddess. The union of Puruṣa and Prakṛti, from which sprang the universe, is likened to a union of male and female, A personal god has always a consort. The institution of marriage is thus raised to celestial levels. The attraction of sex is not condemned, as it is both natural and necessary for the upkeep of the species. Desire is at the back of all activity. Modern psychopaths do not underline the power of sex more than Hindu writers. The inclusion of Kāma among the recognized ends of life is an admission of it. The dominance of each of the three (Dharma, Artha and Kāma) as a motive of activity has obtained advocacy. Of the three, Kāma alone is common to all living beings. It is a primary instinct. Manu begins his exposition of Dharmaśāstra proper, with a defence of pleasure in its widest sense, as the most powerful of life’s attractions and as the prime

1. दिखा इतनामयों देशमर्याः पुष्पोऽवर्धयत।

कृष्ण नारी तस्मानं स्वराजसंहिताम: || (१, २)
motive of all effort. "It is not praiseworthy to act only from a passion for pleasure (kāmātmatayā); but to do so is natural; for, freedom from desire is nowhere to be found in the world. "On desire is founded the study of the Veda, and the performance of actions prescribed by the Veda. Desire is at the root of resolution to take action (saṃkalpamāla); sacrifices are the results of resolution. Vows, the rules of morality laying down enjoined activity and restraint (yama-niyamāh), are all based on resolution. Not a single act in the world is done, uninspired by desire (Kāma). All that man does is inspired by it." (II, 2-4).  

Life will end, if it was not perpetuated through the action of Kāma. What is required is not eradication of Kāma from human nature, as that is both impossible and undesirable but its regulation and sublimation. It is worthy of note that while the leading treatise on Artha is by a statesman, that on Kāma is ascribed to a sage.  

The craving for comfort is equally a human, almost an animal instinct. Even the performance of acts of Dharma or the gratification of lawful desires is impossible except in association with the acquisition of the material requisites of well-being. Here again, lest their pursuit may not pass beyond the bounds of moral law they should be regulated and refined. Dharma must regulate both. If an entire population takes to sex-abstinence, national suicide must follow. The State must be kept up. It is necessary that the student must be protected from sex-temptations during studentship; but when education is completed he must marry and settle down. The age of marriage, and even the intimacies of wedded life, must be regulated with a social, and not an individual, aim. The differences in levels of culture between section and section of the population may need recognition of marriage-forms that do not conform to the higher standards of morality. They have nevertheless to be recognized and regulated. Savarna unions of the sexes may be the ideal; but asavarna unions have also to be recognized to prevent widespread concubinage, which will provide for sex unions of the

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1. कामात्मना न प्रवर्तना नै वै वेदस्यालेकामान | कामोदि श्रद्धाविदाः कर्मोपयोगः वैदिकः ||
   साहित्यमुखः कामो नै प्रक्रियाः शंकरस्यालेकामान ||
   मता नियमयमां सब साहित्यम् श्रृद्धा ||
   रसायनसिद्धिः क्रिया विविधताः वैदिकाधिनिष्ठा ||
   यथादिको विशेषतः तत्साधारणस्य वैदिकम् || (२, २-४)

kind, but fail to regulate and control them in the interest of the weaker partner and her offspring. Lawless surrender to sex-impulses, which lead to violence and crime, have to be protected against. Vedic ritual, no less than proper family life, requires that there should be constant association of wife and husband. Conjugal duties are therefore within both ethical and civil regulation. The protection of sex becomes a matter for state and society.

Similarly with *Artha*. With social planning on a world-wide scale and for all-time, *Dharmaśāstra* recognizes the right of Property; while stressing the moral obligations of wealth, and of the affluent it prescribes no special schemes for taxing excessive wealth, guarantees the transmission of property by inheritance, and in every way provides for a stable and prosperous economic order. But, the profiteer, the sweater of labour, the exploiter of husbandry, and the usurer are not held up to scorn. *Dharma* is alive to the possibilities for abuse in mere pursuit of wealth and well-being. Competition is regulated and occupations are fixed, as far as feasible. A proper scale of permanent values is also set up by *Dharma* by which mere wealth confers neither social rank nor political power. Social bankruptcy is provided against by restraining the economic classes from giving up economic pursuits and productive activities.

The harmony of the elements of *trīvara* is what is demanded; or rather basing *Artha* and *Kāma* under the regulation of *Dharma*, *Manusmṛti* does not maintain the superiority of *Dharma* to *Artha* and *Kāma*. It refers to the extreme advocacy of each, and concludes (II, 224) that the harmony of all the three is demanded in the interests of man.¹

The repercussions of the *trīvara* theory on the *vāṇa* and *āśrama* organizations are noteworthy. The third *vāṇa* is the economically prosperous one; wealth is concentrated in it; while the last *vāṇa* is conscripted for service to the others. The first and last *āśramas* are mendicant and uneconomic as is the third also. Society is borne by the second *vāṇa* alone. Generally speaking, the four *vāṇas* would, on the *guṇa* criterion, place the first *vāṇa* in *Sāttvika*, the second and third in *Rājas* and *Tāmās*.

*The Fourth Puruṣārtha-Mokṣa.*

The last aim of life, liberation (*mokṣa*) stands by itself, in view of its supreme importance and its forming, like *Dharma*, the common

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¹ अस्मायायुक्तं अः प्राणार्थं वाणम् पद वा।
अः पदश्वम् वा अः भवव वै विषयं दशी तु विभाज्यते।। (३, २२४)
denominator or criterion of values of the others. While the problems
of producing, conserving, distributing and using up the material
requisites of well-being by individuals, groups and by the state and
society must be subordinate to certain fundamental requirements of
ethico-social standards, represented by Dharma, that "conscience
keeper, director, and interpreter of proprieties" must itself be adjusted
to the demands of the ways and means of the self fulfilling its destiny
by progressing towards liberation. The adjustment of Kama and the
proper functioning of its imperious demands to social and ethical
norms are no less important than making it subserve the aim of
helping men and women to their ultimate goal, for in the Hindu view,
woman is not inferior to man in spiritual needs, nor is ultimate
liberation less required for the self embodied in woman than
for that in man. The criticism that Dharmastra is andro-centric,
in stressing only what is needed for the economic, political and
spiritual evolution of men, and not women, is not just. While
innate differences in the physical and psychological make-up of the
two sexes are admitted by Hinduism, and the weakness of woman,
necessitates special measures for her protection, the inequality is
not regarded as making for unequal rights to the realization of
mukti. If woman's physical weakness and her burden of domestic
duties as wife and mother will not allow her to go through the
elaborate spiritual discipline and education of man, they are borne
in mind in providing for her easier ways of attaining the goal, suited
to her weakness, functions and pre-occupations. There is no more
justification for deeming the rules of Dharma as intended only for
men, because they alone are commonly referred to in specification of
duties and obligations, than for regarding modern codes as
man-centred because only the male sex is alluded to. Dharmastra
recognizes woman's power to raise herself or to lower herself in the
spiritual plane. The special devices for protecting woman and the
strict rules for safeguarding her purity are really compliments to
woman.1

1. The stricter code of morality applied to women is really a
compliment to them, for it accepts the natural superiority of
the women." (S. Radhkrishnan, Hindu View of Life, 1927, p. 89).
that perpetual celibacy in the male should be restrained by the prohibition of *dirghakāla brahmacārya*, so the life of a celibate woman, who lives the life the modern bachelor-girl, is denied her. The denial is on grounds of social loss, and the social risk of unsexing woman. *Atman* (self) is neither male nor female. In the name of what Treitschke caustically termed the "insane doctrine of female emancipation" Dharmaśāstra, which was not blind to her ultimate and highest interests, would not provide for a specious and superficial equality with the other sex, which would make her morally and spiritually sterile.

It is on similar social grounds that the conscripted labour class of Sudras is prohibited from leaving its appointed and duties betaking itself to ascetic mendicancy, which is both unnecessary and futile for it, judged from the standpoint of the attainment of liberation; and the *dvija* is prohibited from becoming a hermit or an ascetic, till he has discharged the duties of Brahmacarīn and Grhaṭha (VI, 36-37).

It is noteworthy that in his concluding words, the author of the Kāmasūtra declares that a mastery of his science will result only in a proper comprehension of sex-desire and its control as well as the proper uses of desire, and contribute to one's triumph in this world and in the hereafter. Kauṭilya affirms the need to practise the *trivarga* by a harmonious co-ordination of its elements. The lawful satisfaction of appetites is not inimical to the attainment of the highest end; on the other hand it can and does help it. In this belief the three *śāstras* concur.

Liberation (*mokṣa*) is not merely the last and highest aim of life. It is the sole aim. It represents the end, and the other three

1. अधीन विविध बेदानु प्रसंस्तिलाय भर्मेत् ।
   रत्ना च शास्त्रोऽद्भैः सनो मोक्षे विविधे पूर्वम्॥
   ब्राह्मीयेः बृहो बेदानुदल्लाय तथा ब्राह्मणः ।
   अभिन्दुः नैव वैवेदः मोक्षमिन्ना वसनाम् ॥ (६, २६-३०)

2. राजन्मथिकामानी शिष्टिः सनो मोक्षविन्ननाः ।
   भक्ष्य शाश्वस्तः हस्तः सनो मोक्षविन्ननाः ॥
   तोवनकुलोऽन्त्राणुः भस्मोधनविकस्यम् ।
   नातिरामालकं कामी प्रसन्नानं श्रस्यांति ॥ (कामचर्यः, ८, ४८-५४)

3. भार्तोऽपरिपाण्यां सामं सेवकं च निबुधः स्वादः
   समु न्य ब्रह्मचार्यस्यानुविषयम् ।
   एको ध्वस्तदेवीति भर्मचार्यस्यानुविषयम् च पीढयति ॥

(कोशिल, अ. शा., २,४, p. 12)
only means to its attainment. Their value is merely instrumental. Man attains his full stature when he realizes the destiny. The atman is free only when the fetters that bind it to rebirth (samsāra) are broken. So great a purpose cannot be allowed to be overlooked at any part of one's life. It should be uppermost in the mind at every stage of life and in the midst of every activity. Action must be purposive, in the sense that its ultimate object is the attainment of this freedom. Release (mukti) is the highest good; for, with it are finished the endless cycle of birth and death, and intermediate suffering, spread through milliards of lives in countless forms. There should be only this purpose behind every action and every institution. Mokṣa is the touchstone. It tests the fitness of action or institution or motive; it passes the gold and rejects the dross.

The aspirant for freedom is termed the mumukṣu. Every living being is a potential mumukṣu, an aspirant for release. In the action-consequence dominated universe, ordered society and life and the organization in varṇa and āśrama, are divinely provided so that he who climbs to his high destiny may do so, step by step through them, as by a ladder. Every duty or rite points to it. Rarely is one born like Sukha or Prahlāda with the divine spark of knowledge that redeems. In the travail of timeless wandering, the self will not shrink from the discipline of an ordered scheme of life that will contribute to its final peace. In the lonely forest, as in the snapping of worldly ties that had till then bound the wandering ascetic (Sanyāsin), one may find that freedom from distraction which can generate the mental calm, in which the vision of reality that redeems will appear. But, one need not fly the world, and the duties of his station, if his mind is properly directed to the end—in order to attain it. The social order is devised in order that it might help, and not impede self-realization. Every one can do this bit to help others and himself, in the march to the winning post. It is not he who flies from duties, but he who performs them, that is certain of arrival at the goal. The mumukṣu is neither selfish nor solitary. The etymology of the term defines his attitude; he strives not only for his release but for the release of all others:

Mokṣaṁ ca vayam, anyāṁśca mokṣayitum icchā mumukṣa.¹

Salvation is not through selfishness. The Indian ideal is not that of Bunyan's hero running away from his family to escape "the wrath to come." Even the hermit (vānaprastha) and the ascetic (sanyāsin), who seek in solitude the seclusion and mental calm that

the distractions of the world fail to give them, take on their modes of life, because they cannot do otherwise. Of the four stages of life the last two are optional. Entry into them is only for the person, who has passed through the first two, finished his spiritual training and done his duty as a member of society (grhaṣṭha), and thereby discharged his natal debts. Manuṣmṛti definitely denies mukti to the person who thinks only of his salvation and runs away from his duties in society (VI, 37),¹ and its view is endorsed by other smṛtis e.g. (Baudhayāṇa) and the great Epic.

In order that one may consciously devote his efforts to the attainment of the summum bonum, he should know what liberation has to offer and envisage the nature of mukti (release). The end of life is not the destruction of illusion, as stated by some thinkers. It is not Manu’s view. Knowledge of reality is one of the ways of attaining mukti; it is not the only way. Moral worth is an essential condition of it. The “Tenfold Law of Duty” VI, 92, (daśa laṣṭkāṇāni dharmasya)—which enforces the obligation to cultivate contentment (dhyātiḥ), forgiveness (ksamā), self-control (dama), abstention from unrighteous appropriation of the property of others (astheyaṃ), purity (saucaṃ), control of the senses (indriya-nigraḥ), wisdom (dhiḥ), learning (vidyā), truth (satyaṃ), and freedom from anger (a-krodha)—must be first fulfilled before one can contemplate entry into the life of the hermit. It is only those who know the ten-fold law and practise it that become free (lit. “enter the highest state” (yānti paramān gatim, VI, 93). Training in the Law is possible only in social life.

Society, itself is adjusted to enable the realization of both the means to the end and ultimately the end itself. The child, hardly out of his mother’s leading strings, is taken from her and inducted into the elements of self-knowledge (ādhyātma-vidyā) by his teacher, who takes the place of the father. The brahma-cārīn is not less the son of the ācārya, who implants in him the spark of redeeming knowledge, than of the parents who implanted in him his physical life (II, 144).² Birth in spiritual learning is superior to physical birth. Both the teacher and the natural parent (janaṅka) are fathers (pitaran) but the teacher is greater than the father. Natural birth is the fruit of sex-attraction (kāmātmata) and is subject to decay and death; not so the spiritual birth through Śāvitrī, which

¹. See ६,२७.
². व आध्यात्मिकत्वं नादाय अवभावात्।
स माता से निता देव: तव इक्केकादशन || (२,४४)
is ageless and immortal (ajarāmarā, II, 147-148). The termination of studentship is made the occasion for a ceremonial lustration (snāna). Entry into the householder’s life is made in a sacramental form. Conception of the unborn child is made similarly. Every step in life is guarded in the interests of the ultimate end. The duties, which are detailed in the smṛti, are declared as extending over the entire duration of life, and they are to be done with Vedic mantras for the twice-born who are alone entitled to study the smṛti. Mere virtuous conduct is not enough, even if reinforced by vairāgya, (dispassion, freedom from desire). There must be knowledge of cosmic law, the relation of the self to the Self, and of modes of intuiting Reality. Lack of insight drags the self into new births. The fourth stage in a Brāhmaṇa’s life is termed the mokṣāṣrama, because its only purpose is to concentrate attention on liberation. But even before it is entered, the Vedānta (i.e., the Upaniṣads, which reveal the way of the self after disembodiment) must be mastered, according to Manu; that is, the study must be pursued by the householder. The hermit (vānaprastha) is also enjoined to study them ‘in order to attain complete union with the Supreme Soul’ (VI 29). It is one of the six means of attaining supreme bliss (nīsreyasam param; XII, 83), the others being austerity (tapas) wisdom (jñānam), control of mind and body (indriyāṇīyam), abstention from injuring any one (ahimsā) and service to the spiritual guide (gurusevā). The list is selective and illustrative, not exhaustive. The vision of Reality frees one from the taint of action. The correct performance of rites enjoined by the Vedas, austerities (tapas), the mood of detachment from the senses (asaṅga) and ahimsā are next declared as leading to liberation. Mere

1. कामान्तातिपिता जैन बुद्धवाद्वाती सिस्म: 
   संभूति तस्य तो विधापोलाविने वार्ये।
   आयादवस्त्रव यां जाति किरिकल्पार्यु| 
   वसारवस्त्र साक्ष्या तथा धात्वरादम्य। (२,२४५-२४६)
2. निश्चालविद्वानमानी मध्येकस्योऽदिको विभिः।
   तस्मान ताकोडलकालानु बौद्धी नामस्वरु प्राविणु। (२,२४६)
3. दश्मेने विद्वीतिन्तु संसारे प्रतिज्ञे। (६,८४)
4. बेदान्ते विभववृद्धा तत्वस्याद। (६,९४)
5. साम्प्रदायततुष्य: कम्भिभो स्मैर्ज्ञे। (६,८४)
6. - अनिश्वेपितामानीनिपितकैशैण कामिनि:।
   तत्परावृत्तीमि: साम्यन्तीं तत्प्रस्य। (६,७९)
renunciation of the world (tyāga) will not enable one to attain it. The statement in the upaniṣad that immortality is not obtained by rites (na karmaṇa), by sons (na prajayā), by charity (na dhanena) but only by tyāga (abandonment) is not one that will harmonize with the teachings of Manu; it will be treated only as a glorificatory exaggeration, meant to stress the value of renunciation. The getting of sons and having grandsons has not only the visible advantage of perpetuating the family, but it is held to confer the invisible benefit of immortality, and higher existences than ours (IX, 137). Gifts are lauded by Manu for their unseen effects (IV, 229-233). The gift of the Veda, i.e., teaching it is praised as securing the giver union with Brahman (IV, 133). He holds the view that enjoined duty cannot be renounced, as a form of tyāga, and that what one can, and should give up is not activity that is enjoined (karma) but the fruit to activity (karma-phala). The best form of action is the disinterested (niṣkāmakarma). It has both a specific and an instrumental value; for of it springs knowledge of the truth about the self. He who is ignorant of the nature of the Self (an-adhyātmavijñān), similarly, does not reap the reward of the performance of enjoined karma (kriyāphalam na aśnute, VI, 82). Karma and Jhāna are correlated; they are complementary. They are neither antagonistic nor mutually exclusive. It is in this sense that tradition sees a unity in the two Mimāṃsādārśanas, which begin with an exploration of Dharma and end with the discovery of the way of non-return to life.  

Sacraments-(Saṃskāra).

The use of the body by the self entails the contraction of taints to which a material frame is liable. For the steps in the approach to the ultimate goal of life, vis., liberation, it is necessary that the individual should take it in a condition of purity, physical and invisible. Physical cleanliness is ensured by daily baths or by special baths (snāna). Ritual purity is implied in the rules that one should bathe before the mid-day prayer, daily tarpanas to gods, sages and the manes, and when one has become contaminated by,

1. न क्षेत्रमम न प्रवया भृगेन स्वामेऽन्मृत्युलविमुक्त: 
संस्कृत | स्वामविन्देऽ विद्वान् विशिष्ट: (नारायणोपनिषत: ।
10 ॥)
2. पुणेः कृष्णम ज्ञाति पद्मात्मनमत्मस्यु: 
अव सुचनाम एवेन ज्ञात्वा अल्पविशिष्ट: (॥ ॥
12 ॥)
3. स्वगमे दानां भक्तगा पितविद्विषये। (॥ ॥
12 ॥)
4. See नैस्कारण, Introduction, p. 5
the touch of any object, place or person that communicates a taint e.g., a cremation ground, a dead-body, etc. The day must begin with ablutions which include the bath (IV, 152). Baths should be in rivers, ponds, lakes and springs (IV, 203). A bath is imposed for purification when one has touched a candalā, a menstruating woman, a patīta (outcaste), a woman in child-bed, or one who has touched a corpse. Water is the physical means of purification (V, 109). The ācamana (sipping water, muttering certain mantras) is the appointed means of purification (after a bath), and before any rite is begun. The prohibition of nude bathing and of bathing after meals is obviously hygienic.

There are, however, impurities of an 'invisible' nature, which cling to the self, from birth. Their origin and exact character are obscure, but that they have to be removed by special rites is the traditional belief. The result of doing them is believed to confer a special excellence on the person (self). In a yāga it implies a purificatory act. The Dharmasūtras give a list of about forty sanskāras for the purification of the body and its sanctification by the removal of the taint (ena, lit. 'sin') springing from the seed and dwelling in the womb (bājiṣka, gāṛbhikā). By the sacraments, starting with those done in pregnancy and ending with upanayana is the taint removed in the case of devīja males, all the sanskāras being done with mantras. They cannot overcome heritage derived from parents, who are sinners. The first sanskāra for the unborn self is garbhādhiṇa and the last is āntyेस्ति (II, 16).

The significance of the sanskāra is that it has adṛṣṭaphala and should be deemed obligatory. For non-performance of sanskāra of a minor character, the later smṛtis imposed penances or penitential expiations, like kṛchra and vyāhṛti-homa, before rectifying the

1. विमानकीसिद्धिनां न यतिति जीविको विषयम् (४.४६)
2. अद्वितमावधिश्रवयितं नमः स्वेतं ज्वायुतयति।
3. न नमः कामकान्धेऽर्ध्र (४.५९)
4. न कामकान्धेऽर्ध्र (३.१२९)
5. Gautama (VIII, 14-24) mentions forty sanskāras, but in most smṛtis only Sixteen are described.
6. वैदिकः कामिनि: गुणविशिष्टादिशिष्टवायुम्।
7. वैदिकं गाम्यं गामिनं ग्रिहानामयमुपूर्तिः (३.२८)
omissions. The only sanśkāra for which a light penance was unavailable was the upanayana or initiation into Śāvitrī. A dvīja who had not undergone it could not be married. Marriage is a sanśkāra, the most important for a woman, as it takes the place of upanayana for her. All sacraments should be performed for female as well for male dvījas, with the difference that in the case of those for women or girls, they should be done (except in the case of marriage) without Vedic mantras. Manu rejects them for those of sanākara-jāti (mixed caste), pratiloma or anuloma equally.¹ Manu declares that the Śūdra does not merit sanśkāras (na ca sanśkāram arhati); he has neither the obligation to do dharma rites, nor is he prohibited from doing them. Śūdras, who are filled with the desire to practise dharma, and who understand dharma, may imitate the practice of virtuous dvījas, i.e., do the sanśkāras but without uttering Vedic mantras (mantravarjām). Not only do they incur no sin by doing so but they gain praise for it (X. 127).² Marriage is not a compulsory sanśkāra for the male dvīja, according to Manu, as it is open to him to take up, after finishing his education, the vow of life-long celibacy (naisthiha brahmācarya). Manu seems to regard marriage as obligatory for women.

The purpose of sanśkāras has to be inferred from the stress laid on each of them. Generally, they may be regarded as developing the personality of the person for whom they are done, as external symbols, or reflections of inward (and invisible) changes that take place as the consequence of doing them. Upanayana brings the child into the group of the elect, who cultivate brahma knowledge, and confers a status and lays duties on the acolyte. Sanśkāras like garbhādhāna (impregnation) and puṁsavāna have a mystic significance, while vivāha signifies the merger of two personalities into one, in the interest of the discharge of common obligations to society and god.

Sin and Atonement.

Basing duties on revelation or divine authority makes 'Sins' of derelictions of duty. Where obligations are laid by Dharma on any,

1. सार्वथामप्राप्तेऽविषयितं पमी व्यवस्थितं।
   वेदविश्वासविश्वसनं: पृष्ठ उत्तरं: प्रविशिष्टम:॥ १०,६८)।

2. न शुद्ध पात्रं किंचिदं न च संस्कारस्वच्छतं।
   मायाविभक्त: भर्तिन्त्र: न भर्तविशिष्टविश्वसन॥
   वर्धिन्त्र: भर्तिन्त्र: सत्यं कुचमहुःविवाह।।
   मन्यते न दुःखितं प्रवक्तं प्राप्तं आचु:॥ (१०,२६-२८)।
person failure to fulfil them constitutes also sin. Obligations that we would regard as 'civil' have also a supernatural basis. A taint or guilt attaches itself to the person who either fails to do what he is enjoined to do, or does what is interdicted by Dharma. Where the omissions or acts affect others, they become offences against man as well as against Dharma, i.e. God. Under the inexorable law of Karma, the expiation of an offence is only by its being worked out in its consequences, in as many births as the gravity of the offence needs. Manusmṛti (XI, 228 ff.) indicates five ways of expiating sin: by confession, by repentance, by austerities (tapas), by reciting the Veda (adhyaayana) and by charities (dana). The confession has to be open. If an offender does a penance, and pretends that he is only keeping a vow, he fails to expiate the sin. Repentence must be sincere and by the resolution not to offend again. Genuine repentance may cancel the taint, but if the sinner is not satisfied that it is, he may perform the prescribed atonements or prāyaścittas. Austerity (tapas) has miraculous powers, which can be used for redemption of sin. Besides the daily study of the Vedas, Manu prescribes the performance of the great sacrifices, according to one's ability as expiation and patient suffering. Austerity means subjection to severe physical strain and pain. In degenerate times one may not rise to the level of those who performed tapas in past ages. On the principle of substitution, Manu suggests substitutes for tapas: knowledge (Jñāna) for the Brāhmaṇa, protection of others (rakṣaṇa) for the Kṣatriya, the proper pursuit of trade and agriculture (vārtā) for the Vaiśya and service (sevanam) for the Śūdra. As these are the prescribed duties of the castes, the implication is that expiation lies in diligent pursuit of one's own varṇa-dharma, caste duty.

1. प्रायान्तनानात्वमेव कपगायप्रवतनेन च।
   पापकृमचते पापास्य दानेन जाणि। ((१२,२२४))
2. न वर्मल्लनप्रदेशेन पापे लेख्या मति चरोष।
   मेन पापे मन्नति कृपन्वयोज्यर्मसु। ((१,९८४))
4. Ibid., XI, 234—236.
5. वेधार्थात्योधनाय व्यया महायमानिवा व्यया।
   मात्रमन्नतु पापानि महायमानवाल्मिकी। ((१२,२४४))
6. मात्रमन्न तथा बारे तरतु अवस्थय रूपम।
   बैरवम्वे तथा बारे तरतु मरुस्य स्वभावम। ((१२,२३६))
The standard classification of moral offences is into *great* and *small* sins (*mahāpātaka* and *upa-pātaka*). The five major sins are the slaying of a Brāhmaṇa, drinking spirits (*surā*), theft of gold (*svarṇa-steyya*), adultery with the teacher’s wife (*guru-talpaka*), which is constructive incest, as father and *guru* are equated and association with such offenders. The number of minor sins (*upa-pātaka*) in *Manusmṛti* is large, about 22 in all, but the list is not exhaustive.¹ The effect of the commission of the offences is loss of caste-status (*patanam*), which means social outlawry. Among the *upa-pātakas* are heresy, apostasy and reading of heretical books. In a society, which bases itself (or claims to do so) on revelation, the heretic is on a par with a rebel in modern states, and the offence is like treason. The practice of dancing, singing, and acting, as *professions*, is *upa-pātaka*. They cannot be civil offences, but may be held to lower the public standards of morality. The inclusion of large mechanical undertakings and the working of mines under the category is inexplicable. Assaulting a Brāhmaṇa, pederasty, cheating and smelling spirits lead to loss of caste. Usury, theft, non-payment of debts, murder and destruction of the virginity of unmarried girls are all lumped together under this category. For these there are civil penalties. Besides these offences, there are a large number that are classified under each of the major and minor sins, from the standpoint of the expiation that should be made for each of them. Elaborate penances are described for the different classes of offences, and a great part of the eleventh book of *Manusmṛti* is devoted to their atonement in ways described in older Vedic literature. For some offences, which involve the loss of *dvija* status, re-initiation (*punar-upanayana*) is prescribed (XI, 151). The normal forms of penance for minor offences is the performance of one of the five types of penitential rite, known from the hardship involved as *kṛcchra*, which are described (XI, 212-216), and gradual starvation, following the course of the moon, and accordingly known as *candrayana* (XI, 217-218). Redemption is through suffering. Its effects being physical and psychological can be regarded as reformative.

The prescription of penances for what we would call offence against society, and of civil penalties for religious offences is old and

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¹ See *Manusmṛti*, XI, 60—71. *Yājñavalkya* III, 234—242 enumerates 56 *upa-pātakas*, several of which are outside Manu’s list.
illustrations of it are to be found in Śāmaṇḍkhaṇa Brāhmaṇa. The sentences must be pronounced by a board of three assessors, who will fit the penance to the offence. Among the civil offences for which Manu indicates penances are murder, adultery, incest, unnatural sex offences, abortion, procuring, seduction, rape, abduction of women and children, perjury, cruelty to animals, theft of every kind, and criminal misappropriation. There are inexpressible crimes, which correspond to capital offences. It is to be noted that penance and civil penalties are not alternatives. As every crime is an offence against society as well as against God, both sentences run concurrently. A penance is not a substitute for punishment; it is a penalty. The Indian attitude to punishment comes out in the identity of outlook. The purpose of punishment is not to vindicate the outraged majesty of law or the State, or the application of a principle of retaliation; it is remedial. The criminal and the sinner have souls. The punishment of the body of a sinner can hardly go far; it is limited by one life, in the most extreme cases. Punishment purifies; it purges the offence. One may escape the civil power of the State, after committing a crime; but he cannot escape the law of Karma. Grave sins or crimes, in Indian belief, show their effects even in this life. Retribution follows even in this existence, and in any case is inescapable in the next birth. Diseased nails, black teeth, phthisis, deficiency in limbs, stinking breath, dyspepsia, dumbness, leucoderma, lameness, partial or total blindness, oedema, idiocy, deafness and physical deformity result from the sins of past lives. Such features are likely to be repeated in future lives also, unless expiated in this. The graver the offence the harder the self-chosen penalty. A great public service like defending the life or property of another and dying in defence of it then frees a murderer of even a Brāhmaṇa from the guilt of brahmahatya. A Brāhmaṇa thief, who steals a Brāhmaṇa's

1. तेशा बेदविद्यो भुव: भवोदिवेन्द्र: भृमक्तिम्: || (१२,४८)  
2. रामामित्तरणन्तरुक्ता कुत्रा प्राप्यमि मानता: ।  
(निमित्त: स्वर्गमानतिः सन्तास्स्वत्तिनो वथा) || (८,३१५)  
3. श्रव दुहरिते: केवलिं केवलिं शुभस्लोकेरथ ।  
(आनुज्ञातिः दुरालामाति नरा कृष्णविपयन्त) || (२२,४६)  
4. मु, १२,४६-५३  
5. मु, १२,५४  
6. मु, १२,८३-८९  
7. माधवने नवं या सच: मारणू परिपक्व ।  
(मुमते माहल्लान: गोशा मीमांसास्त्र: न) || (१२,४८)
gold, is freed of guilt, when he goes to the king with a club, asks to be struck down with it and is killed.¹

Excommunication (Pataña).

Crime leads to a fall from caste status, and in grave cases it puts a person outside the four varnas as an outcaste (paria). Association with an outcaste renders a person liable to the same expiation for rehabilitation as the outcaste himself.² Expulsion from caste is done by a ceremony, more fully described in Dharma-sūtras. An outcaste is treated as civilly dead (Ibid., 183).³ His share of inheritance passes to the next heir (Ibid., 186). Re-admission is possible through undergoing prescribed penances. A person convicted to branding for crimes is treated as an outcaste. He is completely cut away from all social intercourse, religious communion, matrimonial alliances, family ties, declares Manu⁴ (IX,239). Expiation requires the co-operation of one's castemen. In driving one out of society after branding him, he is deprived of both the chance of rehabilitation into society, and of recovery in the next. The effect of the punishment stretches beyond this life; it is more terrible than capital punishment which, when undergone, cancels post-mortuary consequences of the sin. Dishonor in this world, where he has been treated with almost, divine honors, and degradation in future births, are the effects of denial or the withholding of the death penalty for grave crime committed by the first varpa. In estimating the incidence of the penal code the effects of the combined penitential and punitive sentence must be borne in mind. Failure to do so has led to charges of unfair discrimination in favour of high born criminals. Culpability increases with status. If a commoner is fined one pāṇa, for the same offence the king should pay a thousand pāṇas (VII, 336). In theft, the culpability of a Brāhmaṇa is eightfold that of the Śūdra, or even fifteen times the Śūdra's, four times that of the Vaiśya and twice that of a Kṣatriya (VIII, 338).

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1. श्वेतसेवकाप्रकाशी राजानमंनिमयम् ष

2. स्वकृतम् स्वायत्मण्डलम् श्वारामनुभवस्यति

3. शुभिता हुसुल राजा सदृश्यार्थे ते स्वकृतम्

4. श्रेष्ठितायुद्धिभीति लवक्ष्यम्।

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cf. 4,114-116

1. (१२,९५-१००)
2. (१२,८२)
3. (१२,८२)
4. (२,२६)
Some Missing Ideas in Hindu Social Theory.

In attempting to visualize the background of Hindu social thought we must grasp certain lacunae in ideas or slogans which are prominent in modern thought. First among them is the idea of 'rights.' Dharma means inherent disposition or property or trend, and in the science of conduct, it stands for duty that is enjoined. It is more than a moral and sub-conscious urge; it is an imperative from the highest source. One may discover it by reference to his own educated conscience, or trained intuition, or the mental satisfaction (ātmanastuṣṭih), or by its meeting the urge of the self (svasya priyam or ātmanah priyam). A natural impulse or mere animal instinct is no criterion of Dharma. Impulses and instincts have to be trained, controlled and canalized before they can be trusted to be safe guides for action. This is why Indian thought leans on authority and finds it in the highest and the most unimpeachable, viz., śrutī (the Veda) and tradition (smṛti). In moral referees, both rectitude in conduct and learning (as represented by mastery of the scriptures, the Vedas, and the sciences or śāstras) are required. The Śiṣṭa, whose decision is to be followed in doubtful points of conduct or Dharma, is (as the etymology of the word denotes) a trained thinker. Manu (XII, 109) defines the Śiṣṭa as one who has "acquired" (adhipāta) the Vedas and their appanages (aṅgāni) in the traditional manner i.e., (through proper teachers and in the proper śāramas), and who is a śrutapratyaksāhetu—a compound expression, which is interpreted by commentators in different ways. Medhātithi, for example, gives two alternative renderings of this important expression: (1) he who regards the Veda as equal to proof by perception or (2) he who relies upon Vedic texts that are visible (easily found). The expression may also mean that both Veda and perception are relied on by such men as proof. Reliance is on the Veda and cognition by perception alone (to the exclusion of mere inferential proof). He includes among the aṅgas, the Mahābhārata. Practice of the elite (ācāra) is a more trustworthy guide than precept (II, 6). Rights are by-products or result from the enforcement of duties. Protection (rakṣana) is the duty (Dharma) of the king. When it is efficiently done, every one receives protection. The emphasis is shifted from the beneficiary to the one who has to confer the benefit. The assertion of

1. वासवत, २२
2. भर्मणाधिनाति वैततु नर: ५ परिभ्रमणः।
ते शिश्ता भाग्याः देवा: भूतिमलबन्धाः ॥ (२२,१०९)
rights or claims betrays ahankaara, egoism, which is looked down upon in Indian thought. Dharma is moral and spiritual responsibility. The second missing idea is that of equality as a political and social ideal. In a universe in which uniformity and law dominate, there can be no assertion of natural equality. The concept of equality is a deduction not from facts but from aspiration or supposed needs. Enforcement of equality will be putting every one in a Procrustean bed. Inequality, not equality, is what is found in nature. No two persons are exactly equal to each other, physically, mentally and spiritually. The sexes have different functions, often different psychological traits, and differences of physical strength and constitution. Even in the field of politics, the application of the principle of counting heads, or votes, has been condemned by political thinkers, like Burke and J. S. Mill. Men and women do not start with the same initial equipment in strength or intelligence. Men are not placed, all in the same conditions, to make a universal rule applicable to them all. Conditions change, and require re-adjustments to suit them. The doctrine of upad-dharma, (duties in exceptional circumstances) which is enforced by Dharmaashastra, enforces this principle. No two persons are constituted in exactly the same way. Their requirements are not always identical. Their psychological make-up is often different; their physiological needs vary. We have to allow for inequalities springing from age, education, health, and disease. Glib references to 'equality before the law' fail to take note of inequalities for which the judge, who enforces the law, has to allow. A minor, an idiot, and a person sunk in senility are not to be treated as equal to healthy persons in maturity. In administering penal law, note has to be taken of varying degrees of consciousness. In spite of the slogan of equality of every one before the law, differentiation has to be made on one ground or another. Even as an ideal in the administration of justice, equality can work wrong. Human attitudes to crimes change with circumstances and changed social ideas. The sanctity of property will disappear in a communist regime. Punishment cannot in equity be enforced in a penal code absolutely on the principle. The Hindu penal law is not the only one, which has made differentiation; but, where it has done it, it has been done openly and on a principle of recognizing the needs of social peace, discipline (as we may call it) in a "planned" society, social equipoise, and ultimate values. The classification into varnas is explained on the basis, not only of functions to be discharged but of initial psychic differentiation. It is founded on the differences of temperament of psychic drift, known as guṇa. The scale of guṇas may be likened to that of scales of personal development. The fourth varṇa is placed
as in the scale, as it represents the karmic consequences of tāmasa-guna in previous births. Such a statement as that a person is born as a Śūdra, and is raised by karma to the rank of a dvija, refer to this belief, and not to the promotion of the virtuous Śūdra. Every dvija child is a Śūdra, in effect, till he is initiated.¹ Some of the disabilities of women, and the treatment of even dvija women as on a par with Śūdras, is due to the omission of the rite in their case. In the scheme of society envisaged in Manusmṛti, equality, in a civil sense, is treated as a myth. There is no equality in status and emoluments. Human needs, no less than human powers, emphasize inequality. The recognition of the fact is essential to advancement of the individual (self) and the group.

Equality exists only in one sense: cosmic equality. The self is basically the same in all; its ultimate need of liberation is the same for all. The route it has to follow, through endless time, is the same, and the basic features of Dharma enjoined for every one are the same. To the Highest Reality and His inexorable law all selves are equal. Redemption is the ultimate destiny of every one, and it springs in every case from the same instrument, the discharge of duty (sva-dharma). It is only before the Infinite that the fundamental equality of every self emerges. There is no exception, and there will be no omission. If even one soul is unredeemed eventually, there will be a failure of cosmic justice. In the long march to self-realization, the marks of inequality drop off, one by one, till the released ātman attains the perfection which is the mark of the Divine.

¹ यहैं वि समस्तातः ग्रामके न जापे (२, १८२)
LECTURE IV
OUR SOCIAL HERITAGE

The feature of Indian society that strikes a foreign observer as distinctive of it is what is termed *caste*, and what Hindus call *varṇāśrama-dharma*. It is undoubtedly a cardinal item in our social heritage. Those who speak of caste as unique overlook the natural tendency for the formation of social groups on the basis of such things as belief in a common origin, common avocations and community of interests, and for their stabilisation for common defence. Hegel long ago pointed out that superficially the system of classes in mediaeval Europe resembled caste. The clergy, the nobility, the burghers and the serfs and proletariat formed groups not unlike the four Hindu varṇas. Class cleavage created class pride, which was signified by confining marriages to those within a group. Even now there is a royal caste in Europe, and the marriage of royalty to a commoner is resented by the class. In countries in which there is supposed to be no privilege, pride of belonging to a few families descended from original immigrants makes a close endogamous group in the United States of America. We have in the half-bloods of Spanish America groups that correspond to the mixed castes of Hindu śrāvṇis. Connubium and commensality are not criteria exclusively found in Indian caste. It has been so in other countries and also in ancient times.¹ In ancient Iran the fourfold grouping into *aṭhārva* (priest), *raṭhaśṭha* (warrior), *vāṣṭra-fšuyant* ("head of the family") and *hūti* (manual worker) corresponds to the fourfold grouping of the Indian people into Brāhmaṇa, Kṣatriya, Vaiśya and Śūdra.² The resemblance goes further. As in India, the first three groups of old Iran constituted a higher division, marked from the the lower (comprising the body of manual workers) by a ceremony of initiation and investiture with the sacred

1. Connubium was the right of contracting a valid Roman marriage with all its consequences (*matrimonium justum*) in law. As such a marriage could take place only between persons of equal status, the Patricians and Plebeians had for a long time separate connubium, until 445 B.C. when the two orders were equalised in this respect by lex Canuleia (para 121, W.E. Heitland, *Roman Republic*, vol. I., 1909).

thread. If the correspondence between the two systems of ancient India and Iran be considered to be defective on the ground that the last group in Iran, when admitted to Zoroastrianism, was held to be entitled to the rite of initiation (a point that has been questioned by some savants), one might point to the rule of Manu\(^1\) (X, 127) giving the Śūdra the right to perform Vedic rites without however using mantras. We may also refer to the inclusion of Śūdras in the varṇa grouping, and their being held to have “Arya-praṇā” (Aryan life)\(^2\) which made them immune from slavery (na tu Āryasya dāsabhāvaḥ)\(^3\) according to Kauṭilya. The colour strife of modern times has undoubtedly strengthened the case of those who see in the Indian varṇa divisions of the original cleavage between the fair-skinned Aryans and the dark-skinned Dasyu (kṛṣṇa-tvaca). But the Veda shows that the antagonism between Ārya and Dasyu (or Dāsa) was as much on grounds of difference of cults, speech and bodily appearance. The contrast is between Ārya and Dāsa, and there is no reference to the Brāhmaṇa and Kṣatriya (Rājanya) by varṇa, though they were already castes in the Rg-Veda period. It is probable that the conquered Dāsa or Dasyu become a Śūdra, though all Śūdras cannot be traced back to a servile origin. The transformation would bring an enemy, who stood outside the community, within its pale. The exclusion of the Śūdra from religious rites of a Vedic type might be due to the original antipathy of the Dasyu (on cultural and cult grounds) to Vedic rites. Original disinclination is translated into involuntary exclusion. The old difference is perhaps implied in the identification of Śūdra and Anārya by Gautama.\(^4\) The old resentment and contempt persist in the descriptions of a Śūdra (originally a Dasyu) as a walking cemetery\(^5\) because of his love of meat, and his comparison with a beast of burden. A tradition also persists that the Supreme Being created the the upper varṇas

1. भमेश्वरस्व प्रेमकां: सताः ब्रह्मनुभिता:।
2. आयोण: ध्वजाधित: क्षेत्रशासनसूत्रम् मूलसूत्रम् ब्रि-स्वेषत ॥
3. कम्भालकनुसारेण शास्त्रम् B. 8, 183)
4. (Ibid. p. 181)
5. (मात्रम, न, 8, २१, २३)
6. (संस्कृत: २१, २२, २३)
alone from Vedic metres (gāyatī, triṣṭubh and jagati,) which is found in the Aitareya Brāhmaṇa (V, 12). The system of four varnas was already settled in the Vedic period. The ascription of the famous Puruṣasūkta to a later period than the other parts of the Rg-Veda, does not alter the fact that the institution was already a settled fact by that time.

It is difficult for outsiders to perceive the spirit behind an institution, and often to understand even its superficial features. The errors in the description of the seven castes of India by Megasthenes are classical. What is peculiar to the Indian system is the meaning and purpose ascribed traditionally to it. Megasthenes saw the endogamous nature of the varna and the occupations that alone could be followed by a varna. His missing the inner purpose and meaning of the system is not surprising, as outsiders cannot visualize the philosophy of life to which they are related.

The origin of the varnas has been stated in many legends, and of the cause of differentiation in philosophical literature. The most famous of the legends is that of the Puruṣasūkta-Puruṣa, who is identified with the universe (“whatever has been and shall be”) and the source of the Sun, the Moon, Indra, Agni and Vāyu as well as the quarters, the heavens, the sky, the earth, etc., is said to have produced the Brāhmaṇa from his mouth, the Kṣatriya from his arms, the Vaiśya from his thighs and the Śudra from his feet. This tradition is repeated by Manu (I, 31). The purpose of the creation is stated by Manu as ‘the progress of the world’ (lokānam ca viyuddhayartham). The expression has elicited a great deal of commentary. The lokāh is inclusive of all worlds: and the creation of the four varnas in this world of ours is said to be for the good of both our world as well as of other worlds than ours. This carries the implication, to which reference has been made in the previous lecture, of the interdependence of worlds and their denizens, and of the way in which the universe is balanced by their harmonious reciprocity in service. Vyṛddhi means

1. गायत्रिः महामनस्वतः, निशुल्क राजायेः, नमस्य भैरवं, न कैशविद शरस्वथं श्रुतं महामनस्वतं विवाहाति (विदिह, Ⅲ, १)
3. Rg Veda, X, 90, 12.
4. कृष्ण: न निवृत्तं सुवकाश्यमादय:।
   मात्रान गात्रं बैलं शूरं न निमेन्तय:। (२, २१)
both "prosperity," and "progress." The allusion is not so much
to the inhabitants of the worlds collectively, as to each being
individually. The individual being is only a soul encased in a body.
Progress is that of the self, not of the body. Varna or caste relates
to the body, not to the self. As described in the Chāndogya Upaniṣad
(V, 10, 7) a person’s birth in a particular form, as Brāhmaṇa, or Śūdra
depends on his karma in a past birth.¹ His varṇa is thus the conse-
quence of his own past actions. Actions in this birth will similarly
determine the varṇa in which the self will incarnate in the next birth.
A man’s varṇa is part of the retributive justice that pursues the self
from birth to birth. The varṇa differentiation itself is said to have
sprung from karma; this world is Brāhma (creation of Brahma),
and it has evolved varṇas by action (sarvam brāhmaṃ idam jagat,
karmabhir varṇatām gataḥ)² Sāntiparva, 186, 10). Man attains a
superior varṇa by righteous acts.³ (Ibid., 297, 5). One cannot change
his heritage by his volition; he must work it out by his karma in this
life. It is by fulfilling faithfully the duties of his varṇa and status
that one may ascend in the social scale. The arrangement of the
varṇas in an order of superiority is not merely a recognition of an
accomplished fact; it is a device for the future ascent of those who
are now low in the scale. In the work of reclamation of the
submerged, the close association with the spiritually highest, the
varṇa whose members must have some vāsanā, (inherited trend, from
their past birth) is most indicated. This is the reason why the last
varṇa is conscripted for personal service to the twice-born in general
and to the Brāhmaṇas in particular. The intimacy born of daily
association and the example of the spiritual elite are means of
salvaging the lowest varṇa. Society, made up of different cultural or
spiritual levels, cannot be transformed in a day. The process of
assimilation must necessarily be slow. The idea that every child is a
śūdraṇa samas tāvad yāvat vede na jāyate⁴ is that the child and the
Śūdra are on a level. Both have to be raised by education; the dvija’s

¹. तथा हस्त रमणीयगोरणा अभ्यासी ह यें रमणीया भोभिमांशोर्य स्नातकोंगिः ध्व.
śārīṣ्य पाठ्य वि केत्त्यापि एष्व तथा हस्त रमणीयगोरणा अभ्यासी ह यें रमणीया
भोभिमांशोर्य स्नातकोंगिः ध্঵. (चांदोग्योपाणिषद्, १०, १०, १०)

². न मिश्रितेऽवित्त वर्णोंतं समेत भावाचितं विकारः।
भागणम्। पुरुषो वहि समस्यायंगता गताः। (वाणिज्यम् १८६, १०-१४)

³. वाणिज्यामाया त्यत्तं सर्व पुरुषो वर्णमणा।
पुरुषो तस्त्यायंगत वहि वाणिज्यायंगत कर्मणा। (वाणिज्यम् २९७, २)

⁴. सन्, २, १०२.
child is raised by his upanayana (initiation), his rebirth, while the "spiritual" child, of the Śūdra, will learn by service to the elect the means of redeeming himself in the next birth.

The same lesson is contained in some of the legends of the origin of varṇas. They describe how originally there was only one varṇa in the beginning and Brahmā alone existed, and He created other gods who partook the features of valour, (kṣatriya), vaisya-hood and service for progress through variation. These divisions which existed in the divine regions were reproduced in this world.¹ (Brhadāraṇyaka Upaniṣad, I, 4, 11-15). Mahābhārata alludes to a tradition that in the beginning in the Golden Age (Kṛitayuga) the only varṇa was that of the Brāhmaṇas, who became differentiated by their karma.² Their assignments to other varṇas were according to the dispositions they manifested. The deterioration of some sections of mankind, as compared with others is crudely explained as due to the parts of the body of the Supreme Being from which they sprang. This idea is implied in Manusmṛti (I, 93)³ where it is stated that the Brāhmaṇa is by right the lord of creation, as he sprang from the mouth of the Creator, as he was the first born and possesses the Veda.

The birth in the four varṇas in the process of transmigration is elaborately explained by Manu, in the eleventh. The Supreme Being pervades all beings with three qualities (guna): sattva, rajas and tamaś (XII, 24).⁴ These manifest themselves in disposition, temperament and knowledge in various forms and degrees. Each of these again may be graded as the best, the middling and the lowest. The nine classes

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1. Brhadāraṇyaka Upaniṣad, (1.4, 11-15)
2. Manusmṛti (I, 93)
3. Manusmṛti (XII, 24)
4. Manusmṛti (XII, 24)
of innate dispositions or heritage (guṇāh), determine the bent of the self that is animated by it. The guṇas are primordial. Manu states that in creation itself the selves were affected by guṇas.\(^1\) Classification by guṇa may be described roughly as differentiation by psychic differences in initial equipment. The Gitā puts into the mouth of the Lord the statement that the system of four varṇas (cātur-varṇyam) was created by Him (maṇḍaṣṭha) according to differences of guṇa and karma.\(^2\) The allotment of specific duties to each of the varṇas follows this principle of making functions tally with the inherited trend of the varṇa.

Thus in the system there are two features: firstly, birth in a varṇa is the result of the combined effect of the innate guṇa of the self and its action (karma) as moulded by the guṇa in the past births; secondly, duties are assigned to each varṇa in such a way that by sedulous discharge of them, the self may be raised to a higher plane in the next birth, and ultimately attain liberation.

It will be noticed that the guṇas correspond to the triple division of primary appetites or ends of existence, puruṣārthas; sattva-guṇa corresponds to Dharma, rajo-guṇa to Artha, and tamo-guṇa to Kāma (mere desire). Translated into the varṇas, the first varṇa is the consequence of past sattva-guṇa and its members start with an initial vāsanā of sattva, the second and the third are the embodiments of the drive of rajo-guṇa from the past birth, and the last of tamo-guṇa. Translated into terms of puruṣārthas, the first varṇa stands for Dharma, the second and the third for Artha and Kāma, and the last for only animal desires (Kāma).

We may now turn to the functions of each varṇa, as laid down in all śāstras, and as repeated by Manu, on the authority of the Creator (I, 87-91).\(^3\) teaching and study of the Veda, sacrificing for his own benefit and for others, giving and accepting gifts for the Brāhmaṇas;

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1. महानेन जातानं सर्वाणि विगुणानि च। (सूत्र ४, १५)
2. चातुर्वर्णं मया छोड़ु गुणकल्पवियमानश्च। (भगवद्गीता ४, १६)
3. अध्यायनमध्ये वजनं गात्रनं तथा।
   दानं प्रदत्तं जेभ भाग्याणानमच्यं।
   प्रजानी रम्ये दानमित्याहनमन्त्वस्य च।
   विभागमार्गसिन्ह धम्मिन्यसंसारं।
   पन्हती रम्ये दाननिर्दाहनमन्त्वस्य च।
   करण्यं कुलत्वं च नैतिकर्थं धम्मिन्यं।
   एकमेव तु शुद्धस्क्रनुः कर्म समाधिवर।
   एतामेव ब्रजीयां दुध्वं दद्यधययान। (४, ४४-४५)
providing the people, bestowing gifts, offering sacrifices, studying the Veda and abstaining from attaching himself to the gratification of the senses (vâgâyeye anâsakiti), for the Ksatriya; tending cattle, bestowing gifts, offering sacrifices, studying the Veda, trading, lending money and cultivation of land for the Vaiśya; and serving without ill-feeling the other varnas for the Sudra. Looked at as duties as well as means of subsistence, Manu declares that the three means of subsistence, for the Brâhmaṇa are teaching, sacrificing for others and receiving gifts; for the Ksatriya the bearing of arms, and trade, agriculture, and cattle-rearing for the Vaiśya. Among the occupations the most commendable are teaching the Veda for the Brâhmaṇa, protecting the people for the Ksatriya, and trade for the Vaiśya.¹

A feature to note in the prescription of duties and professions is that in every case the aim is to benefit not so much the doer as others. By the study of the Vedas, the world flows with milk and honey² (II, 107), sins are dissolves (XI, 263)³ and taints arising from them are removed (XI, 245-246)⁴. The householder performs the five daily sacrifices to remove the guilt of taking life in the "five slaughter houses" of the house (III, 68-69)⁵. Specific sacrifices are described as having specific effects of a transcendental nature. In his public capacity a king is bound to perform them⁶ (VII, 78-80). Their potency is so great that it should not be done for unworthy men⁷ (III, 65). In the desire to do a sacrifice, a Brâhmaṇa

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1. मनु, (१०,७४-८०)
2. या: स्वाध्यायमर्गिताय विहिना निवारत: शुचि:।
3. तथा महाकर्मम् माया: विसें नौलग विनिमित्त।
4. वेदाद्वारायथाह शस्त्रा महावशायिना च।
5. नायवलोक्यु प्रपाप्ति महापापकलायिनि।
6. वैष्णववेनसा वाहि: माति विद्रहति क्षणात।
7. तथा वायुदिवसा परे सर्व दहति वेदविद।।
8. जातमुखा नृसिंहस्व नृसिंहपुरस्वरः।
9. कश्यपी च जीवः स्वर्गः यातु हृदयः।
10. नाला क्रेसन सातांस्य विकृत्वम् महाबिनिभः।
11. रेष्या नाशिनि कमणि कृष्णेष्यातिनिभः।
12. इति उपायमवलस्य। (१३)
may not impoverish by it his family and dependants (XI, 40). Teaching the Veda is economically unremunerative, as it has to be done free; he who receives money for teaching the Veda incurs a great sin. The Indian teacher exacts no fees from his pupils nor does he expect them, while he treats them as members of his own family. Teacher and pupil share the alms. Liberality is one of the means of expiation and of acquiring merit. He who has must give freely. But he who receives gifts (pratigraha) lowers himself. Charity blesseth him who gives, not him who takes it. Wealth is regarded as a social trust. It has to be put to proper and unselfish use. The prohibition of the Ksatriya and the Vaisya to teach the Veda, to do sacrifices for others and to accept gifts is based on reason. The Vaisya was the affluent person in society, whose protected condition enabled him to accumulate wealth and enjoy it. Persons engaged in vital economic occupations should not be diverted from them in order to attend to their supposed spiritual welfare. An agriculturist and a trader serve the community best by the zealous pursuit of their own occupations. If a Ksatriya, who represents the armed might of the community, takes to accepting gifts, the gifts may often be exactions instead of being free offerings. Instead of protecting society, he will prey upon it. The conduct of a sacrifice requires expert knowledge, which it will take years of patient study to acquire. Men steeped in the avocations of the world cannot be expected to master the technique. Society will be sterilized economically if every one claimed the right to become a cleric or a conductor in a yagya. Lastly, society is held to be founded upon the willing service of the proletariat class, which has to do the menial services that require neither training nor superior knowledge. As the Sudra was not the slave that he might have been, under other organizations, it was not possible to erect an edifice of culture, as in ancient Athens, on the foundation of slavery. Kautilya rules that no Arya can be made a slave. He recognizes both free and servile elements in the Sudra varna, and permits the pledge of even an Arya in a time of distress. In Manusmriti the word dasya as applied to Sudra denotes only service and the words krita and a-krita used to

1. सत्मात्सालस्यां वर्तर (१२, ४०)

2. प्रतिमहसममृदि प्रस्तरं तत्र कर्णेत।
   प्रतिमहेण पद्मासु सार्वत्त मनोमुखति।
   अत्यपलवन्दवाम: प्रतिमहसवरिजः।
   अम्बरसम्प्रद्वंद्रेण सह तेनेन मर्यादि। (४, २ ८५; १९०)
describe two types of Sūdra (VIII, 413), though usually translated as "bought" and "unbought," are rightly interpreted by the commentators as "hired" or maintained in consideration of service" (bhaṭādi bhytān vā ḍasyam kārayet). It was servitude, not slavery of the recognized pattern. This is why slavery (ḍasyam) is brought under contract. The deprivation of full freedom to act was treated, on analogy, as servile. This is why an apprentice (antevasin) who works for his master without a wage and is merely given food and board, is considered by Yājñavalkya (II, 184) under the head of ḍasya. The statement of Manu (VIII, 414) that Sūdra has ḍasya (liability to service) innate in him, and cannot be freed from the liability, even if released by his master, is properly treated by Medhātithi as glorified exaggeration (arthavāda). For according to Manu (IX, 334-335) the Highest duty of the Sūdra (dharmah parah) which will lead him to beatitude or a higher varṇa in the next birth, is serving learned and virtuous Brāhmaṇa householders. The attainment of mukti or making an advance towards its attainment is possible for every one by doing his appointed duty (dharmā), and it makes it easier when the duty is one that does not directly contribute to one's own immediate advantage.

In normal circumstances, there should be no encroachment by any varṇa on the functions, duties and means of livelihood of the others. The Kṣatriya alone has the duty to be a soldier, for, to him is entrusted the duty of protection. Like the teaching duty of the Brāhmaṇa, it apparently carried with it no worldly remuneration, though there is no prohibition to a Kṣatriya being a paid soldier. Kauṭilya (p. 345) contemplates an army recruited from all the varṇas, but he does not favour Brāhmaṇas being recruited to it and regards the Kṣatriya as a better soldier, owing to his familiarity in using weapons. He sees an advantage in an army of Vaśyas and Sūdras, owing to the possibility of getting a larger force from the two sections of the population that formed its great bulk. Recourse to recruiting others than the Kṣatriya would have been deemed an emergency measure.

1. शुद्ध तु वार्षवर्षे कृत्तमकतिचतुष्यं द। (४, १७६, १७२)
   ‘कृत्तमकति’ कादायुषयतामिति मेवाभिषिष्यि।

2. साहवलथ, र०, र१८२, र१८३ deal with ग्रस्त; the rule about अतेन्तथात् is 2. 184

3. दर्शनवेद हि सदृढ़सि मात्रमस्य स्वयंभुवम्। (४, ७.१३।)
   ‘दर्शनवेद’ शति अर्थविधि: मेवाभिषिष्यि। Kullāka misses this.

4. दूर्लुभ तु पक्षुस चन्दोर्ष व:क्षम: व: |
   मात्रमस्यांसम निःस्वतुभिः आतिलिताय || (४, ५.३३-३५)
Indian literature has a genius for suggestion by simile. The interdependence of the divinely created varṇas is signified by their origin from the same divine body. As health in the body postulates the co-ordination of functions by all the organs, so the health of humanity required that all the four varṇas should work in harmony. The face or mouth (mukha), from which the first varṇa sprang, is the most important part of the body (uttamāṅga). Feeding the Brāhmaṇa in sacrifices and śrāddhas is transmitting the offerings of food to the gods and the manes through his mouth. The usual method of making offerings to the gods and manes is by throwing oblations into the fire. The Brāhmaṇa is the fire, and food given to him on such occasions is brahmahutam. A fire oblation should not be thrown on a fire which has burnt itself out, i.e., on ashes. A learned and virtuous Brāhmaṇa is like well-tended sacrificial fire; it is only to him and those like him that offerings to the manes and gods must be given. The long list of persons who are excluded from śrāddhas (III, 150-168) includes Brāhmaṇas, who are physically defective, moral derelicts, followers of unworthy occupations, and violators of Dharma (e.g., he who instructs a Śūdra in the Veda or teaches for a stipulated fee). The head and the mouth are the organs of direction and control, and he who sprang from the mouth of Brahman is indicated for the spiritual guidance and education of mankind. The arms stand for grasp and strength, and the duty of protection of society devolves on the Kṣatriya, who appropriately sprang from the Deity’s arms. In the human frame the parts below the navel are held to be inferior to those above it. The Vaiśya and the Śūdra, who were both of the thighs and feet, the limbs which bear the weight of the entire frame, stand for the economic props of society. For social stability are required the mind that directs, the trained forces that maintain order and protect against external foes, and economic bases of wealth and welfare.

The number of varṇas is limited by Manu to those primarily created. They are four; there is no fifth (X, 4). While the restriction applies to the varṇas, it does not apply to groups united by consanguinity, birth and heredity, or jāti. It stands for the physical type. A low-caste woman is referred to in the Nirukta (XII, 13).

1. सुव्रत विद्याको वर्ण सुव्रत्वन्यतिको || (२३५२)
2. नवभें एकािति दशों सारिति हि वर्णम् (१०५)
3. ‘अद्य द्विविषयं न रामपुर्विक’; द्विविषयं पुरुषोऽयं न गर्भां ‘कुक्षिन्तिर्य’ पल्लवास- मनसाद (विकेत-१२-५२२). ‘रामा’ वेति द्विविषयं उच्चारितं सा हि रंगां परं उच्चारितं न गर्भं, रंगाः परं उच्चारितं सा. ‘कुक्षिन्तिर्य’ हल्कािन्ति हस्यी। (सुतुदार्शिकानु, २, १२१४, ed. Bhadamkar)
as kṛṣṇa-jātiyā, of a dark group, and it is repeated as kṛṣṇavarna i.e. of dark complexion in Vasishtha¹ (XVIII, 17-18). The word jāti-hina in Manu, (IV, 141)² means one wanting in good birth. In Manu, (X, 97),³ jāti may be held to refer to varṇa, from the context in which it occurs. This is not wrong as every varṇa is also a jāti, though a jāti may be part of a regular varṇa or be sprung from a mixture of varṇas. To such mongrel groups, the word jāti is applied in Manu, (X, 11, 18, and 40).⁴ The obligatory duties are specified for only those of the primary varṇas. The occupations mentioned as of some “mixed castes” (saṅkara-jātanyak) by Manu (X, 33-39, 47-49) appear to specify what was actually practised and not what is enjoined as dharma for groups, which have sprung from a violation of dharma. Nevertheless, as such pursuits also tend to become by custom the duties of such groups, they might seem to resemble the dharma of the regular varṇas. As the distinction between obligatory duty and duty that becomes so by custom in a mongrel group fade, the lines of demarcation between varṇa and jāti tend to become obscured, and the former be loosely applied in place of the latter (e.g. Manu, X, 27, 31).⁵ There would be no objection to describing a varṇa as a jāti (e.g., Manu, III, 15, VIII, 177, X, 86, 335 and X, 41).⁶ The term ukhṛṣṭa-jāti (the best caste) and hina-jāti (low caste) are used by Manu in referring to the Brāhmaṇa and Śūdra, but, if used of caṇḍāla or similar groups it will be nikhṛṣṭa-jāti (despised caste).
A distinction must be made, however, between duties arising from original varna and those arising from analogy, or imposed by inference. A person rightfully belongs to a varna only, when he is born of a proper union between parents of the same varna. The union, outside lawful wedlock, of a man and a woman of the same varna, as for example the kunda and golaka (III, 174), born in adultery of the wives of men who are alive or dead, is regarded as (sterile) i.e. in producing for their begetter the spiritual advantages of a legitimate son (III, 175). The son of an unmarried girl (kānina) and a son received with the bride i.e. already born to her (sahodha) are also the children of passion, not of wedlock. The prime difficulty in these cases is that the real paternity will not be known. In the case of intercaste unions, those which are hypergamous, i.e. the union of a man of a higher varna with a woman of a lower varna, is termed anuloma. Thus, for every woman there is a husband of her own varna, and possible husbands in higher varnas. But, the discharge of the natal debt to ancestors, the saving of the ancestors from dwelling in the hell (put), can be effected only by the son born of an equal (savarna) marriage. A savarna can alone take part with her husband in religious rites (III, 12 and 18). The rule of hypergamy requires that the brides from the lower varna shall be taken in the order of the castes; that is there should be no skipping of an intermediate caste. Manu (III, 14-19) expresses strong disapproval of a Brāhmaṇa utilizing this permission and taking a Śūdra bride. He holds that the husband will sink to the level of his wife. Hypergamous marriages, though permitted, were thus not encouraged, particularly where the gap between husband's varna and that of the wife was wide. The reason is obvious. By close association with one who is unconversant with Brahmanical rites and ācāra, the Brāhmaṇa will begin to neglect his appointed duties. It will not have the effect that is behind the rule associating in daily personal service the Śūdra male with the Brāhmaṇa. Such association will make the Śūdra familiar with the ideals of his master; he will try to live up to practice the

1. पदरेषु जायंते दी बुद्धः कुष्ठदिहिकः।
   कस्ती जीविता कुष्ठः स्यामधुस्ति मर्यादाकः। (३.१७४)

2. ती दु कासी परस्परी क्रियानि वेल वेद न।
   कौष्ठिकि हिन्दुकृष्णी नास्यन्ते प्रदेशानां। (३.२७५)

3. बुद्धः श्रवणमारोप्य जान्नानि बालकोवालिस।
   नमस्तिका बुद्धः तस्यां माहात्म्यदेव हृदेति। (३.१६)

4. They have been common in Kerala.
prescribed rites (without Vedic mantras), "keep himself free from envy, imitate the behaviour of the virtuous (master), and gain exaltation in this world and the next"1 (X, 127-128). By serving the virtuous among the Brāhmaṇa varṇa, the Śūdra becomes gentle in speech, and free from pride, and attains a higher varṇa in the next birth (IX, 335).2 The union with a Śūdra female is based on mere sensual inclination, and in the intimacy of sex relationship, it will pull down the man without lifting up the woman. The attitude of the parties in entering on a union is important. An anuloma union, outside wedlock, because it defies moral convention, cannot be expected to produce the same psychological reaction on the minds of the parties, and results on the lives of the pair entering into it and of their offspring, as one in which the parties enter upon their lifelong companionship with a full conviction of moral and ritual responsibility. In concubinage, as in an unequal union, the impulse is infatuation (moha).3 Śūdra concubinage is regarded as morally more deleterious for a Brāhmaṇa than even marriage with a Śūdra woman.4

The union of a woman of a higher varṇa with a man of a lower varṇa is opposed to rules of decency, and is regarded as unnatural (pratiloma). All pratiloma unions are outside wedlock. The offspring of such unions are persons who have sprung from parents who, in their passion, have defied dharma. The greater the disparity in varṇa between the partners to so unsanctified a union, the greater the defiance of convention. But the flesh is more powerful than inhibitions laid down by law or custom. To those whose sensual impulses get the upper hand, the post-mortuary risks of the step will hold little appeal. That such unions took place in sufficiently large numbers is seen from literature older than Manusmṛti. Otherwise, there will be no reason for Manu's dealing with them systematically and defining the position of the parties and their offspring. Manu allows the six possible anuloma offspring the rights of the twice born, i.e. saṃskāras like upanayana (X, 41) but the offspring of pratiloma unions (which

1. भेमसिन्धु भेमार: सत्रं श्रीमंदन्तिना:।
   मलबर्जः न दुभक्ति प्रवर्तं साध्वतिनः न॥
   यथा यथा हि सदाधवतित्रशास्त्रः।
   तथा तथाय भावं न कोर क्षमितं संकीर्तितः॥ (१०,१२६-१२८)

2.  दुर्गुपातकदुर्गुपातकदुर्गुपातकदुर्गुपातकः।
   आकाशानावसा तीव्रमुक्तं नातिश्रव्यः॥ (६,१३५)

3. 'महायुद्धनो' (१,१५)

4. See Kṛṣṭyakalpataru, Gṛhasthakānda, p. 43.
have the double stigma of violating convention as well as morality) are to be treated only as equals of Sudras even when both parents are dvijas. The candala, born to a Brāhmaṇa woman by a Sudra, is stigmatized by Manu (X, 12) as "the lowest of men" (adhamo uṣṇām). He is beyond the scope of every enjoined duty (Sarvadharmabhāṣyakāla) according to Yājñavalkya (I, 93).1 The animus against him is ancient. It is due to the feeling of horror generated by the union, which outraged convention and defied the established social order, under the urge of an irresistible and ignoble sex impulse. The candala is classed with the despised aboriginal dog-eater (svapāc) and both are compelled to dwell outside the Aryan village, as even their touch is held to carry pollution with it. Usually, the candala is said to constitute a "fifth" caste, but it is noteworthy that Pāṇini and Patañjali (as pointed out by M.M.P.V. Kane) class them with Sudras. Their further fall must be deemed cumulative, and is the beginning of the idea of carrying pollution by touch springing solely from origin. By analogy, the worst offenders are put under the category of candala, and a late smṛti puts in this division the offspring of a sāgотra union.3 It marks the limit of social reprobation of the defiance of the time-honored rule that those who wed each other should not be of the same gotra. The Ṭhāntra and Meda4 are also to dwell outside the village. The term antyaja is used by Manu in the sense of candala (IV, 61) and also in the sense of the last caste (i.e. Sudra) (VIII, 279).5

These are the castes of miscegenation. There are also castes which spring from the mixture of anuloma and pratiloma unions, among themselves and with one another. Manu (X, 6-56) gives a long catalogue of them.6 The list is obviously illustrative and not meant to be exhaustive. It shows the degree to which, in spite of the religious appeal to maintain the dharma of the varṇas, they were

1. भाषा, शृङ्गारास्तु वाणाम: संबंधविध्यल: || (२,५२)
3. समानोगीतस्वरूपनामुसुपायमय: न।
सनन्दुराय अवलोक्ते माधवादेव होते ||
4. बृद्धिकालापम्योः विनिर्माणविषयोः || (२,३९)
5. हेमसेन्द्रश्वेतादिपी: (२,६७) "बाणादत्तविभिन्नस्वरूपः हरि कुलेश्च स्वामिः:।
बन केनविभिन्न हिष्ठाकष्ठशिच्चिल्ल: || (२,३७) अन्वयः; भूत हरि कुलेश्चः।।
6. See M.C. Pandey's Intelligent Man's Guide to Indian Philosophy (1935), pp. 421—426,
violated. A society in which sanctions to be applied against its convictions rest only on other-wordly reasons that are not demonstrable in this life, and on public opinion, cannot liquidate large numbers of the social heretics, or outcastes. Manu lays (X. 58) great stress on the psychological effects of the outrage of dharma involved in the origin of these mixed castes. He holds that the offspring of such unions may be detected by their un-Aryan conduct, their habitual neglect of duties enjoined on every one, and by their harshness and cruelty. The last qualities are likely to develop in persons, who feel that every one is against them. They develop the fear and animosity of the hunted animal.

The purpose of the Supreme Being will be ill-served if no attempt is made by society to redeem even the worst of those who defy its rules. Accordingly, we find in Dharmaśāstra devices for the moral reclamation of the ethically submerged elements. In the case of most, the purpose is served by indicating the rules of conduct that these have to follow, and the discipline to which they must submit, if they are to be rehabilitated eventually. Segregation, in extreme cases, acts as both a deterrent and a discipline. For the ordinary run of mixed castes an indication of the particular varṇa, whose duties they should follow, is enough. In the majority of instances they are lumped for duties with Śudras. It implies that rehabilitation is possible for them (as for the natural born Śudra) by pursuing the ideals of uncomplaining, unenvious service and close association with the elite in society. For every one the fundamental ethical code is the same; ahimsā, satyam, astheym, saucam, indriya-nigrahāḥ (X. 63). They constitute the five commandments of Hindu ethics. Thou shalt not kill nor cause pain to any living being. Thou shalt not utter a lie by word or in effect. Thou shalt not steal, nor covet another's goods. Thou shalt keep thy body and mind clean. Thou shalt keep under control bodily, impulses and inclinations.

The varṇa system is associated with two correlated ideas. Firstly, persons born in good varṇas can maintain their position in them only by faithfully performing the duties enjoined on its members, in normal or abnormal times. The penalty for failure to do so is loss of the status. The second is that failure to perform the sanskāra of investiture and initiation, in the case of dvīja varṇas, within the time-

1. सन्मवताः सन्मवताः सन्मवताः सन्मवताः।
पुत्रेण भक्तिमात्रौ अभिवेदनिष्ठौ (२०,५८)
limits enjoined for the performance, become vrātyas. The latter
can be rehabilitated by the performance of a ceremony of expiation
(vrātya-stoma), while there are ways of the former recovering their
lost status.

 Manusmṛti (XI, 192) lays down that he who had omitted to get
initiated into Śāvitrī within the proper time may have his upanayana
done after he has performed the penance of three kṛcchras. This
is a mild expiation. Vasiṣṭha (XI, 76—79) prescribes three alternative
methods of the rehabilitation of the vrātya. He may do the
vrātyastoma, or have a lustral bath alone with one who has performed
an horse sacrifice (Aśvamedha) or go through the Uddalaka-vrata—a
penance of graduated starvation lasting a little over four months.
The classical historical instance of the performance of the purification
is that of Sivāji in 1674. Viśvarūpa (Yājñavalkya, III, 262)
reconciles the contradictions by pointing out that for short intermissions
of upanayana the penance prescribed by Manu was adequate, but for
one extending to forty-eight years, the Vrātyastoma is the only
method of rehabilitation.

Vrātyas may spring among all dvija-varnas. Manu (II, 39)
describes the Vrātyas as “despised by the Aryans,” and marriage
intercourse with Vrātyas “who have not been purified according to
rule” is prohibited (II, 40). Living as a Vrātya is an upapātaka.
(XI, 63). Sacrificing for a Vrātya is atoned by the performance of
three kṛcchras (XI, 198). One who misbehaves with a female of the
house of a vrātya or a candāla has to pay twice the normal fine for
adultery (VIII, 372).

The entire family and the descendants of a vrātya, who has
not been reclaimed, are under his ban. Manu accounts for the origin
of eighteen groups of people by tracing them to vrātya ancestors,
springing from the first three varnas. (X, 21-23). Thus, the

1. अत कर्ये वारोपीते यथाकालसूत्रत:।
   साविकीपितता माला मक्खयाधिकृति:। (२,३९)
2. साविकीपितता माला मालसीमाते कचीः। (भाग, २,२८)
3. वेष कि विभेदा शारीरी नानूनेत यथानिबिधि।
   तांत्रिकुल वतो दृष्टान्त कृतस्य: यथानिबिधुपननवयेकः। (२,१९२)
4. भगवति-वाचिक व्यास-काव्य चैत्ये। दी माती शालकेन वर्षेणः,
   माता पपसा कच्छ्या-समानस्यं:। अर्घरूपे गृहै, पद्मावतिविलै गृहै,
   विरायमानव: अहोरायमुपशष्टे। अम्बेयापूर्व गच्छेत। मालसीमाते वा वर्तेत। (भ-२, २५, ३२-३४)
Jhallas, Mallas, Licchavis, the Naṭas, the Karanās, the Khāsas and the Dravidiṣas are held to be degraded Kṣatriyas by ancestry. A more important statement is that by failing to consult Brāhmaṇas, by omitting to perform enjoined Vedic rites and saṁskāras certain Kṣatriya tribes have gradually sunk to the position of Śūdras. Among these are the Paudrakas, the Ghodas, the Dravidiṣas, the Kāmbojhas, the Yavanās, the Śākas, the Pahlavas, the Činas, the Kirātās and the Daradas. These being supposed to have been originally of Kṣatriya varṇa are within the cañcavartya scheme and are not to be deemed Dasyus. They are only Śūdras. This is an extension of the field of Dharma to cover peoples, who are obviously foreigners, and is an indication first of the universality claimed for the Varnaśrama organization, and secondly for the application of the rules of Dharma to them.

Manu's attitude of disapproval of inter-varṇa anuloma unions is emphatic. It may be traced to an unwillingness to allow of indiscriminate minglings of persons brought up in different ways of life and different family traditions, and of different psychological types. The Brāhmaṇa, as described by Manu, is an intellectual and spiritual person, the Kṣatriya an active man of the world, and the Vaiśya one who feels the urge to acquire wealth and the means of pleasure. In such types, marriages of an endogamous kind are those likely to be most satisfactory both for their continuance and for the type of children that they will produce. Where both parents are alike in upbringing, ideals and temperament, the children will be like the parents. In inter-varṇa marriages the impelling motive is sex-attraction, and the union is not motivated spiritually. Psychological types cannot be changed suddenly. They are, under the postulates of Hinduism, the consequences of past karma. Close association in daily work and sharing of ideals might work a better change in the

1. विवेक महत्व राजवमारा आयामिकोटिविविरेन च ।
   नतव करण्यांविखतो द्रवित पव च॥ (१०-२२)

2. श्रेयस्तु कियामानिमा: क्षामिन्यातः ।
   बुधवास्तु गता कोकस भाग्याद्वितिन म ॥
   वेष्टत्राक्कीद्रिद्विवा: कामशीता: विश्वसा: वश: ।
   वारद वादाविणाम: किराता द्रव्य: मव: ॥ (१०-२४)
   (१०-२४)

3. बुधवास (ब्रह्मव) गता कोकस (१०-२३):
   बुधवासुःस्तव भो कोकस जातयो मवः ।
   वेष्टत्राक्कीद्रिद्विवा: द्रव्यः द्रव्यः: समा: ॥ (३-२५)
lower type that would approximate it to the higher, than a mixture of blood. It is this which is sought to be brought about by, describing personal service to the elite as the occupation of the lowest stratum culturally. The inclusion of backward people or foreign tribes within the Śūdra group has a two-fold-significance: (1) it gives them the same opportunity of assimilation with the higher type as a real Śūdra, by the imposition of the same occupations and discipline; (2) by hypothesizing a higher original varṇa (Kṣatriya) for influential foreign tribes or people, it holds out to them both the lesson of the degradation that follows the neglect of enjoined moral and spiritual duties and the possibility of regaining lost ground by their own efforts to discharge such duties.

Varnasamkara.

Samkara, mixture in sex union, reconciles the doctrine of the existence of only four varṇas (and not even of fifth) with the presence of innumerable smaller groups, whose number showed a constant tendency to increase. Such blood fusion may take place in hypergamous or the inverse relations, anuloma and pratiloma. The effect of the birth of a mongrel group is that it tends to produce more mongrels by its own sex affiliations. The endless number of such permutations and combinations generates the feeling of confusion, which is associated in the Indian mind with the concept of samkara. In off-spring resulting from such haphazard unions, it is futile to look for clear-cut psychic types. Both types are held as undesirable, the pratiloma the more so, because of the element of the revolt against custom and morality instinct in it. Parents, who have themselves defied convention and morality by a pratiloma concubinage, are not likely to act as a break on further laxity in selection by their own offspring. In anuloma unions alone as many as eight variations are possible. In pratiloma the number is infinite. Chaos is the result. Manu adds to the mixed castes that spring from samkara those that arise from union that are prohibited (sagotra, samānapravara and sapinda), and long continued desuetude of svadhārma by the members of a varṇa (X,24). Social discipline is difficult enough to maintain with the definition of the duties and occupations of four clear-cut castes, each with its distinctive duties and ways of finding a livelihood. It will be impossible if samkara proceeds unchecked. This will account for the horror of samkara, which leads to its condemnation in works like

1. आभिचारण क्वायमापेणविद्वनम् च।
सर्वमणा च लगेन जाक्षे वर्णसंक्षेपः (X,24)
Bhagavadgītā (I, 41-43), and its being described as the road to Hell (sāṅkara narakāyaṁ). The danger to society from unrestricted sex unions accounts for its being made a high regal duty to restrain people from succumbing to the urge to practise sāṅkara. This is why, Vāsishṭhiputra Śrī Pulumāyī, the first century Andhra king, takes pride in describing himself as one who prevented the indiscriminate intermingling of the four varṇas (vinivartita-caṭuvarṇa-sāṅkaraśya).

The application of logic to sāṅkara (anuloma) results in certain conclusions about the status of offspring. In a hypergamous marriage the child stands midway in status between the parents. If the child is a girl and she marries only in the same caste as her mother did, and her daughter does so, and so on from generation to generation, the amount of higher blood in the veins of the sixth generation will almost be equal to that of the pure blooded higher caste ancestor. Thus, according to Manu (X, 64) the offspring in the seventh generation is of the same varṇa as the original male ancestor. If the process is reversed systematically, the sixth generation will result in an offspring as completely equal to the lower varṇa of the original ancestress as possible. With trifling changes in the length of the period in which this caste promotion and demotion take place the principle is accepted by all smṛtis. The technical terms for the rise and fall in caste status are jātyūtkaraṇa and jātyapakaraṇa.

Occupation can also exercise an influence on the nature of a person that is comparable to that of blood. If one of a higher varṇa (e.g. a Brāhmaṇa) gives up his traditional occupation and takes to that of a lower varṇa (e.g. a Kṣatriya), a fall in his nature may be postulated. As a Brāhmaṇa is forbidden to bear arms and to become

1. अवर्मानिवारक्षण पुढ्मानि कुपरिवारः।
   शैवु दुष्टाः माप्नोत्वा नायते वर्गविकारः।
   संकरो न रक्षायेष कुलदानां क्षयस्मे च।
   पतिरथिर वेन्द्रों हरितचिदंकितिः।। (गीता, 1.41-42)

2. Epigraphia Indica, VIII, pp. 60—61.

3. शैवानां माप्नानातः वेश्यां अव्याग्रायेत्।
   अन्वयालेही जातिन्स्कालसामाहारः।। १०२४

4. सैवधनवर्क्षयं, २,१२६,२१-२४ निश्चितं निशाचं आपामानानां अधिनितं युक्तस्मे।
   अन्वयालेही जाति नस्कालसामाहारः।। १०२४

5. परिवारसमिति नायण अमरं नान्दीत। जापस्तम्भ म-क. २,१०,२८६
a king, one who does so, need not await the slow process of occupational influence, but may immediately accept a lower status suited to his altered function and outlook. The transformation of the Kadamba dynasty, which started with a Brāhmaṇa, to a Kṣatriya is a classical instance of the operation of the principle in demotion. The claim of foreign dynasties to Kṣatriya rank, that was conceded after some time, was obviously based on the working of an analogous principle applied not to profession but to varṇa-dharma. The assimilation of a foreign dynasty, which might be supposed to have lost its Kṣatriya rank by lapse of time, by resuming Kṣatriya duties and living up to its ideals of Dharma, to the body of Hindus becomes possible under this principle.

**Occupation open to Brāhmaṇas : Normal Times.**

One’s Dharma determines the occupations, or means of living (jīvanopāya) that are open to him; for, in the scheme of planned life it is not open to any one to take up any occupation or profession of his own will. Competition in any occupation or walk of life is limited to those to whom it is open, not to others. There is thus both competition and restriction of it in the Indian scheme of life. A person’s varṇa entails certain duties; his occupations must harmonize with them. Of the six ways of life open to a Brāhmaṇa, three only are, in any sense, ways of making a living: these are officiating in sacrifices performed by others (yājanam), teaching (adhyāpanam) and acceptance of gifts (pratigraham) (Manu,X,75-76). The last source of living is qualified by Manu by the adjective “pure” (viśuddha), and it is interpreted as that which entails the performance of no expiatory rite. Of this more later on. To the three sources or means of life for the Brāhmaṇa, Āpastamaba (II, 10, 4) adds four: receipts from one’s children (dāyādyam), i.e. a share of what the sons (who are also Brāhmaṇas) have earned; gleaning of ears of corn that have fallen on the threshing floor (śiloṣcha) and what is “free wealth” (like wild paddy, nīvāra, in the forest) in the sense of being the property of no one. It is not the same as res nullius, which is only unclaimed property. It will be noticed that these are not means of securing a comfortable life. A teacher cannot accept fees or stipulate for them. The

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1. Bāna stigmatizes Puṣyamitra, the Brāhmaṇa founder of the Śunga dynasty as ब्राह्मण (Cowell and Thomas, Eng. Trn. of Harṣacarita, p. 194.
3. विजयवर्गकम्य (मेघालिपि: २०,७६)
teaching of the Veda must be absolutely free. A free will-gift from a pupil, whose education has been completed, and which will depend on the pupil’s own very limited means is what is indicated. The priest who officiates at a sacrifice is not permitted to stipulate for fees. Specific fees are ordained for each person who officiates in a sacrifice, according to his duties in it, and they will be given collectively to all the priests. The ways in which they should share them are indicated under the head of corporate activity (VII, 206-210). No sacrificer should offer less than the prescribed fee or daksinā, whether it be in money or in kind, nor less than what he can afford to give, judged by his own wealth. (XI, 39-40). Even a gift (dāna) must be accompanied by a daksinā. Normally therefore these windfalls must be deemed a precarious and undependable source of income for the Brāhmaṇa householder (grahastha) for he alone can discharge these duties, the other three stages of life (āśrama) being in effect mendicant stages.

It is popularly supposed that Brāhmaṇas made fortunes by exacting fees from sacrificers and gifts from the pious. It is not a true view of the actual conditions. Sacrifices were costly, often required the co-operation of many priests and involved for their performance and preparations considerable time. They were of corresponding rarity. Those who speak or write glibly of the “thousands of bloody sacrifices” that Buddhism abolished, know not what they speak of. In animal sacrifices the victim was usually a single animal and in many sacrifices no victim was needed. There are twenty-one periodical sacrifices (yajñas), divided into three sets of seven. One set, the havir-yajñas, have no animal victims. Another seven, known as the minor (pākayajñas) also do not need an animal victim. The remaining seven are Soma sacrifices (somasamsthāḥ). They are relatively more expensive to perform, and involve also more time and trouble. Unless one does a sacrifice with devotion (śraddha) it is best not to be attempted at all. The sacrifices are intended to obtain heaven. But, the end does not justify dubious means. This is why Manu (XI, 10) is emphatic in denying any good either in this world or in a higher world to the man who expends on the performance of a soma sacrifice the means needed for the maintenance and support of those dependent on him.

1. न त्वत्सत्वस्य श्रीरेव जहान गाक्षम । (२१,२६)
See my Rājañāma (1941) pp. 144, 198.

2. The belief is strengthened by exaggerated stories of royal gifts to Brāhmaṇas in works of poetry and story books.

3. भूलमानयुपरिविरेण गलोलीब्रह्मेनाक्रि ।
ब्रह्मांबलशबोधारूप सुतस्य मेघम ॥ २२,४५।
ensure a life free from anxiety on the score of means for a minimum period of three years must be kept in reserve, before a householder is allowed to undertake a soma sacrifice (Yājñavalkya, I, 124, Manu, XI, 7-8). Not only does a sacrificer lose the benefits of a sacrifice which he undertakes, with resources so inadequate that he is compelled to give lower dakṣīnas than those prescribed, but they "destroy his acquired spiritual merit (puṣryāṇi), his fame, his hope of attaining heaven, his longevity, his progeny, his cattle and his reputation" (XI, 40). It is not even every king who is opulent enough to attempt some of the sacrifices. If the yāga has to be abandoned in the middle by the king for want of means to finish it, grave calamities befall both the king and kingdom (Saṅkha-Likhita, in Grhaṣṭha-kāṇḍa, p. 135). The practical difficulties of performing the twenty-one sacrifices are clearly visualized by smṛīs, and would have been apparent to those who believed in their efficacy. Even the simplest yajña needs two (ghṛyāgni upāsanam) persons to do it, and various articles like milk, clarified butter, grain and fuel. Common yajñas need four priests, and in some as many as sixteen are required. The sacrificer and his wife have to provide themselves with new clothes, sometimes of silk, besides other things. The fees must be kept ready, for "a lost dakṣīna means a lost sacrifice". The officiating priests must be not only learned and expert in their work but of the highest character. Such men cannot be had for the seeking. If the sacrificer hopes to obtain the needed financial help for the sacrifice from others, he has to reject wealth of a rājasic or tāmasic complexion. He cannot accept help from a non-duṣṭya. Even a king's help is to be rejected unless he is a righteous ruler dhārmikē satī rājāni, (Manu, XI, 15). As duty is limited by capacity, in Dharmaśāstra, the inclusion of the yajñās under saṁskāras by Gautama does not make them obligatory for all

1. याज्ञेन विश्वासिकैर भक्ताय प्राप्तमां भूवकृति ।
   अविक्षेप वायु विवेद स सोमे शातुमेवति ॥
   शातारसविरूपायत प्रयत्न यः सोमे पिष्ठति हिमः ।
   सपा राम्रथमुदयधिनि न तत्यामृति तत्भवस्य ।
   मन्त्र (२१.६-८)
2. नक्षत्रस्माय रक्त नालातित्वं सानकारविपरितिः
   हि रोगे नियतलिनिः सबसवने ब्रह्मानं
   भावरति (राजभूमिः राज्यकृतो निति भूलकस्यते पु, १३५)
3. वद्यागासह पद हतः (हरायतः) (Cited in Grhaṣṭha-kāṇḍa, p. 152.)
4. मन्त्र २१.२४-२५ ग्यार्ये भने गुरुदाहिष्णु विचित्र भावित ।
Brāhmaṇas. They are compulsory only for those of affluence. Collections from others should not diminish their resources for pious acts (XI, 12-14). In some cases what is needed for a sacrifice may be taken unasked from its owner. The implication is that property confers on its owner no exclusive right, which will bar its being made to contribute to the social obligations and religious duties of others. This is justified on the ground that the yajñas benefit not only their doers but the whole society. (Bhagavadgītā, 3, 14).

So much for the supposed Brāhmaṇa gold-mine of wealth from sacrifices! If we turn to the other source, whose value to the Brāhmaṇa has also been exaggerated, viz. gifts (dāna), it will be found that it is not less illusory as a staple source of income. Every gift is held, in Indian belief, to convey with itself some a-punya (demerit). He who takes a gift must be able by his own accumulated merit or spiritual potentiality to overcome the demerit. It is dangerous to accept gifts, even if one is dying of starvation, without realizing this, and the rules that regulate acceptance of gifts. (IV, 187). A man of little learning or austerity who accepts a gift is a fool for his pains; for he sinks to Hell (IV, 191). He who makes gifts to the undeserving also is led to perdition by his negligence (Yājñavalkya, I, 202). The acceptance of gifts is apt to create a taste for them. It will produce the social parasite, who likes to live upon the pious liberality of others. The smṛtis condemn this acquired low taste, which they describe as prati-graha-ruci, which is like the taste for forbidden fare. The love of wealth is not by itself ignoble, if it is to be put to pious uses (dharmārtham vittēhā), but the conquest of a desire for it is better (gāriyasti). It is better not to soil oneself with mud than to do so and then wash it, says the Mahābhārata.

Thus, normally, the position of the typical Brāhmaṇa householder, who is a man of virtue and learning, is that of a comparatively poor

1. See my Introduction to Gṛhaśṭhakāṇḍa, p. 61.
2. See footnote 2 of p. 101 supra.
4. विद्यासोपपत्ति दोन्ने न मु श्राद्ध: सत्ताय: || (भाष, १, २३२)
5. प्रशासनमिधि पञ्चे यूदालशीलं वरम् || (cited in Śrīvidyābhāṣya, p. 270)
man. The Brāhmaṇa who leads a family life is one of two classes: śālina and yāyāvara (Baudhāyana D.S., III, 1, 1), and between the two the second is held to be morally superior to the first. The śālina is one who enjoyed moderate comfort, though not opulence. He owns a house, has a servant, and resides permanently in a village. The yāyāvara lives as best as he can, picking grains of rice from the threshing floor, has neither house nor fixed place of abode, does not reside in the same village for more than ten days, and rejects gifts, fees from teaching and daksīnas in sacrifice. He is almost an ascetic but for his married state, and his greatness consists in his abstemiousness and independence of others. Manu has a different classification. A strict gṛhastha of the first varṇa may, from the amount of the provision he makes in food grain for maintaining himself and his family (including his pupils and servants), be one with a brick-buil grain-store that can hold enough grain for three years' consumption, (kusāla-dhānyaka) by a large family with servants and retainers, or one who has an earthen grain-store capable of holding enough grain for one year’s consumption, or has enough for three days only, or one who makes no provision at all for the morrow. The last two will be equal to the yāyāvara. Though there is no prohibition of accumulating more than a sufficiency for three years' needs, the implication is clear that excessive wealth is undesirable for the Brāhmaṇa who values his spirituality. In the case of Brāhmaṇas whose reputation gets them large endowments or gift of lands, it is expected that they should give away almost all that they get, not accumulating much wealth. Opulence is deprecated in the first and last varṇas. In the first place it will generate pride and unspirituality and in the last a spirit of defiance of social rules. In both contentment points the road to salvation.

**Occupation of the Kṣatriya and Vaiśya.**

Both the second and third varṇas are warned off three functions of the first; adhyāpanam, yājanam and pratigraha. Their members are meant for civil and economic occupation. The Kṣatriya's duties are to bear arms, using them to protect others, and he is a king to rule the country righteously. The settlement of disputes between man and man (vyavahara) and maintaining every one within his Dharma (anukūlaṇam) are duties of the crowned Kṣatriya, and they pass on

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1. कृत्तिकान्तकी वा ग्रामदृष्टि कृत्तिकान्तकी ग्रामदृष्टि हि न वा ||
   आदेशको वावि सवेदशस्त्रिक खो वा || (४६७)

2. अनन्तो ग्रामदृष्टि ग्रामदृष्टि ग्रामदृष्टि ग्रामदृष्टि हि न वा ||
   (अनुशासनपथः ६२,२९)
to a ruler, independently of his varna. The general rule of ahimsā is suspended in his case, for the righteous use of force in protection and punishment, according to law. One who is not a king, should follow the profession of arms. A Kṣatriya is prohibited to beg. (Devala, in Gṛhasthakāṇḍa, p. 255). His main duties are military and administrative. If a crowned Kṣatriya abdicates, he still has his varna-dharma. The functions of the Vaiśya are to breed cattle (yoni-paśaṇam) or tend them for wages (vetanena paśurakṣaṇam). Parāśara (I, 70) adds to them dealing in precious stones and work in metals (lauha-karma). Money-lending is another avocation of the Vaiśya. The rates of interest he can charge are stated as 12 per cent. and 15 per cent. and he is allowed to charge compound interest. He incurs the sin of usury (vārdhuṣikatva) if he exceeds these limits. Baudhāyana specifies only the lower rate. The difference is explained as the maximum that a Brāhmaṇa can levy, if he takes to money lending as an emergency occupation (aṇpad-vṛtti). The Brāhmaṇa is not permitted to levy compound interest. Even in trade the Vaiśya is not to sell certain articles, but this is on the analogy of the prohibition to the Brāhmaṇa who takes to a Vaiśya pursuit. Several of the inhibited articles are needed for general consumption. They must have been dealt in by the Śūdra or by special castes outside the four varnas. This has been so with salt, leather and some other articles up to recent times.

Duties of the Śūdra.

The Śūdra’s enjoined occupation and duty is serving the higher varnas (I, 91 VIII, 410) and particularly the Brāhmaṇas. The highest duty of a Śūdra, which leads to beatitude,” declares Manu, (IX, 334) “is to serve Brāhmaṇas who are learned, virtuous and householders.” The Śūdra attains a higher caste in his next birth by serving a Brāhmaṇa, and by purity of conduct, gentleness of speech.

1. ‘अभावनर्मिति’ (कवयित्री) Devala cited in गृहस्थकाण्ड, p. 255.
2. ‘हीहकम् तथा रज्जु महार्ण च परिभाषयत्।
कु विषयकः च वाणिज्यं वैद्युतिकसङ्गेतता॥ (परात्मकृति, १,३०)
3. यथेष्ठेन दु:धर्मम् प्रसः भवधयत्व भवेत्।
शस्यभण्ड यज्ञांत्यं शुभवान्यास्तया॥ (१,९१)
‘वारं शुद्ध विन्यासम्’ (८,४१०)
4. ‘विप्रयोगं वेदविद्वार्यं गृहस्थानं वाशस्त्रानं।
शूष्कान्त दु:धर्मम् मथमौ नैक्षेम्यसः परः॥ (६,२१४)
and freedom from pride. (IX, 335). He is not required for the Brâhmaṇa of any other āśramas as they do not stand in need of service. The Brâhmaṇa Gṛhaṇtha is so fully occupied with his teaching, sacrificing and social duties that he needs must look to others to care for him in daily life. This is why the Śūdra is conscripted for personal service. The cultural assimilation of the Śūdra can best be effected by bringing him, as already pointed out, into intimate, daily relationship with the highest varṇa. His place as a menial attached to the Brâhmaṇa family is shown by the injunction to the former to maintain him when he is past work through old age, (Gautama, X, 60)², by his being given the cast off clothing, umbrellas, shoes etc. of his master, (X, 125-4) and of being fed from the remnants of the former’s food.³ The Śūdra is enjoined to serve the Brâhmaṇa both for worldly and other-worldly advantages (X, 122)⁴. The Brâhmaṇa master is enjoined, by Manu, to allot the Śūdra, out of his own property, a suitable maintenance after considering his ability, industry and the number to be supported by him (Ibid., 124)⁵. If he was unable to obtain service under dvijas, he could support himself by following arts and crafts. He is held as fitted for trade in those articles in which trade is prohibited for dvijas. Contrary to the principle that in emergency (āpad), one can follow only the avocations of varṇas lower than his own, the Śūdra is allowed to follow those of the Vaiśya (Yājñavalkya, I, 120)⁶ and even the Kṣatriya (Nārada).⁷ The last means only that he can enter the army. The Vaiśya occupations generally taken over by a distressed Śūdra are cattle-rearing and petty trade. The more he imitates the behaviour of the virtuous, the more does the Śūdra exalt himself in this world and the next, (X, 128)⁸. He is exhorted not to

1. See footnote ¹ of p. 102 supra.
2. ये बायमान्तवात जरीम्यवन्माणां श्रीणुणात (नी. च. बा. १०,६०).
3. विविघ्रात्येक्षास्येव वर्णोऽवेद वस्त्रमाथि च।
4. पुजकार्कस्य प्राम्यार्कश्च जीवाशि कर्मस्य परिषदा। (१०,२२)
5. वर्णवेश्वरास्य श्रीकार्कर्षायमात्।
6. प्रकार्क तथा तैरिति श्रव्यामात्यायिनः।
7. पुजकार्कस्य वाणि व भुवनां न परिषदा। (१०,२४)
8. द्वारस्य हितकार्कस्य तथा जीवार्कश्च विग्रहेति। (वाक्याल्पकम् १,२०)
9. द्वारस्य हितकार्कस्य तथा जीवार्कश्च विग्रहेति। (वाक्याल्पकम् १,२०)
10. द्वारस्य हितकार्कस्य तथा जीवार्कश्च विग्रहेति। (वाक्याल्पकम् १,२०)
11. स्मृतिः कञ्चनश्ति कर्मसंवादवर्गीये हि न॥ (सामाजिकता ४,५८)
12. मध्ये हे कर्मशु श्रवणविधिप्रथितिः (अस्वाप्।)
13. यथा पश्चे हि स्रवणशास्त्रिक्षिप्तम्।
14. तथा तथापि भावं च तेषां प्राकोल्पितति। (१०,३२४)
accumulate wealth as it may cause ill-feeling between him and the Brāhmaṇas, by breeding arrogance in him (X, 129). The Vaiśya and the Śūdra form the economic props of society, and their diversion from the occupations will ruin society. Together they also formed the bulk of the population.

**Distress Occupations (Apad-vyuttayah).**

It may happen that a Brāhmaṇa may not find it possible to meet the expenses of maintaining himself and of those dependent upon him, by following the occupations open to him. So with other varnas. In such cases, it is open to the members of the caste to take on the duties of another. The assumption of such pursuits is subject to certain principles. Occupations taken up in distress must be given up as soon as the distress or emergency ceases. Otherwise, expiation will be necessary to overcome the resulting sin (XI, 193). The emergency should be strictly construed. What is barely sufficient, in a life of restraint and contentment, will be taken as the standard below which alone a fall will justify the construction of distress. The occupations indicated for a varna must be exhausted and completely utilized before the assumption of those of the next varna or any other varna is permissible. Thus, pratigraha may be extended to receipts of gifts even from Śūdras, and from those who are not 'pure' donors. Even teaching a Śūdra may be tried before undertaking the duty or occupation of another varna. One should proceed to the gainful means of lower varnas, step by step, without skipping those of an intervening varna. In one case, however, the dharma of the next varna cannot be undertaken by the next higher vis. that of bearing arms by the Brāhmaṇa. An ancient rule forbids a Brāhmaṇa to draw a sword even in fun. A Brāhmaṇa is allowed to take up arms in self-defence, or in defence of women, Dharma or the social order. But, as he is under the strict rule of ahimsā, which will be violated by his undertaking a soldier's duty, the above permission is to be read only as an emphatic way of asserting the social obligation to stand up in defence of Dharma, the weak, women and children. The question is an intricate one, and I have dealt with it recently in a long paper.

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1. शिैवति दि श्रृङ्गर न कावो धनसंवय:।
   श्रृङ्गर हि भस्माराजमाङ्गारमिप सावते॥ (३१-२२८)

2. ब्राह्मणकर्मांनिः कायम मांजाय स्वरूपः।
   नस्त्यातोरेण सत्यमनि जवेन यापते न॥ (३०-२१३)

Even if the professions open to lower varnas are followed, they must be practised only under the ethical standards appropriate to one’s own varna. The principle that strict adherence to one’s own Dharma is the way to salvation, and that taking up that of another varna is risky, lays stress on the appropriateness of certain hereditary occupations for those who have inherited aptitudes and the psychological bent for them. Freedom to roam from occupation to occupation leads to baneful and ruinous competition, and the substitution of self interest to the common good, and of transient and immediate benefits to ultimate and permanent advantages. Laissez Faire will be substituting “No plan” for “Plan,” and Varna Organization is social planning on a worldwide scale and for all time.

These principles for distress occupations may be illustrated. Even if obliged to follow the professions of a Vaisya, a Brâhmaṇa must avoid some of them. First, he must not himself cultivate land, i.e. undertake to plough it. The plough, which turns the sod, destroys animal life in the soil. This is why Harita (Grhasthakāṇḍa, p. 191) calls the plough a slaughter house (sahasīnām hi lāṅgalam). Baudhāyana declares that agriculture destroys the Veda, i.e. destroys the merit of Vedic study, or the aptitude for or the opportunity for Vedic study (kṛṣṭa vedaṁivaśya, I, 10. 31). Cultivation is an absorbing occupation, which demands all the time and attention of the cultivator, and he who undertakes it cannot have the leisure for the pursuit of the many religious rites, which are lifelong obligations of the Brâhmaṇa e.g the tending of the fire (Agniḥotra). Manu interdicts agricultural operations, even for the Kṣatriya, even though the rule of aṁśa is not so absolute in his case as in that of the Brâhmaṇa¹ (X, 83). Bhṛhaspati, who softens the asperity of Manu’s inhibitions, by rational amendments, holds that the agriculturist (if a Kṣatriya) by giving to the gods a twentieth of the harvest, a thirtieth in gifts to Brâhmaṇas, and a sixth to the king, is freed from censure (na doṣabhāk).² Cruelty to draught cattle and their castration are prohibited for all agriculturists and particularly for those who are driven to agricultural pursuits by necessity. If driven to trade a Brâhmaṇa is prohibited to hold up stock for getting an

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1. वैश्वकृतिपि जीवितं मानयः क्षरितयोस्त्रि वा।
   हितसास्यं परासीता श्रवी बलं बलितं बलितं। (१०-१३)

2. राज्ये दर्शा न पदार्थं देकरार्थं न विश्रामम्।
   विश्रामां न विप्राणों श्रवी कुलं न देलमादु। (वीरसति २ भ्य. १३३,२०)

   cited in ग्रहस्थकाण्ड, p. 195 of the कल्याणपत्र.
enhanced profit. (See Medhātithi on Manu, X, 90). Neither of the two first varnas is permitted, even when driven to trade by distress, to undertake the sale of cooked food (X, 86). Neither may sell weapons, poison, horses, asses or mules, cloth, cattle generally, milk, spirits, silk, indigo, flesh and human beings. (X, 86-91). The penalty for doing so is loss of caste (sadyah patati). A man of a higher varna sinks to the level of a lower by continuous pursuit of the avocations allowed only to the latter. Instead of selling for a price, when driven to trade by hard necessity, the Brāhmaṇa is advised to resort to barter in preference to sales for money. Money lending, which Brhaspati half-sarcastically commends as superior to all other means of making a living, as it is not exposed to the risks of loss by failure of the seasons, and by the cupidity of the tax collecting king, of the ravages of rats and vermin, and of stoppage of growth by change of season or weather—is a forbidden occupation in normal times to the first two varnas (X, 117). In ancient India lending money was not viewed with the prejudice with which it was in Mediaeval Europe (in which Dante placed the usurer in the same Hell with the Sodomist), but was regarded as a useful act. The smṛtis only suggested the control of loans for interest by fixing legal maximum rates, prohibiting the accumulation of interest beyond the value of the capital, and discouraging compound interest and penal interest. But, there was a feeling that the occupation, if followed by persons for whom it was not normally indicated, might lead to deterioration of character of the capitalist, and make him avaricious and hardhearted. Even distress should not drive a

1. कामसुनवध एक्ष्यानु स्वर्णभय कुप्रिष्ठ: कालतोऽर्ज्ञिन्य नागामिनि निद्रणुऽपि (वेदांतिक:)
2. सर्वसंह प्राणान्तिनि स्वर्णमे नागिनाठि (वेदांतिक:)
3. ब्रह्मण: तद्रूपोपवाय: विधिमि: परिवर्धिता: न्यायान्तः कृत्तन्तिमिक विदुः (वेदांतिक)
4. नागामिनि निद्रणुऽपि (वेदांतिक: ed. Rangaswami, 1941, pp. 366-367.)

4. माध्यम: शासनवधी वापि न्याय नेव मध्यवधियत (वेदांतिक)
Brāhmaṇa to certain professions from which a Brāhmaṇa cannot return unsmirched to his pious pursuits, when pressure of necessity is relieved. Among them are those of the astrologer, the physician, the carrier, the oilmonger and the toddy vendor—the collocation of a semi-learned profession with a despicable one being only to emphasize the reprehensibility of both. Crime and immorality will not be justified under any rule of necessity, for any varṇa and so one cannot plead that he had been driven by hard necessity to crime or vice. Even necessity must bow to the moral law (Dharma). Hunger itself will not justify promiscuous solicitation of alms.1 The accomplished student (snātaka) is allowed to ask for help only of a king (because he has a social duty to prevent all deaths from starvation in his dominions,) from his pupils (because a pupil is like a son with the filial duties of a son), of one for whom he has sacrificed, as he would be a man of means, "and of no other" (Manu IV. 33).2 The profession of mendicancy is held in loathing by smṛitis. As a spiritual discipline, to enforce the hard rule of the saving grace of poverty and the social equality it creates, it is enjoined for the student (brahmacārīn), and the ascetic, but under rigorous safeguards that would prevent them from becoming parasites and social pests. While the claims of humanity and of life generally are pressed on the affluent, and attempts made to soften their hearts, and make them ready to give, it is made hard for a person to ask for alms, except as an obligation of religious necessity. The evils that follow misplaced and indiscriminate charity have been realized nowhere so vividly as in Dharmaśāstra. Beggary, like crime, grows like weeds in a neglected field, and only when Dharma is relaxed. Solicitation of food for a parent, a teacher or a sick person stands by its vicariousness on a higher level, and is commended (XI, 1-2),3 Manu connects income from begging with the taint of death by naming it mṛtaṃ and by placing it only one degree above agriculture, which he stigmatizes (for the Brāhmaṇa) as 'slaughter' (pramṛtām).4

1. See Kane, H.D.S., II., pp. 133-134: for references.
2. राजा हेण महामन्वितंमहाब्रह्मस्मात: हुषा।
   ब्राह्मणेनसामान्यं तन्मयं हति रिहि:। (५,३१)
3. सांस्कृतिकं द्विव्यामाणमवसं संवेदितम।
   गुरुवेगेन प्रदेशमेण वा ब्राह्मणांविन्दोऽपि।
   सांस्कृतिकं कार्यसंग्रहाय अमर्यकारः।
   निःस्वेदने देवमोन्यो दाने विचारवाचितः। (२५,३०२)
   कार्यालयं द्विव्यामाणं वसालसमावेशः।
   शृष्टुन्य वाचितं मंगलं मृतं करणं स्वतः। (३,३९)
Dharma has no toleration for the social parasite, whom Elizabethan laws described as "the sturdy mendicant." It is considered a defect in the government of a state if beggary and death by starvation of Brāhmaṇas increases. The present method of preventing them by total employment is just what was expected of the effective implementing of the dharma of varnas and āśramas. The growth of vagrant mendicancy under the cloak of religion in later times is the consequence of relaxation of this dharma, wasteful competition to occupations, resulting in overcrowding of some and inadequacy of the labour supply in others, and the assumption of mendicant ascetic life by the economic classes to which it had been denied by Manu and Dharmaśāstra generally. In ancient Indian criminal law, it was a crime to persuade a woman or a Śūdra to become an ascetic. Europe shows the bad effects on the economy of nations in which the number of celibate monks and nuns increased out of all proportion to the population and the resources of the country. It is this wasteful diversion that is sought to be prevented by the āśrama rules in śrītis, limiting entry to the life of the ascetic and holding up the ideal of family life as the best for normal persons, of all ranks in society.

Theory of Privileges and Disabilities.

Doing a duty for its own sake, without any expectation of reward is enjoined by Indian religion. It does not mean that unselfish effort is sterile either in this life or in the next. The implication is only that to do one's duty in the hope of a benefit, or expressly to secure an advantage in this life or in the next, though permissible, is of a lower order in a gradation of spiritual values than desireless effort (niśkāma-karma). To deny results to action will be to deny a paramount and universal moral law,—that of Karma. Self-regarding action, even if its effects are beneficial to others, is of a lower type than un-egoistic activity. But such a view will not find acceptance among common minds. To them there must be a material and tangible benefit for service, or there must be an attractive equivalent for it. Economists are familiar with the notion that the love of excellence, or the love of distinction appeals to finer natures more than mere love of comfort or well-being. In the accumulation of material goods a point is reached at which satiety begins. In the acquisition of distinction or the aesthetic satisfaction that springs of the consciousness of excellence or perfection, there is no such satiety. Post-mortuary benefits, like post-mortuary punishments, do not appeal to all minds. Distinction in life has attraction to most persons. It is this that lies at the root of conceptions of worldly honour, position and privilege, even if these are not translatable into tangible economic advantages. A prince
enjoys a greater prestige than a commoner, and a prince of the Church a greater position in the common estimation than an ordinary lay prince.

We see the working of these ideas in the duties and inhibitions of the varṇa scheme. The Brāhmaṇa is relegated, not by his own choice but by birth, to a hard and comfortless life of poverty and constant occupation. His is a lifelong and almost tragic dedication to the cause of spiritual uplift and education of society. When barely out of childhood, he is taken out of the family and subjected to the rigors of an educational discipline which will last twelve years or more. He is enjoined to marry and start family life, when his education is over. But the life that he then enters upon is not less hard, and its ideal is even more unselfish. The life of the householder is social dedication. What pleasure or happiness he may derive from marriage is a mere by-product of the institution. He cannot refuse his spiritual or educational services to any one who demands them of him, and who is qualified to be served. He is not expected to hoard wealth, and is encouraged to lead an abstemious, if not an ascetic, life. Manu condemns the erudition from which income or fame are expected. A Brāhmaṇa sophist will not command in India the honor that a sophist enjoyed in ancient Athens; on the other hand he is deemed a lost soul. Poverty is in his case no excuse for failing to discharge his lifelong religious obligations like the Agnihiṭra; Even distress cannot free him from the need to watch his steps, when he takes up the avocations of lower varṇas. The hand that is, metaphorically speaking, held out to pull him from economic difficulties cannot be grasped if it is that of one whose spirituality and morals are questionable. The gifts or donations of the wicked carry an indelible taint, which pollute receivers and infect the purposes for which they are given. The recipient is to look (as against the worldly adage) not into the mouth of the gift-horse, but into the antecedents of the donor! The idea is that on the Brāhmaṇa depends not only the educational but the spiritual uplift of the entire society. A king gives visible protection; a Brāhmaṇa invisible protection. Both are described as dhṛta-vratu i.e. vowed for social service. Accordingly, both are praised, but the Brāhmaṇa more than even the king, because the latter has compensations in comfort and an easier life that the other has not. Manu clearly believed that spirituality, when properly

1. वर्णसंख्या सिद्धान्तामध्ये मधीलप्रवर्तनः।
   हस्ती शारीरकाणामाणिकोऽकारः। केवल निगमनात्तिमा || (४,२०)
sustained, made the Brāhmaṇa wield a power greater than that of a mere ruler. The eulogies of the Brāhmaṇa mount to a paean of praise in Manusmṛti. (See I, 93-101, IX, 245, 313-322 and XI, 31-35). The creation of the Brāhmaṇa is a blessing to the world. He is a living incarnation of Dharma and is born to fulfil it (I, 98).\(^1\) He is the guardian of the “treasure house of Dharma” (dharmakośa, I, 99). The entire universe is the property of the Brāhmaṇa, who has no worldly possessions (I, 100-101). The god Varuṇa is king of mortal kings, because he wields the rod of punishment; the Brāhmaṇa is lord of the whole universe, because he has mastered the Vedas (IX, 245). His anger spells destruction (IX, 314-315). With the exaggeration which is a literary device for emphasis, he is declared a divinity (IX, 317, brāhmaṇo daivatam maha). It may (for example) be noticed that the king (who is not a Brāhmaṇa) is described by almost the same expression Mahat devatā hyesā nara-rūpeṣa [ṣṭatī—Manu, VII, 8). The Brāhmaṇas are always entitled to veneration because each of them is a great divinity are (paramam-daivatā hi tat, IX, 319). The good of the world requires that the Brāhmaṇa and the Kṣatriya should work in union (Sampṛkṣam) for there will be no Brāhmaṇa without a Kṣatriya and no Kṣatriya without a Brāhmaṇa (IX, 322). A Brāhmaṇa need not seek the help of the king to redress his wrongs for by his own spiritual power he can do it (XI, 31-32). Let no word of inauspiciousness (i.e. curse) be uttered against the Brāhmaṇa, and no hot word be spoken to him (na Śuṣkām giram irayet, X, 35) because he it is who declares (vaktā) Dharma, who enforces (śāśita) it, and befriends (mitra) all. Let not the king provoke the Brāhmaṇas to anger, “for they, when angered could instantly destroy him together with his vehicles and goods” (IX, 398). The king should cherish them for the sake of sacrifices (XI, 4). The sacrificer is to be suitably maintained by the king, for the possessions of those who offer sacrifices are verily the possessions of the gods (XI, 20-22). A king should honor and cherish a learned and virtuous Brāhmaṇa (śrotriya); it brings luck to him if he worships them daily (VII, 37-38). The gift made by a king to a learned Brāhmaṇa is an imperishable treasure (VII, 82). The śnātaka (accomplished student) should be supported by the king. The kingdom where learned Brāhmaṇas die of hunger will itself be devastated by famine. (VII, 133-134).

The magnification of the Brāhmaṇa should be read with the privileges claimed for them. A śrotriya should not be taxed

\(^1\) अवचित्रेऽविनमश्व मूलविवर्णतां शास्त्री त \( \text{हि} \) परमार्थशुपदी। ज्ञाननित्य करिषे \( \text{॥} \) (२,१४)
(VII, 133). Even the *Arthaśāstra* upholds the exemption, and calls on the state to grant tax-free lands to learned Brāhmaṇas, *rtyiks, purohitas*, and teachers, and confer on them freedom from fines (II, 1).¹ The idea is that they pay in kind i.e. by the religious merit accruing from their acts of piety and devotion, a part of it accrues to the king. A modern sceptic may deride the value of such services, but belief in their efficacy was then widespread, and was shared by kings as well as the people. The exemption from taxation was ancient and is seen in *Sātāpatha Brāhmaṇa* (XIII, 6, 2,18).² Kālidāsa refers to the contribution of a sixth part of the indestructible *punya* accruing from their austerities made by hermits (*āranya-vāsinah*) to the king for his protection. (*Sākuntala*, II, 13).³ A belief shared by scholars and great poets cannot be described as the credulity generated in ignorant minds by a priest-craft. Another privilege was that a Brāhmaṇa need not give back to the king one-half of any buried treasure that he might discover, as others had to (VIII, 37)⁴ and the king was even advised to give one half of any treasure-trove found by himself to Brāhmaṇas (VIII, 38).⁵ Heirless Brāhmaṇas' property did not escheat to the state but was to be distributed (like the property of a teacher to his pupils) to other Brāhmaṇas “and thereby *Dharma* will not be violated” (*tathā dharma na hiyate*).⁶ There are two restrictions implied in the rule. Firstly, the failure of all heirs means not only absence of any relations, male or female, who are entitled in law to inherit to the deceased in the prescribed order but even fellow students (*sāvetu-āhāve yaduktaṁ tat sa-*

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1. शतिवायापुरोहितं ब्राह्मिण अस्विनिषा जो महद्वसाराणि आभिक्षुदायकाणि यथेकैः।

(सि. व. शा., १. ४९)

2. अयासी दशस्मात्मा। गृहे मृति राजस्व गदन्तेव नूळेश्वरम् ब्राह्मणव बित्तात।

(सतपत्रमाण, १३.३.२.६८)

3. राजा—नृसिंहविण वरेयी शुपाणा तनि कपलाम्।

सतपत्रमाण दीपां द्वितीयकाः कि न। (भम. वाकु., २.३५)

4. निद्रामधु माणवा इत्यतः पूरोपपनिषिवति निविदः।

वरेयां द्वारेया द्वारेया सत्पत्रमाणसिवति (२.४२)

5. वेद ये परेविषयं राजा पुराणं निषिद्विति विद्यते।

सस्तवेजस्वी द्वारेया द्वारेया कोसे प्रवेशेत। (२.५८)

6. सर्वानंभवं वेद शास्त्रमाणिनः।

नैविष्यं शुचयो दानवर्गं भों न हृस्यते।

अहर्यं माछादवं राजा निलामाणं बिनितत।

शरीरं द्व बलोबं सर्वस्य सहस्त्रं कर्षणः। (२,२८०-२८९)
brahmacaryadapi dhanaharitvaritham). Secondly, the allusion to prevention of dharmahani is that the Brähmanas to whom the property is distributed will have to offer the funeral sacrifices to the deceased. The provision that a widow might raise a son to the deceased by niyoga, and in that contingency the entire property will pass on to the son (IX, 190) is not in discord with the provision of escheat, as absence of all possible heirs means also absence of a surviving wife.

The right to take precedence of even a king on the road is a mere distinction, which was doubtless appreciated as a mark of deference and honor. There is an historical anecdote that it was deftly used to save a difficult situation that might have become serious otherwise. Exemption from being summoned as a witness in a law suit is also granted to the student of the Veda, the sanyasin and the king. The motive is not to interfere needlessly with persons who have absorbing duties to perform. (VIII, 65). One engaged in doing a yāga (dīkṣita) is also exempted.

There are, however, certain rights which involve discrimination. They have come for much criticism in modern times. A Brähmana is immune from capital punishment, for crimes for which it is prescribed. Instead of the death penalty, he is to have his head shaved and banished, without deprivation of his property. (VIII, 378-379.) Manu holds that there can be no greater adharma (wrongly translated by Buehler as "crime") than killing a Brähmana and that a king should not even think of it. Kautilya (IV, 10) was less considerate, though even he admits Brähmana immunities. Manu,

1. शिशुस्थलाशिथसरस समोहाजुरसमावेष ।
   तस दिव्यवेन्दु स्वाहाचार्यसु प्रविष्टावेष॥ (६,२९०)

2. When the Peshwa Bāji Row I invaded Udaipur, the question of the seat he was to have before the Maharāna was settled by Bāji Row’s appearing as the Brāhmaṇa Pandit Pradhān, and being given a seat in front of the throne. (Tod, Annals of Rajasthān Vol. I, ed. 1914, p. 337).

3. न साक्षी न वायुः न साक्षकृत्तिः ।
   न श्रौविनां न दिव्यस्व स्वास्ति निनिगतः॥ (५,६५)

4. राज्याकुमार, ...,पातेष्वः। माणाणि तमोः। वनेष्वः।
   (कृ. ग. शा. ४,१०, p. 227).

5. सत्रोपरसेव अवैक्षिणयि माणाणि। तत्बालमिश्रताहि कहदे सत्रोपरसेवापत्ताय
   लोगं आ। मनुष्यवीं कवमणि। मुसलमणि समाप्ति। छुरापोऽसम्मध्यजनम।
   माणाणि सत्रोपरसेवामध्यजनमस्तकाप्रसन्नम।
   कुशङ्कविंशति राजा माणाणेदानके था॥ (कृ. ग. शा. ४,५; p. 220).
like Kautilya, rules that the criminal Brāhmaṇa be branded with various indelible emblems, reflecting his guilt, and be turned out of society. He was to be excluded from commensality, from sacrifices, from instruction, from matrimonial alliances, from all religious duties, be cast off by all his relations and receive neither compassion nor salutation (IX. 238-239). Kautilya provided banishment and labour at the mines for the Brāhmaṇa criminal. He was subjected to other indignities like being paraded on the back of a donkey. A Brāhmaṇa was not above being fined, and in some offences his fines were made heavier than those imposed for the same offence on lower varnas (VIII, 337-338). The immunity appears to have been due to the persistence of the old feeling that killing a Brāhmaṇa carried with it a heavy load of sin, and to growing doubts of the value of capital punishment, of which we have a fine illustration in the discussion on its value in the Mahābhārata (XII, 267, 10-16). Further, the supposed leniency to the Brāhmaṇa was really greater severity. He was made not only an outlaw, socially, and legally, but was practically starved to death thereby. Banishment did not mean that he would be received in other countries with more tolerance, when he carried indelible marks of his infamy on his body. But the greatest penalty was that he was made incapable of performing any expiatory rites that would atone, even partially, for his moral lapse, and thereby condemned him to endless punishment in reincarnations. As already pointed out, the purpose of the Hindu criminal law was to adjust the penalty to the mood and mentality of the offender and the opinion of the times. Judged thus, the discrimination is not in favour of the Brāhmaṇa, and may be even construed as against him. Unlike the clergy in Mediaeval Europe and officials in many modern states, the Brāhmaṇa was tried only in the ordinary courts, by ordinary rules of procedure and by ordinary methods of evidence, and when adjudged guilty was sentenced in the ways that appear to but do not

1. असेमक्ष्या क्रामाङ्काया असेमाप्रायाविविषारिन:।
    चोत्रु: पृथविव दीनाय: सर्वपल्लोकित:॥
    श्रामित्वम्विभिन्नते व्यक्तम्: कुलकस्त:॥
    निर्वैशा निरंगारस्तम्नमोरुस्मान:॥ (९,२३७-२३१)

2. बाणाय়ং তু শূণ্য সতর্য মদনতি কিলিপঃ।
    বুদ্ধিঃ তু বৈদ্যুৎ ব্রাহ্মায়াক্লিষ্টশব্দ: চ।
    মাধুরস্য নতু: পথ: পূৈ বাপি যঃ সত: মদন:।
    নিমগ্ন যা না: স্বয়ংপারিতৈ:পয়মি: স:॥ (৩,২৩৫-৩৩৫)

3. बक्सिष्ठां, २८३,२००० (ed. Kumbakonam)
really discriminate in his favour. Unlike the British peer, a Brāhmaṇa could not claim to be judged by his peers. Ancient Indian law did not accept the principle of the equality of all persons, because it will really result in inequitable punishments.

The Śūdra's Position.

The position of the last varṇa, as indicated by its duties and inhibitions, has been regarded as unduly harsh. Śūdra disabilities have been greatly exaggerated and misunderstood. Some of the disabilities are really advantages over the other varṇas. They have been based on the principle that strength, (physical, cultural and spiritual) determines the duty and the penalty for violating duty. In the attainment of the common Indian aim viz, mokṣa, the Śūdra syllabus of activity towards this end is lighter, and easier. He need not go through the laborious course of Vedic education with its discipline. From merely hearing the epics and the Purāṇas (whose author Vyāsa, Indian tradition identifies with the editor of the Vedas and the author of the Brāhmaṇasūtras), he can obtain the same guidance and salvation. He is redeemed not by austerity, or learning or vows but by dāna, i.e. by making use of his wealth in mere charity. He is free to dwell anywhere. He is not tainted, and does not lose his varṇa status by what he eats and drinks. His rites are simple. If he is so disposed he can perform, without mantras, the five daily yajñas, He is not denied the sacrament of marriage. There is no lower moral code for him; the ideals he is asked to cherish and the ethical qualities that he is advised to foster are identical with those for the other varṇas. He was even allowed to become a king. He could enter the army, in emergencies. Wealth was deprecated in his case only as possibly generating arrogance, and making him restive of the position to which he had been brought by his own past Karma. He was asked to be treated as a member of the family. His women were under the same protection against insult or assault as dvija women. He was given the hope of a higher varṇa in the next birth, by good actions in this life (IX, 335). The arts and crafts were open to him. The prohibition to him to carry the corpse of a Brāhmaṇa prevents his relegation to the position of a common undertaker (V, 104). He is not shut out from spiritual advice and guidance from the Brāhmaṇa (X, 2). He can commute for his tax by personal

1. भ्राविखाक्तमासु पूणहत्वा जाग्निकत निम्नमुद्धः जातिमुद्धः (9, 335)
2. न निम्न स्पष्टु तिष्ठतु गुरु अत्रे नापवेद (9, 404)
service (VII, 138). His exclusion from judicial office and assessor's work in trials is obviously consequent on his defective knowledge of the bases of Dharma in Vedic literature.

**Brāhmaṇa and Śūdra in Criminal Law.**

It is in the imposition of different standards, on a varṇa basis, for punishments and for estimating the gravity of offences that modern criticism sees the hand of the sacerdotalist. Ancient Indian authorities on Dharma are quite familiar with the fundamental rules of criminal jurisprudence. It is difference of fundamental outlook, and failure to allow for differences of circumstances or context, that lead to the modern failure to see the reason behind discrimination in punishment. Modern criminal law is not innocent of discrimination. In weighing punishment, judges to-day have to weigh the effect of the penalties in relation to their effects on society, the political order, and the offender and his class. Punishments have to be deterrent, where social security requires it. The Brāhmaṇa was the unsalaried spiritual guide, teacher, judge, assessor and sacrificer of ancient Indian society.

The need to protect—by making punishments more stringent than they need be—was not a feature of ancient Indian jurisprudence or Dharma. Modern judges, for example, are sensitive of criticism of their judicial actions from lay quarters. We have in modern laws an elaborate device for punishing contempt of court, in which the courts themselves are final adjudicators. An independent judiciary often tends to become an irresponsible one. In ancient India anyone was at liberty to go and criticize a judge in open court or the king himself. The comparative severity against those who threatened a Brāhmaṇa with assault or actually attacked him and drew blood is based the principles we still follow: viz. enforcement of deterrent penalties in the interest of social discipline. The lighter punishment for ākrośa (reviling), when the offender is of a higher caste than the person who is reviled, is based on the same principle, and it constitutes something like "privilege". (VIII, 268). In theft, where no question of discipline is apparently involved, but social discipline is, the heavier penalty for the Brāhmaṇa (VIII, 337-338) is on the score of a social upset if those who are better educated and esteemed as spiritually and socially higher set a bad example. The horror of mongrelism and desire to maintain a high standard of sex purity and to prevent the sex urge creating sanākara are behind the stern
attempts to repress sex offences by men of lower against women of the higher varnas. As it was a matter of administrative concern and political expediency as well, the Arthashastra was hardly less severe than Manu in such cases, and it also proceeded on the same principles. The bitter animus to (and savage penalty of) the Sudra who lectures on Dharma to the Brahmana (i.e. to the whole community) (VIII, 272) can be paralleled by modern laws against social or political revolutionaries, who openly flout the established order. So are the rules condemning Sudra asceticism (Yajnavalkya, II. 254) and Sudras in the garb of the twice-born (IX, 224). How in spite of such rules society became chaotic, varnasankara spread, and the purpose of the varna scheme was defeated day by day will be seen from the lurid pictures in the Puranas of Kaliyuga effects, which probably only reflect actual happenings.

Conclusion.

Varna-dharma is the keystone of the arch of the Indian social scheme. It has been the foundation of Hindu society through the ages. Its roots are lost in remote antiquity. Its influence is still unextinguished. It has concerned itself with men in large aggregates, not with individuals. Its scope has been universal. Its purposes have been both wordly and unworlidy, concerned with this life and with after-life. It has proceeded on the hypothesis that life in the universe is an endless chain, revolving round the wheel of action (Karma). It has stressed individual responsibility as well as collective. While recognizing the force of heredity, it has envisaged its limitations and the risks of mere racial fusion, looked at simply as fusion of blood. It aimed at a permanent solution of every side of the social problem; genetic, psychological, spiritual, and economic. Society was to be so planned as to meet every need that change brought up. It was to be organized for all time. Its outlines were broad, simple and general, and afforded scope within its ample limits for every possible adjustment that time or circumstance might demand. It aimed at gradual changes, brought about by the educated efforts of its own members, instead of revolutionary changes, induced by external influences. In its designation as the Caste System it has won the appreciation of discerning sociologists and students of history. Their admiration has been for the elements in it which made for social balance and stability, the elasticity, which made it respond to changing

1. शुद्धमास्कारानां च देवे विद्ये च मेत्यकः।
   [शुद्धमास्कारां] (वाक्यलय, 2,215)
2. शुद्ध्म विनेतिहिनः (९,2२४)
Our Social Heritage

needs and which kept it from disintegration in the numberless vicissitudes of foreign invasion, conflict with alien cultures and religions, and dissent within its own fold. It humanized society, and spiritualized it. It made for harmonious development through cooperation of its elements. Its recognition of fundamental instincts to which man responds by his activity, and its scheme for canalizing and transforming them to common purposes through the system of āśramas so as to raise both the individual and the mass, made for its success. It has probed deep into the human motives for economic and political action and by taking due notice of their strength and need for training provided a stable political machine, which ensured good government, full employment, and harmonious cooperation. Its main negative contribution is that it prevented society slipping into barbarism, by its constant emphasis on achievement and character, even more than birth, as the real credentials of personal worth of permanent value, and it made it look up instead of look down, look forward instead of backward.

The praise of the system should be considered side by side with the criticism levelled against it. To many, whose vision has been blurred by inadequate knowledge of the system and of the philosophy behind it, as well as of its aims, or who have been animated by loyalty to other faiths and cultures and have imbibed the belief that perfection is found in them alone, Indian Caste has seemed a hard, cruel, and discriminatory system, which was devised to create and maintain the selfish domination of a body of priests over the masses. In such criticisms, it has been usual to describe the varṇa system and the rules of varṇa-dharma, as the fabrications of Brāhmaṇaś to gain overlordship, and to ascribe the origin of the system to writers like Manu. The criticism loses sight of certain facts. The roots of the varṇa classification go back to hoary antiquity. The tendency for the formation of classes is natural, and almost universal. Ascription of the system to Brāhmaṇa ambition and selfishness loses sight of fundamental features of the system, and consequent weakness in its own hypothesis. The effect of the system was to keep a small and highly intellectual body in a permanent condition of austere poverty and hard work, sterilized of all ambition for political domination and position or for riches and splendid living. By the theory of influence of occupation in demoting or promoting a varṇa position in any individual born in it, not only in future births but in this life itself, it prevented the most intellectual section of the community, from seizing political power. In the long history of India, the number of dynasties founded by Brāhmaṇaś can be counted on the fingers. In every such case the act was stigmatized as an usurpation and a violation
of Dharma, and reprobated by the very community from which the usurpers came. To Bāna, Puṣyamitra was not even an Ārya, because of his seizing a throne. In the case of the Kadamba and Vākṣṣaka dynasties, which claimed a Brāhmaṇa origin, the seizure of thrones reduced their caste rank, led to intermarriage with even non-Kṣatriya princes like the Guptas, and showed the limits of their social demotion for violating their varṇa-dharma. The Peshwas never claimed to be kings, but kept, like the de facto rulers of modern Nepal only the rank of ministers, whose appointments still needed the approval of titular Kṣatriya kings. The Brāhmaṇas were not an organized body, with a hierarchy of offices, like the Christian Church or even the Buddhist Saṅgha. They had no wealth, and no territorial power to back any claims they might put forward for lordship. The language of hyperbole in which the Brāhmaṇa was likened to a god, is also applied to a king. It is paralleled by the retort to the statement 'there is no king without divinity' in him that 'there is no subject (praṭā) without divinity in him' too. It is forgotten by the critics, who often challenge, on what are now regarded as weak grounds, the claim of Brāhmaṇas to have been the sponsors of adhyātyānavidyā in the past as against the Kṣatriyas to whom the critics assign the credit, that the very same Kṣatriyas conceded the Brāhmaṇa claims. That education was widespread and that there was great critical acumen even in the masses in ancient India will be admitted. If it was so, how could any small body keep up the fiction of its natural superiority, by mere repetition of its claims, in a literature springing from it? While the line of criticism can be used as a missile in modern conflicts between class and class, its large draught on powers of belief must rule out its historical validity.

Rather must the success of the scheme be sought in its own inherent qualities. Unless it satisfied all its component elements it could not have survived. If those at the head of the scheme had freed themselves from its rules, they could not have continued to wield any influence. Impartial students will admit that the praise of the Brāhmaṇa was generally deserved, and the unworthy member of the varṇa was sure of denunciation from his own group as well as from others. To this day, lives worthy of comparison with the highest in tradition continue to be led by members of the varṇa in the obscurity of their homes on the country side, though to sustain them in the conditions of modern town life is almost impossible. The scheme of varṇas lived, served and survived because it was based on a reasoned philosophy of existence, of rational perception of the strength of instincts, and of the possibility of conserving them by heredity.
Emphasis on duty instead of privilege, on the interdependence of individuals despite divisions, on the fundamental equality of all selves engaged on a common pilgrimage to the distant spiritual goal, and on common ethical duties against a background which coincided with Time and Space in their infinity, tended to results on human nature, which produced in every one both contentment and self-respect and the desire to strive for his own salvation and that of every one else. There is both experience and philosophy behind the proverbial patience of India's millions, which have enabled them to survive vicissitudes in the face of which other cultures and peoples have crumbled up. These are crystallized in the system which has been expounded, to those who understand their implications and basic assumptions, by writers like Manu. A study of their sociological ideas might still have value in the disillusioned modern world, whose faith in old dispensations has been shattered in the impact of two world wars, and which hankers for some guidance towards re-constructing society on a plan that would save it for ever.
LECTURE V

THE ĀŚRAMA SCHEME

Varna Scheme Comprehends Āśrama.

The system of varnas is the pivot on which all duties of human beings revolve. This is the reason why the sages are represented as approaching Manu and praying him to “declare to them in due order (anupūrvasāh) the duties (dharman) of all the varnas, including those of the mixed castes (antarāprabhavānām) (1), (Manusmṛti, I, 2), and the recital includes not only those of varna-dharma, pure and simple, but of āśramas, etc. The sage Yājñavalkya is similarly besought (1, 1) to expound to the assembled sages the duties of varnas, āśramas and other (varnāśrītarāṇām ca dharmān bruhī), and he gives a comprehensive account of all duties. A person must belong to a varna, according to the cosmic scheme expounded by Manu. The varnas are only four, and there is no fifth (nāsti tu pañcamāḥ, X, 4). The place of the mixed castes is in the varna, so far as their duties are concerned, if they are of pratiśoma birth, and between the castes of their respective parents, if through-out of anuloma descent. Before a person can enter an āśrama, therefore, he must have a varna.

Classes of Dharma based on them.

In classifications of duties, Dharma is taken as of five or six kinds: the five on which there is general agreement are varṇadharma, āśrama-dharma, varnāśrama-dharma, gnmadharma and naimittika-dharma. The sixth is nitya-dharma or sādhāraṇa-dharma or duties common to all men, i.e. common ethical precepts, of which Manusmṛti is full, but the systematic treatment of them is not attempted by the great smṛtis, with the result that superficial observers, who have looked for the Indian moral code only in the smṛtis and in the literature of Indian darśanas, have made absurd statements denying the existence of moral rules in Hindu literature! Gunā-dharma springs from office or position. In the classifications no separate place is found for the duties peculiar to women, and a code for them should be regarded as coming under both guna-dharma and naimittika (specific or occasional, like expiatory

1. Manusmrtaḥ śabdaṃ ca nityādharmaś ca dharmaṃ suddhāsya: (1, 2)
   Antastrasastra ca varnāsrama-suhadharmasāya (1, 2)
duties) dharma as well as under ārāma and varṇa dharma, in regard to marriage, etc. In effect the comprehensive consideration of varṇa and ārāma will exhaust the entire field of human duty, which Dharmasāstra regards as eternal (sanātana).

Four Ārāmas.

Ārāma means literally a stopping or halting place. It is appropriate to describe the stages in the passage through life as those which one is asked to remain at for a considerable time. The stages are invariably described as four, and the order of their enumeration generally is that given by Manu (VI, 87): those of the student (brahmacārin), the householder (grhaṣṭha), the hermit or forest-dweller (vānaprastha) and the ascetic (yati). A synonym for the hermit’s name is vaikhānasa, and the ascetic is described also as sannyāsin, bhikṣu, muni, and parivṛṣṭaka, terms derived from some of the features of the ascetic’s enjoined life. Manu adds to his enumeration the significant declaration that all the four spring from the householder (grhaṣṭha-prabhavāḥ). Without family life there will be no people for any ārāma, and as all the other three are dependent for their support on alms given by the grhaṣṭha they are economically dependent upon him. Even the gods look to him; for it is only the householder who is authorized to perform sacrifices on which the gods depend. This is probably the basis of the ancient legend retailed by Baudhāyana that originally there was only the grhaṣṭha-ārāma, and the Asura Kapila, the son of Prahlāda, and a foe of the gods, instituted the other three ārāmas in order that the gods may lose some of their offerings.

Legend of creation of ārāmas.

The story may mean nothing more than the rational suggestion that the only natural organization of society is the family, centering round its head (the householder), and that later on, for enabling the disciplined life, which is necessary for the fulfilment of the spiritual pilgrimage of man, the other three were added. Manu’s position is that like the varṇas they represent the primordial regulation springing from the Supreme Being, and that they rest also on divine sanction. One may find the tendency to form social groups, on a hereditary or occupational basis, more natural, as stratification in classes is pretty universal, whereas the division of life into definite periods and the imposition of special duties and discipline to each varṇa within the new grouping suggests artificial creation. If it was so, it was in very remote times, as the Vedic literature knows the stages, though the name ārāma does not occur in the Samhitas.
and Brähmana. The term Vaikhānasa (Tāṇḍya Mahābrāhmaṇa, 14, 4. 17) appears, as pointed out by MM. P.V. Kane 3, to refer to vānaprasaḥ. The yāti (the name given to the member of the fourth āśrama in Manusmṛti, XII, 48), who is declared to have incarnated from the lowest type of Sāttvika quality, appears in Vedic literature as an enemy whom Indra delighted to "throw to the wolves" (śalāvṛkāḥ). Can there be any connection between the Vedic yāti being one who did not honour Indra by sacrifices, and the freedom from the karma-marga claimed for sannyāsins?

In Manusmṛti the āšramas are made sequential in the order of their enumeration by it. It indicates for each one-quarter of the span of human life: the first is to be devoted to brahmacarya (IV, 1) dwelling with the teacher (uṣṭe-vādyam guruṇ), the second to gārhaṣṭhya (family life), the third (which is to be accepted only when the hair begins to turn grey, wrinkles appear on the skin and sons have been born to sons, VI, 2) to forest-life (aranyam sāmayrayet) 3, and the last to cutting away from society altogether by becoming a mendicant ascetic.4 Manu is definitely of the view that one should progress to sannyāsa stage by stage (sarveṣā kramaśāstvete yathāśāstram) and in accordance to the rules of each stage.5 There was an ancient view, to which reference is made in the Jābdalopaṇiṣad (which is also upheld by Śaṅkara) 7 that one can proceed to the last stage straight from the first, after that stage is covered. No one can become an ascetic without undergoing the full period of studentship, even in this view. The interpretation is criticised on the ground that the

2. चहुः सूक्ष्मखाली भागभागिनिः पूर्व दिनः |
   श्रीवस्तेश्वरां गांग इत्यदारी गृहेष पंकः || (४,१)
3. गृहस्थस्तितमाल विधेयकारिणी विधिमाला: |
   अभस्तशीव जाप्यः तदार्थवं विद्यक्व || (६,२)
4. बन्धुः न म विनिगते दत्ता भागसूक्ष्मखाली: |
   श्रीवस्तेश्वरां गांग इत्यदारी गृहेष पंकः || (६,१२)
5. संदेशर्वी सम्बंधसत्कर्मे निधिपतिष्ठान: |
   वनप्रसाधारे विष्णु निधिपतिः प्रणाम मानि: || (६,८४)
6. अमरावतीय संस्काराणां गृहेष पंकः, गृहेष मूला वर्मी भवेदी भवेदी मूला प्रणाम ||
   पद्मेष्वर विविधकालाय पंकः || (जाप्यकारिणी, ४)
7. ग्रामविधिः, १, २, ३०. See the discussion in my Introduction to the Mokṣākāṇḍa of the Kṛtyakalpataru (1945), pp. 29-30.
Vedic injunctions to perform all one's life the Agnihotra, and to repay the triple natal debt (ṛṣairaya) can be discharged only in family life, which cannot therefore be skipped. It may be noted that the apologists for the short-cut to sannyāsa support their plea on the ground that some are constitutionally desireless and ascetic in temperament, and to such persons entry into the last āśrama after finishing the first is permissible. The verse of Manu (VI, 38), 1 which appears to give an option is really a description of the ritual for abandoning the house-holder's life.

Premature entry into ascetic life of one whose passions have not been conquered, and who is physically still subject to rājas or tāmasa impulses, can only spell disaster. From a social standpoint the moral is that one should not fly away from his responsibilities to society (and to the gods, manes and seers) and seek refuge in asceticism. The two last āśramas are parasitical in the sense that their sustenance, even under the safeguards limiting it to irreducible minimum, is an obligation cast on the earning members of society. From an economic and materialistic standpoint a monk is a mere drone in the hive and the limitless multiplication of monks can spell ruin to the community. It is for this reason that asceticism is not commended to the economic members of society. In a famous apologue in the Mahābhārata his queen chides King Janaka, who had become a sannyāsin, for desertion of his duties. 2 It was prohibited to women (Yama, in Śṛiṅgīrī and Vyāhāra, p. 596). 3 Kauṭilya makes it an offence to persuade a woman to embrace the ascetic mode of life. 4 Manu holds out the assurance of the attainment of supreme bliss only to the person who becomes a sannyāsin after going through the earlier stages. From the standpoint of the interests of the community, the first āśrama is vital, as no one should remain uneducated, and the second

1. प्राणायां निरुनेटि सन्याससस्त्रवान्, जीवनद्रव्यां भाग्यम्: प्रकतिरुपेयाः। (६, २५)

2. Sāntiparva, 18, 1–26. The queen's speech is a reasoned criticism of escape into asceticism.

3. व्यायामं न न जग्न वा प्रक्षिप्य न किं दैत्यसाधनं।
प्रजास्थितिः सद्यो समर्पणीयो भवन।।
(सन्तितिक्रिया, व्यायमेत्य, ed. Myore, p. 596)

4. पूर्व: साहसद्रव्यः जिन्य प्रजास्थिति: (p. 48.).
(grhasthārāma) is equally vital to society. While studentship is lauded, a prejudice grew against prolonging it to 36 and 48 years, on the plea of fully studying Veda after Veda. It is the reason for the condemnation of prolonged celibacy (dīrghakāla-brahmacaryā) as unsuitable for Kaliyuga. The institution of lifelong Brahmacaryā of the Nāśīthika, who is to spend his life in the family of the teacher (ācārya) and which is commended by Manu (II, 243, 249) as ensuring the student-celibate the highest spiritual destiny, is thus held to be barred. As a celibate student cannot be a teacher, his services are lost to the community by his vow (vrata). A similar social purpose may be seen in the discontinuance of upanayana for girls and the consequential life in the teacher’s house. A woman has a higher use for society than to become a blue-stocking.

While it is the aim of every one to strive for final liberation and to do all in his power to ensure his progress to the goal, the discipline of two last āśramas obviously provides a better approach to it than the second, which can be regarded as a suitable preparation for the two last. In the scale of values, arīja and kāma are suitable to the grhaśtha, while that of mokṣa is the one and only aim for the hermit and ascetic. It is on this ground that sannyāsa is termed mokṣāśrama.

The Life of the Sannyāsin.

Baudhāyana indicates seventy years as the proper time for one to enter the last āśrama. It roughly corresponds to the prescription of the stage in the fourth quarter of a man’s life. Entry into the āśrama is by formal rites, which are detailed by Baudhāyana and other sūtrakārās. An important and symbolic act in the ceremony is the grant of abhaya (assurance of freedom from fear) to all created beings (abhayam sarvabhūteḥbhīyo dattvā, VI, 39). After his formal entry, the ascetic is to provide himself with a drinking vessel, a staff made up of three bamboos tied together (tīrdaṇḍa), a water jar and tattered ochre colored garments. He is debarred from using metal vessels, owning money, having any contact with the world or worldly affairs, recalling his old name or associations, speaking to women, and from remaining in the same place for over

2. बारे त्यांकिरके गार सोचकं गृहम् कुक्ते।
   हुक्का: परिचयंनायार्यार्यार्या।
   भव चरति यो विरो: महापरिष्यकल्वतः।
   स मण्डलस्तानस्य न वेद्यायस्य पुनः। (२,२४२,२४१)
three days except during the rainy season. He must pursue the steps in meditation, which are indicated in outline in the twelfth book of Manu, so as first to withdraw his mind from the world and then concentrate it on the Self. He should live abstemiously on cooked food collected after the householder’s hearth has been extinguished, i.e., in the afternoon. He should wander alone, remain celibate and spend his time in reciting or calling to his recollection Vedic texts.

Manusmriti speaks of a type of renunciation, which allows the informal sannyasta to remain in his own house under the protection of his son (IV, 257-258, VI, 94-96). He gives up the performance of enjoined rites, assumes the ascetic role but remains in the house, without becoming a wanderer.¹

The Hermit.

Manu allows entry into the order of hermit only after one has fulfilled his duties in domestic life and is satiated with it. He must no longer be needed for his family or for his community. His renunciation is only of his associates and his dwelling, and the choice of an aranya (forest) for dwelling is to enable him to practise undisturbed different forms of austerities (VI, 20-28). He takes his household fires with him, and, in at least the earlier stages of his hermit life, he maintains the five fires. He must bathe thrice a day (VI, 22, 24), and his inhibitions include the eating of flesh, grain grown on cultivated land, honey, and maintaining domestic utensils, and some of the periodical sacrifices also. He may end his life by starvation or by walking on till he drops dead. (VI, 31). He may go alone to the forest, leaving his wife under the care of his sons, or she may follow and serve him in the hermitage. He is allowed to beg his food in the adjoining village (VI, 27-28). He must accept no gifts (VI, 8).² He is exhorted to be compassionate to all creatures, to cultivate a mood of serenity, to study the Vedānta (i.e., the Upaniṣads) and recite the Veda. Unlike the two types

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1. महानिप्तमेधागम महाभाष्यमाला समाख्याति
   पुरे सर्व समालोच्या सामाध्यस्यन्ध्यामाल:।
   गद्यांको दिनोक्तायुखत्यं दिनीयते दिनीयतम:।
   गद्यांको दिनीयतानां हि परं अद्वितित्वप्रति ॥ (४,२६७,२५८)

2. दलद्य महाभाष्यमाला समाख्याति।
   बद्धान्ते विष्णुकृत्य संस्कारसंगकहरु हिन्द:।
   रस्मातम संस्कारमयार्का कारारोगात्सुतु।
   नित्येति वेदमभास्य संस्कारसंगकहरु हिन्द:॥ (५,९४-९५)

3. दलद्य महाभाष्यमाला (२,५)
of ascetics, described already, he does not altogether renounce the world; he only retires from it. He does not lead a wandering life. He keeps up the lifelong obligation to perform enjoined Vedic rites. The dedication for social service that some modern students have seen in his life is not inferable from the description in the smṛtis.

The two last ṛṣisthastha have more value to their own members than to society, except in removing from active life men who had grown too old for efficient conduct of affairs, and thereby provided a natural mode of superannuation. The third ṛṣistha was not only open to Kṣatriyas but was perhaps open to Vaiśyas also, as Manu uses the word dvija as regards entrants to the āśrama. According to the Vaikkhānaṇa Dharmasūtra (XIV, 117-118), however, all four ṛṣisthas are open to the Brāhmaṇa, all except Sannyāsa to the Kṣatriya, all but the last two to the Vaiśya and only Gārhasṭhyā to the Śūdra.

The selection coincides with the lay interests of society, which can ill afford to lose the services of its economic classes.

Unlike the sannyāsin, the vānaprastha is not inducted into his āśrama by any special ceremonial. The option to leave his wife behind, when he retires to the forest, or take her with him, is interpreted by Medhātithi as implying that she is to be left behind if still a matron (tarunī) and taken to the forest if she is also aged (VI, 3). Both have to observe the vow of continence. The time for departure to the forest is Uttarayāna. The appearance of grey hair and the birth of a grandson are to be taken as alternative indications of the approach of the time for departure from household life, according to Vijñānesvara, but Mitramiśra dissents from this view. He should observe a vow of silence as far as possible (Apastamba, XXII, 18, 21). He may build a hut for his fire, but should himself live in the open and sleep on the bare ground (ib, XXII, 24). He can eat only the salt he himself prepares (VI, 12). He should not, according to a dictum ascribed by Mitramiśra to Vasiṣṭha but not found in the printed text of the smṛti, re-enter his village. But he is not cut off from his old family and friends. Gautama prohibits his stepping on land that has been ploughed (III, 32-33). He may hoard his food but not for more than a year (VI, 15; Gautama, III, 35). He must become impervious (by his training) to sensation, pleasant or unplea-

1. यदि भाष्यते रचया तत्त्त्वाच वाक्यम अम्बिकेन, अन्यथा एकाग्रिन:।
अपने दुःशानी विक्रमद्वितीय संग्रहज्ञाति कण्यवस्त्र (वेदान्तिक: ६, ३)

2. सम्पर्वेश्यचतुर्विन्द्रं (६, ४)
sant; be the same whether his body is shampooed with sandal paste or torn by thorns (Yajñavalkya, III, 53). The hard life that he leads will take him to the realm of Brahman (Brahmaloke māhīyate, VI, 32) "free from sorrow and fear". (vītaśokabhayaḥ). The general view is that the hermit has the same access to mokṣa as the yati, through his mode of life, but Medhātithi holds (after a long discussion) that he attains only the inferior end of Brahmaloka. In two respects the ascetic and the hermit differ. The latter is allowed to commit suicide by starvation or by mahāprasthāna (the great journey), while the ascetic must await his natural end; and the hermit apparently has no penance to do or punishment to undergo if he reverts to his house, while the ascetic who gives up sannyāsa becomes for life the slave of the king.

Mere entry into the two āśramas will not assure one mukti. The steps to mukti are usually stated as five: loss of illusions; extinction of all desire; overcoming the feeling of personality; complete disappearance of any tinge of attachment to the world; and absolute isolation. All these may be obtained even when one is in the second āśrama, but the isolation in the forest or the life of the ascetic offer greater facilities for obtaining them. While the two first stages of life were compulsory for all devijas, being vāṁśkāras, and the second obligatory for all but the very few who elect to remain celibate-students for life (naśsthika), the last two āśramas are only commenda-tory and optional. The third āśrama (from the instances in the epics) seems to have been more for Kṣatriyas than for Brāhmaṇas, and its gradual disappearance, after inclusion among the inhibitions of Kaliyuga, is intelligible. It is noteworthy that it continued to be described in mediæval digests as available. It was harder than the last, because of the obligation to continue the prescribed sacrifices. If life is viewed as a sequence of symbolic sacrifices (yajña), the life of the first āśrama provides for brahma-yajña, of the second for karma-yajña and the last two for jñāna-yajña.

If the āśramas are viewed from the standpoint of the relation of the individual and the community, in the first āśrama the group looks after the individual Brahmacārin and his teacher, the maintenance of both becoming a social obligation: in the second, the individual, as pater familias has to look after groups, family, society, etc.; in the third the individual becomes independent of the group.

1. य: कष्टोऽविमथत: चन्द्रनीयस्त्रिष्टि हिन्नाति।

2. भ्रम्पालयविदो राजी दास्त आमरण्यथिनकः।
and becomes absorbed in himself; and in the fourth, though slightly dependent still on the support of society, the individual is only concerned with the ultimate end and not the immediate present, being virtually not only out of society but of this life. From the first to the last, all effort and training for it are to gain the supreme end, and in the progress to it individual and society co-operate. The abhayadāna, with which the entry into sannyāsa is symbolized, is, like the vaisvādeva offering, a reminder of the one-ness of life and the kinship of self.

The First Aśrama.

Entry into the initial stage of life was to be after one has undergone the sanīskāra of upanayana. Upanayana means literally “leading to a person or object.” In the case of the initiation of a dvija, for which it stands as a denomination, it means both; leading the student to Śāvitrī-maṇtra, and to the acārya, who will initiate him into Śāvitrī and be his teacher throughout the period of studentship (brahmacarya). The upanayana marks not the beginning of education, but of Vedic instruction. After the sanīskāra of caula (tonsure) comes a ceremony named vidyārambha, initiation into learning, i.e. literacy. The caula or caḍākarmam was obligatory for dvijas, and it was to be done for the sake of spiritual merit (dharmaṭaḥ) between the first and third years of the child. Vidyārambha is not a sanīskāra as it is teaching a child only his letters. According to Aparārka, it was to be done in the fifth year of the child, and in any case before the upanayana. The performance of the ceremony, in spite of its not being a sanīskāra, indicates the desire for universal literacy in ancient India. For, according to the smṛtis (e.g., Manu, II, 66) every sanīskāra was to be done for a girl as for a boy, but (with the exception of marriage,) it was to be done without maṇtra. Similarly, Śūdras, though pronounced as not needing sacraments for which they lacked the worth, are allowed by Manu (X, 126-127) to go through the ritual of the dvijas, ‘without incurring sin but winning praise,’ without repeating the prescribed maṇtras. There is a statement of Kaṇṭiliya that a prince (i.e., Kṣatriya) was to be taught reading, writing and arithmetic before his upanayana and after his caula (I, 5: caṇṭitala karmā śīpaṁ samkhyaṇam ca upayuṣṭaḥ), but as the upanayana of the Kṣatriya is three years later than that of a Brāhmaṇa boy, the duration of lay-schooling must be longer in the case of the former. Manu makes no reference to lay learning, and it must not be presumed from it that in the case of the first varṇa especially, the

initiation into the three “R’s” was omitted. It was probably done in the case of girls and Sudras also, without a formal ceremony, as it is still done.

Universal literacy was the ideal. Just as we find that a king (in the Mahābhārata) boasts that there are no beggars in his kingdom, so king Asvapati boasts (Chāndogya Upanisad, V, 115) that there was no illiterate person in his kingdom. In the case of the three first varṇas at least some advance in literacy must be postulated before upanayana, which every boy in these varṇas must undergo, unless physically defective. The edicts of Aśoka are incised on rocks or pillars, which were placed on frequented highways and places. They are in the vernacular. It is open to presume that in his far-flung dominions there must have been widespread literacy, as without it they would be purposeless. We have in Vātsyāyana a reference to the literacy of girls.

The purpose of upanayana, from a cosmic standpoint, is to enable a dvija to discharge the first of the three natal debts. The institution is ancient and goes back to the Veda. The time for it is the eighth year from conception in the case of the Bṛāhmaṇa, the eleventh in the case of the Kṣatriya and the twelfth in the case of the Vaiśya. Those ages may be advanced, according to Manu (II, 37), to the fifth, sixth and eighth years in the three varṇas respectively, if the father desires that the son should be proficient in the chief activity of the varṇa, viz. Vedic learning, power, or success in business. It does not mean that the education of the children in the caste-pursuits will begin earlier, but it is expected that the spiritual merit will give the advantage specified in each case. Initiation must be completed before a certain age, if the boy is not to become a vrātya; the limit is the 16th year for the Bṛāhmaṇa, the 22nd for the Kṣatriya and the twenty-fourth for the Vaiśya. The later start and longer interval for upanayana without loss of caste, in the case of the second and third varṇas, may reflect a view of their spiritual immaturity, at the same age as a Bṛāhmaṇa child, or the absence of any necessity for such children to be proficient in the same Vedic learning as the latter.

The curriculum for a prince was probably also that for a Kṣatriya

1. समौते न श्रीमो बनपदे, न कदशे, न ममधे, समाहिताः बिमिद्रान्।
3. निर्णयस्वाकारकर्मर्य विशेष निर्ममे।
4. समाहिताः बिमिद्रान्।
generally; and it included subjects like philosophy, economics, and politics in addition to the Veda, and had to be completed before the age of majority or soon after. In the case of a prince it would be unreasonable to expect the continuance of education beyond the period absolutely necessary for his future responsibilities.

It would be interesting to note the importance assigned to education in ancient Indian social thought. Education came first. It was every one's birthright. If *vidyārambha* was the beginning of literacy, *upanayana* marks the induction into sacred and redeeming lore. The training for other varṇa functions like direction and teaching (*śikṣā*) for the Brāhmaṇa, protection (*rakṣā*) for the Kṣatriya, and productive activity (*jīvīkā*) for the Vaiśya are involved as corollaries to the education that starts with both the ceremonies. Receptiveness to the urge of social duty is what Hindu educational discipline aimed at. The boy was made from the beginning to realize his dependence on others for both material sustenance and for moral and spiritual food. The rule that marriage should come *after* the completion of education, in the case of *dvijas*, carried the implication that those on whom the main duties of bearing the burden of the community fell, *vīś*, the householders, should not remain an uneducated or untrained section. An educated parent implies an educated child. A father, who had undergone the discipline in *gurukula*, will appreciate the value of the training for his own children. In Manu's system, no citizen, atleast no *dvija*, can remain uneducated, undisciplined and impervious to his social and spiritual duties. In both a narrower and a broader sense, education, according to the smṛtis, implied a complete training. In the larger sense, it was held to comprehend all the preparatory processes for making the body, the mind and the spirit respond to the call for the task of moulding activity to the ultimate end of existence. The body must be sanctified for the residence of the purified self. The *svāṃkaras*, which punctuate life, are designed to this end. Manu is clear on the point. If this human frame is to be made a suitable mansion for the Soul (*Brāhmaṇya kriyate tanuh*, II, 28), the preparation must be made with the holy rites laid down by the Veda, in the due performance of the rites of sacrament (*svāṃkaras*) like *garbhaḥāna*, the *komas* during pregnancy, the *jātakarma*, *caula* and *maṇḍjābandhana* (initiatory ceremony). They remove the taint received from both the parents at birth; and the self must be made fit by the study of the Veda, by the practice of vows, by *komas*, by the acquisition of Vedic learning, by offerings to the gods, sages and the manes, by begetting sons, by performing the great sacrifices and by Śrauta rites. The body and the mind, "the physique and the psyche," are to be freed from the contamination to which the human birth is
subject. The transfiguration of man is to be accomplished by a process, spread throughout life, in which the culture of the mind and the spirit are not more essential than the training of the body. The ascetic habits of studentship, which anticipate the greater rigors of the last two āsrāmas, and the discipline of vows (vrata) spread throughout family life, mark the beginning of the process of the sublimation of body and spirit, which is the purpose of lifelong education of both (Manu, II, 26-28).

What the body is to the spirit that secular studies are to spiritual. When a boy, after initiation, takes his place along with boys of his age, in the house of the teacher (acārya), he becomes a member of a brotherhood in which social inequality is obliterated. In submission to a common code of conduct (which begins with the collection of firesticks, samidh, for his daily offering to the fire, and is continued in his collection of alms both for himself and fellow pupils and members of the family of the acārya) and to an abstemious mode of life, from which every trace of luxury and comfort has been removed, the Brahmacārin learns many lessons: the higher value of the spirit over the body, the pettiness of the grosser appetites, the subordination of self to the call for work for others, the interdependence of all members of society, the transitory nature of family bonds as compared with spiritual bonds, the duty owing to the teacher and guide, who, without remuneration, teaches and cherishes him, the power of continence, and the cultivation of good manners as well of good morals, and vision of ultimate and real values. It begins with the gift of the Sāvitrī, to every foot of which mystic virtue is attached (II, 76-79). The mother is the author of mere physical birth; the teacher and Sāvitrī

1. बैरिष्टि: कर्मभि: पुष्पादिवेषाकारशिविजयनामसः।
काव्य: विरसलकार: गहना: पैल नज़ा ग।
गामेंढ़रमणिलकोषकोशार्मणनामसः।
बैरिष्टि गार्भीं नीला दिजानामप्यसचते।
वात्स्ययेश्वर नींदरमणिलकोशार्मणया शुद्धे।
महामाये यावेत साधा य किष्टे तनुः॥ (२,२६-२८)

2. अकार चारुकार ज मकार ज प्रजापि:।
बेदपरमितः पुष्पकुपविष्टीति ग।
विभक्त पुष्पकुपविष्टीति ग।
बेदपरमितः पुष्पकुपविष्टीति ग।
विभक्त पुष्पकुपविष्टीति ग।
संभववैदित्तसये वेदपूर्वलोकयुक्ते।
सहस्रकुलस्मर्य बहिरिताय निर्मित्तिः।
महातोड़करसो माता तवाहिनिविष्टते॥ (२,३६-३९)
are the authors of spiritual birth (II, 170).\textsuperscript{1} The teacher who initiates the student is as much a father as his parent (II, 171).\textsuperscript{2}

But for the initiation he would have remained a Śūdra—for all are born as Śūdras—till reborn through initiation into Sāvitrī (II, 172).\textsuperscript{3}

A third birth for the twice-born comes when a dvija is initiated as a sacrificer. It is not mere memorizing of the Veda that he must learn; he must master the secret behind the Veda (rahasya), i.e. the philosophy of existence that one finds in the Upaniṣads. That is Vedāṇāstra. Mere power in the hands of persons who are ignorant of Reality will only be put to improper and ruinous use. Not so when it is vested in men who have mastered the hidden truth of the Veda. A general or a king may conquer this world, and lose it and his soul; but he who has mastered the truth behind existence and has a sense of true values has secured union with Brahman, even though he still seems to be in our midst. It is he, declares Manu proudly, who merits the command of armies and the kingship of the world, not the men who get it, without the knowledge, balance and penetration (XII, 100).\textsuperscript{4}

The magnification of the first varṇa which we find in Manusūrti and in smṛitis generally is not the laudation of a caste as of those in whom this redeeming knowledge, that is used from generation to generation for the education and spiritual uplift of all, is found. It is the teacher of adhyātmavidya, actual or potential, not the class to which one belongs, that secures veneration. The śrotriya (learned Brāhmaṇa householder) is the only person competent to give this teaching. If the class is starved out, society perishes. The śrotriya is not an ordinary Brāhmaṇa. In a familiar definition, he is one who has many devoted disciples (śrotāraḥ), who follow him, and who unites learning to a blameless life. It is he who cannot be drawn away from his higher duty by being summoned as a witness in court (VIII, 65). It is he who is free from taxes (VII, 133), for he pays society by his unremunerated educational and spiritual services. It is his property that cannot be lost by adverse possession (VIII, 149).\textsuperscript{5}

It is he whom the king must delight to honour and support (VII,

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1. तव वर्गवास्यस्य मौद्गल्यवाक्यन्तरार्जितसम्
   तथा नमस्ता सावधिनो विशेष नामावेयूपस्यं उन्मुतः (२,३५२)
2. ब्रह्मरावाचस्य बिर्य रतिवं गतिमृत्ये (२,१७१)
3. यदृश हि समस्तस्वप्नस्येव पितृत्यं ज्ञातः (३,३७२)
4. सेवाहि नारायण न एव एव मेहन्तविदेशनं नात्मिकाधिकाः
   सेवार्कश्रापिधि न वेदांकश्रापिधि (२,१००)

Dr. K. P. Jayaswal construes this as a justification of Puṣyamitra's usurpation.

5. राजस्वं बौधाङ्कस्य च न भोगेन प्रणवसितं (३,२४९)
THE ASRAMA SCHEME

134-136), for he is the spiritual stay of the community. 1 Honour and veneration are his due, and are shown vicariously even to those of his blood (III. 184), who carry his tradition of Vedic learning. It is the apotheosis of the teacher. Manu is not unaware of Brähmaṇyas, who neglect learning and sink to the Śūdra level (II, 168). 3

The significant change in the position of the Brahmacarīṇ that upanayana brings about may be seen from a few results. During studenanship, the student is cut off from his family. His is a life of dedication for study and service to the teacher. Birth and death impurities in his family do not touch him, for he is one under a vow (vratīn). 4 Though he may be of opulent parentage, his first act, after his initiation, is to ask for alms, and it significantly begins with his mother, and nearest female relations, who are addressed as Bhavati (Lady), as if they were strangers. But afterwards he should collect alms only from strangers, and never exclusively for himself. His membership in society however asserts itself, as his Vedic studies are interrupted by the death of the king or during an interregnum. 5 Though moderation in food is advised for the student, the amount that he may consume is not restricted (amitam brahmacarīṇah, Vasiṣṭha, 6, 20). The intimate relationship established between the teacher and pupil is indicated by both being regarded in fact as members of the same family. Misconduct with a teacher’s wife (gurutpalagā) is an inexcusable sin, equal to the worst form of incest. The teacher and pupil observe death pollution if one of them dies. They can inherit to one another. Speaking ill of a teacher is like doing so of one’s parents. The terms of affection established between them is indicated by the teacher repeating towards the pupil, during upanayana virtually the same formula of address, as the bridegroom uses towards the bride: “I place thy heart unto duty to me; may thy mind follow my mind; may you attend on my words single-mindedly; may Bṛhaspati appoint thee unto me,” (In the formula used by the husband Prajāpati is substituted for Bṛhaspati). 6 The relationship is permanent. Casting off one’s teacher is not merely

1. यथा राजासु विषयो आयन: सीरवति द्वारा: तथापि तद्भव राज्यांचिन्तायेव सीरवति ॥
2. संत्कल्यमाणी राजा व दुःखी सोमम्यः: तेनाद्वेश्यति राजसी प्रवविं राजसेव च ॥ (७,२२,१,२२६.)
3. आयनवनस्यसङ्क्षेप विवेकः: प्रदक्षिणानां: (५,२५)
4. तथा प्ररत्नश्च संतोषं विद्यार्थी न च सिध्यां ॥ (५,१२)
5. विनेत्रभी न ज्यादत्योति (सौ, ६,२४)
6. अयं द्वारा द्वाराः समविर्द्वारांचतुद्वित तत्त्वां—“मम सति ते हस्ते दशमिम मम विचारनुगच्च तेहेऽति । मम वाचंमक्षितं अवस्त्व ब्रह्मसत्वं सिद्धवन्तु मायम्” द्वित ॥ (पारस्करम, सू, सू, २,२,४८)
indecorous and ungrateful; it is an offence. Each lesson begins with a benediction and prayer which both recite, and which symbolizes their union.\(^1\)

The solemnity of the ceremonial and the way of life in the teacher's house are such as must model the plastic mind of the boy and attune it to the high purposes of life. By making _gurukulavāsa_ obligatory, the distractions of the boy's family life are avoided. To lead the pupil from darkness to light was the function of the teacher, for which both prayed. A pupil could never forget that the obligation was all on one side, in the relations between him and his _ācārya_, and like the duty to parents it could never be forgotten. Among students, merit alone counted. In learning, its own weight alone counted; neither age nor position. Manu illustrates it by the apologue of young Kavi, who was so learned that he used to address his older relations as 'children' and was upheld by the gods on appeal on the score of his superior erudition (II, 151-153).

The salient feature of _brahmacārya_ was its combining spiritual and moral training with intellectual. Deportment and behaviour received great attention, and the rules of salutation were scrupulously taught and enforced. The strict regimen, combined with constant employment in spiritual and mental activity, tended to keep the adolescent student from succumbing to the urge of the senses. Virginity in the student was not less prized than in the girl, and naming celibacy _brahmacārya_ indicates the high honour in which personal purity was held as equal to 'living in Brahma', (II, 180, 175). Purity in thought and action must accompany mere bodily purity. Rectitude, abstemiousness, cleanliness and modesty were the virtues that the student imbibed under the teacher's roof. He went out of it, master of not only learning but of his self.

It has been stated that the principle of equality is not held up as a source of natural rights in India. It is recognized, however, in the treatment accorded in the family group, and in the _gurukula_, where no difference is made between _brahmācārin_ and _brahmācārin_ on the score of their family and economic position. To share in poverty is to learn to feel for those who suffer from it. That riches and poverty are accidental, that in long range vision they have no value, apart from their repercussion on character, are the lessons driven by the first _āśrama_ into the receptive minds of the young pupils in their most plastic age. One's duty to one's fellow beings, and to one's own self (_ātmā_), were the things that were taught him. Our advance in

\(^1\) Tait. _Upaniṣad_, II,
educational psychology and the psychology of adolescence has not
carried us farther than the rules of the first śrāma, which sought to
create the foundation for the life that was to make a man ultimately
realize his self.

The life of the brahma-cārīn had two sides of activity: that
devoted to the acquisition of knowledge in the highest sense (vidyā);
and that in which the mind, soul and body were disciplined by a
course of rigorous adherence to vows (vrata) of continence, truthfulness
and poverty. The termination of a sacrifice (yāga) is signified
formally by a ritual bath (snāna). The end of studentship was
similarly marked. If the student had satisfied himself that he had
acquired both vidyā and the fruit of the fulfilment of his vows
(vrata), he was a vidyā-vrata-snātaka. He was qualified to enter
upon the next stage of life. He had come back to the bosom of his
family and the community from which he had been separated as a
boy. A new set of vows and discipline awaited him, as one who had
shown his capacity and learning. The duties of a snātaka are the
duties of the citizen. He who had accomplished the aims of his
studentship was a valuable potential member of the community. He
was welcome as a guest (ātithi) everywhere and was received with
the rare honour of the madhuparka (honey - mixture). He could
take precedence even over the king in a road block, when way was
to be made for both (II, 139).2

He is no more under tutelage. His life of disciplined asceticism
is over, and he is free to use flowers and ungents. His ethical, civic
and social duties descend on him the moment he marks the termination
of brahma-cārya. Even before he marries, he becomes liable to these
duties. The Hindu ethical code is summed up in the duties of the
snātaka. Much space is given by Manu and the sūtras and smṛtis to
their detailed enumeration. The most important of them from a
public standpoint, as noted by Manusmṛti are these. He should not
beg for his livelihood of any one but his pupils and the king—a sugges-
tion of their obligation to maintain him.3 He cannot accept help
from a non-Kṣatriya king or a ruler who sets at naught the injunctions of the śāstras (IV, 84, 87), nor remain in the territory of

1. राजाकृत्ति विद्याकरोणी निविद्यामूर्ताकाण। अवश्यन्नत्वसूत्रा परिसंकेतकालाच्: II(4, 199)
2. तेषु तु समबालान्त मानमानं ज्ञातक्वायीं। राजसाधनकृत्ति काल ज्ञाती नृपमानमालाकालाच्: II(2, 199)
3. राजस्तो धन्यनविविधासंसादेयः। ज्ञात:।
राजस्तो समविविधासंसादेय:। ज्ञात:।
राजस्तो मनोविविधासंसादेय:। ज्ञात:।
(4, 19)
4. न राजः। निर्देशित विद्यार्थियंविद्यार्थियं
राजाकृत्ति। राजाकृत्ति।
(4, 24, 37)
a Śūdra king. (IV, 61). He should avoid contact with sinners, mlecchas, and purse-proud people. (IV, 79). He should control the organs of sense gratification (IV, 177). Many of the rules imply the married state of the śnātaka. The Grhaśtra is a śnātaka, in the sense of having successfully graduated in the first dāsrama.

Education does not require upanayana. Women and Śūdras obtain it without undergoing the rite, for which they are denied the competence. Both are asked to have the samskāras done for them without the recitation of Vedic mantras. (II, 66). Just as a child, though born of dvija parents, is treated as a Śūdra till he undergoes initiation, a woman is also treated as regards her adhikāra (religious competence) to perform Vedic rites like a Śūdra (stri Śūdravati). There is, however, a great difference in the position of dvija women and Śūdras. In all his Vedic rites and vows the dvija householder is associated in their performance with his wife. When a dvija loses his wife, he loses his Agni (Fire) and cannot do the fire-rites unless he marries again. No gift is valid unless the wife pours water over the husband’s out-stretched palm. By necessity, therefore a Brāhmaṇa wife must be conversant with Vedic ritual and the meaning of many mantras, though she may not be authorized to repeat them. She was expected to learn their meaning from her husband or her father. Manu, consistently with his rule against women’s samskāras being done with Vedic mantras (with the exception of the samskāra of marriage or vivāha) considers that she can be purified by one ācamana, even if she is a Brāhmaṇī, like any Śūdra, instead of having to make three ācamanas like a Brāhmaṇa (V, 139). He considers that marriage is the rite of initiation (upanayana) for women, and the contingent duties of living with the teacher and of tending the household Fire, which a Brahmacārin has to do, may be done by her by serving her

1. न सूरास्थे निम्नसेवामिकजननायेत।
   न पार्श्ववनातान्ने सीरशेषकत्रिये। || (४,११)

2. न संकेत्व परिते सान्तवेने पुरुसः।
   न मूर्तानिशिवाय नामेमाश्वासायिं। || (४,४९)

3. न भागिरपिद्यस्ते न नवविपलोनुः।
   न स्वायवशेष्केव न पर्योक्तेः। || (४,२५)

4. अमलिकासु कावयेच्छामाहायेष्वः।
   संकारावेशा शारीरस यथा कालम वायकयुः। || (२,६५)

5. विराजमयेद्यूः हि: हि: प्रयुग्यातः सुहृदः।

See also

शारीरी शेषामिकजनः हि कौशिक्षि सक्षातः। (४,१२५)

कौशिक्षिसु निम्नसेवा शर्मिकायम्। (कौशिक्षिसु)

ed. Nirmayasagar Press, p. 131)
husband and attending to her domestic duties (II, 67). The *anupanita* (uninitiated) boy of *dvija* parentage is treated as a Śūdra. Accordingly, as an un-married girl is treated by Manu as an *anupanita*, she must be treated also as a Śūdra for ritual purposes. In older literature we read of women who did Vedic rites. Verses, ascribed to Hārīta and Yama, are cited in some digests to show that once upon a time, the rite of *upanayana* was prescribed for girls also, but that such girls did not the alms collection (*bhikṣa*) within their own homes and had their Vedic instruction from the male elders of the family. The division of women into *brahmavādini* and *sadyovadhu*, both of whom underwent *upanayana*, on the ground that if no such initiation ceremony took place for women they will remain Śūstras and *dvijas* could not be born of Śūdra wombs, is not endorsed by Manu. Manu definitely rejects the competence of a woman to perform a sacrifice (IV, 205). In the case of men, *upanayana* precedes, as an essential qualification for the marriage of *dvijas*; in the case of women, according to the rule of Manu cited above, it will coincide with marriage, and obviate the objection that the offspring of such unions will be born in Śūdra wombs. In Manu’s scheme women have *varga*, not āśrama. They were shut out, in Hinduism, from *sannyāsa*. The *pravrājīta* (female ascetic) with whom intercourse is punishable (VIII, 363) is obviously one belonging to a heretical sect.

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1. वैष्णविक विज्ञ: श्रीणां संसारो बैदिक: स्मृतः।
2. भिक्षुस्वारं सुप्राप्ताः भार्तराज्यं आद्यदीर्घं करिष्ठेः: स्वं वास्मबनी
3. भिक्षुस्वारं सुप्राप्ताः भार्तराज्यं आद्यदीर्घं करिष्ठेः: स्वं वास्मबनी
4. द्विपद्यं: भिक्षु, भार्तराज्यं: भिक्षुस्वारं भिक्षुस्वारं
5. नायोजितं यो भार्तराज्यं: आद्यदीर्घं करिष्ठेः: स्वं वास्मबनी
6. त्रिपद्यं के भार्तराज्यं स्वं वास्मबनी

Cited from Hārīta in *śāstras*, p. 402

Govindarāja cites a statement of Baudhāyana, not found in the printed text, that 'some authorities permitted even orthodox women to become ascetics.' Govindarāja and Kullūka take *pravrājīta* to refer to Buddhist nuns.
Society is rooted in the family, which is formed of the union of the sexes. Marriage is the foundation of social existence. A celibate is anti-social. If celibacy became universal mankind will cease to exist. This is the reason for the Hindu disapproval of an unmarried state for women, and for the cold attitude even to lifelong celibacy of men. We are familiar, especially after the enormous wastage of man-power in the War, of the dread that creeps on nations in which the birth-rate shows a downward trend, and the encouragement that statesmen offer to motherhood. The attitude of Arthasastra and Dharmasastra was the same. They hold up the married state as an ideal, and extol the state of the householder (grhastha). The first and last aśramas are not authorized to cook their own food and have to subsist on alms provided by the householder. Manu permits the hermit also to live on alms that householders provide (VI, 27-28). Gārhaṣṭhiya is the source of support for the other three aśramas. According to the doctrine of sequence of aśramas, and the option to become an ascetic either after the life as a hermit or after that of the grhastha, the second aśrama is the stepping stone to the fourth. Manu places the life of the householder above those of the others, because he bears the burden of supporting them (bibharti), and states that as all rivers find their rest in the ocean, so all aśramas find their abode in that of the householder (VI, 89-90). This laudation of family life is ancient. Gautama extols it as the source of the others, and as superior to them, as they are by themselves sterile and unable to perpetuate themselves (III, 35). He asserts that it is the only aśrama (III, 36). The redemption of the ancestors from detention in

1. तपस्येष्व बिमेव मानिमि भृग्माचार्यः।
   गुहोमिश्रु नानाशु विजेतुर वन्यालिङ्गः।
   मामार्गीश बालीवाशी ग्रामसमः।
   वेव वसन्त।
   परिशुद्धा वृद्धान्व सागरिना ग्रहणे सा। (६, २७-२८)

2. संवेदाभुविवै नेतां भवसुविसविवैहसुविवायः।
   शुश्रुषा वशति शोऽस्मिताः।
   वक्तवरीवति भवेष्वरायायः।
   वज्रा यवविभावायः।
   नव वर्दी ग्रामिन संस्थितः।
   परिषाधिकारिण नव शुश्रुषा ग्रामिनं संस्थितः। (६, 89-90)

3. तेषां गृहसमि तत्तत्रतः। (भृगम, ३, २५)

4. वेदांभव वाणिज्यातः। (भृगम, ३, २६)
put, and the three natal debts are possible only to those of this āśrama. The magnification of the life in the family represents a reaction to an ancient tendency to set up asceticism as the only form of spiritual life. Dharmaśāstra saw in grhausthāśrama a support of the ordained system of the universe as well as of human society. Arthaśāstra saw in it the foundation of social and economic life. Religious and political considerations converged in appreciation of it.

In a popular view, one becomes a grhaustha only in order to marry. This is an inversion of the truth. He marries to become a grhaustha, as competence for many religious acts springs only from the association of husband and wife. The birth of the child completes marriage; by fulfilling its primary object. The Hindu unit of society is a triad, consisting of father, mother and son. On the completion of brāhmaṇacarya and the lustral bath, one is qualified to become a householder, and it is only by taking a wife of his own varṇa, in accordance with Dharmā, that he can set up as a householder. In the pilgrimage through life (lokāyatrā), i.e. of worldly activity, the companionship of the wife is necessary not only for happiness and the satisfaction of desire, but for the performance of enjoined rites and for the full discharge of the duties of the new āśrama. For religious duties marriage is necessary, and a single marriage, resulting in the birth of a son, is sufficient to meet the requirements. This is why smṛtis view with disfavour the taking of more than one wife. Āpastamba prohibits the taking of a second wife by a Gṛhaustha, who has already a wife who has borne him a son (II, 11, 12-13). From the standpoint of religious obligation, a second marriage is pointless and unnecessary. The satisfaction of the sex-urge in a lawful way is but one of the many gains of marriage, as pointed out by Manu (IX, 28): progeny, lifelong service, the highest pleasure, and heaven for himself and his ancestors are the gains. Both service and sex-pleasure can be obtained by unions outside wedlock, but not the ritual and spiritual gains, to which the trained mind will attach more value. The śnātaka is virtually a householder, and is treated as one in the smṛtis in the specification of the duties laid on him, which makes no distinction between the two. For example, Manu prohibits a śnātaka from looking at a nude woman, except during sex-intercourse and eating

1. अपातं अप्रत्यावणी यस्माद् सत्याय तथा प्राप्त विषयाय।
(म. ब. ६., २१२१, २६३३)

2. अपातं अप्रत्यावणी यस्माद् सत्याय तथा प्राप्त विषयाय।
(म. ब. ६., २१२१, २६३३)

3. अपातं अप्रत्यावणी यस्माद् सत्याय तथा प्राप्त विषयाय।
(म. ब. ६., २१२१, २६३३)
in company with his wife (IV, 43). The chapter on the religious duties of the householder is headed, for instance, in Lakṣmīdharā's great digest, snātakavratāni. There was usually so little interval between the completion of studentship, the bath (snāna) and marriage that it was difficult to distinguish between snātaka and grahaṣṭha. There must have been an interval between the return of the student home (samāvartana), after he became a snātaka, and his marriage; for time must have been needed for the enquiries that must be made into the fitness of various possible brides, before the wedding can be settled. Nowadays, as brahmacarya, in the sense of living for many years with the teacher, has disappeared as a practice, there is an ample interval between upanayana and marriage, and the performance of the rites of samāvartana, godāna and snāna are done as a matter of routine, without any understanding of their meaning and purpose. The termination of one stage of life and the entry into another were solemn matters, which had to be marked by ceremonies that would impress the entrant with the gravity of his new responsibilities. This was the purpose of the institution of the three ceremonies, and of the ranking of marriage as a sanaskāra—a perfecting and purifying rite. Life is incomplete without matrimony. Marriage is the way to heaven (dārah svargasya sanukramah), because a wife has to be associated in the libations to ancestors and the sacrifices to the gods. Even in the married state, if the wife is temporarily incapacitated by ceremonial impurity, the rites have to be stopped till she is again pure.

Marriage is theoretically optional for the man, but in practice it was probably not; for women it was obligatory. The insistence of the marriage of girls before they attain puberty was not only to ensure marriage at a time when sex purity can be absolutely assured in a girl, but was due to the pressure of competition among eligible brides. This is the reason for the permission to a girl to choose a partner for herself and marry him, if she is kept unmarried for three years after she becomes nubile. The woman who remains a spinster incurs both sin and loss of caste, according to the legend of Dirghatamas in the Mahābhārata (1, 113, 36-37). To be mothers

1. नाशीबाराथ्या सर्थ नेनौमंद्वेति चास्मयूङ । (६, ११)
2. श्री पवित्रद्वेषें कामगुणवर्धन्ति सति ।
   उँचे तु कालरसेरसभिन्नत सहस्रं पसिनम ॥ (६, १४)
3. अपराधिः तु नारीगम्यमन्ययो-पराकर्षणे ॥
   वसरित नेकर्षे सर्वं द्राम्याण भवनु तत: ॥
   स्त्रीगिति: परिवाराम निःस्त तारां मैठनु ने ॥ (वारिष्टे, १६३, २५-२६)
were women created, and to be fathers men. Husband and wife should do Vedic rites together (IX, 96)\(^1\); and the unmarried have no spiritual capacity (adhikāra) to do them, nor wife or husband apart from each other. The religious obligation to marry lies on both sexes. The strict rules restricting begging to stated occasions and purposes are relaxed in favour of a Brāhmana soliciting help for his marriage expenses (XI, 1), but it must be only for his first marriage.\(^2\) If he has a wife already, and gets help for marrying a second wife, it will be only help given to procure him sensual gratification, and donor and donee lose the merit of the gift (XI, 5).\(^3\) This is a discouragement of polygamy, which Manu, like other śṛṇt writers, views with disapproval, though he could not prohibit it altogether, as it was an old but disappearing custom. Its survival is shown by the rules regarding seniority among wives of equal caste, and of the rule that all the wives are mothers if one of them begets a son (IX, 183).\(^4\) Marriage is eternal, and neither by sale nor by repudiation can a wife be released from the marriage tie (IX, 46),\(^5\) and he who takes such a woman cannot become her husband. The sale of a wife is sinful (XI, 62).\(^6\) If a wife bears no son, the marriage is, from the religious standpoint, a failure, and a husband will be at liberty to take another wife, but the first wife cannot be put away, after the second marriage, or lose the right to act in all sacramental functions with her husband. A barren wife can be superseded only after seven years, she whose children have all died in the tenth, and she who bears only daughters in the eleventh year. A wife of character, who is an invalid, cannot be superseded or disgraced without her own consent (IX, 81-82).\(^7\) Wives of lower castes are

\(^1\) प्रजन्मके विव: सुखा: वंशानां न मानना: ।

\(^2\) सांतानिकं यथमामामवं सर्वेदम् ।

\(^3\) दुरुप विवाचारं तथापावाकुपतांति: ।

\(^4\) नीवानु: भालायु: विषायु: भारभार।

\(^5\) इवनराधयं वरानु: विकिष्ठा वेडविवाहसमयः ।

\(^6\) न स विवाहवावशय: भृतूसमः विद्वृतः ।

\(^7\) (इवानोपवास्तकम्) तथानारामस्वामसापूर्व: न विक: ।

\(^8\) कथ्यात्सयासिद्धार्थो दशमे तु मृतमः ।

1. प्रजन्मके विव: सुखा: वंशानां न मानना:।
2. सांतानिकं यथमामामवं सर्वेदम्।
3. दुरुप विवाचारं तथापावाकुपतांति।
4. नीवानु: भालायु: विषायु: भारभार।
5. इवनराधयं वरानु: विकिष्ठा वेडविवाहसमयः।
6. (इवानोपवास्तकम्) तथानारामस्वामसापूर्व: न विक:।
7. कथ्यात्सयासिद्धार्थो दशमे तु मृतमः।
sacramentally unnecessary, and taking such wives is discouraged by Manu. The custom could not be condemned outright, but disapproval of it is evident in the rules laid down by Manu. Among wives of different castes, the wife of the same caste as the husband is alone competent to officiate in religious rites (IX, 86). If a man gets that wife’s duty done by a wife of a lower varṇa, he is to be despised as a caṇḍala (IX, 87). Custom apparently allowed a man to marry wives of lower varṇas, but he could do so only in the order of the varṇas and only after he had taken a savarna wife (III, 12-13). Manu disapproves of such unions, and cites rules to show that the husband sinks to the level of his lower caste wife by cohabiting with her and having sons by her. He denounces taking a Śūdra wife by a dvija (III, 12-17). Notwithstanding the condemnation, the practice persists in Kerala, and we have a historic record of the Brāhmaṇa poet Bāṇa’s having a brother by a Śūdra wife of his father, who is still described as a srotriya.

Marriage.

So important a step as marriage must be taken only after vigilant scrutiny of the fitness of the parties. They must be of equal lineage (kula), conduct and qualities, and the wife must be younger than the husband. The ancestry, health, and family history must be thoroughly examined. The rules detailed by Manu provide for the mating of only parties who have no physical defects, no trace of heritable disease, and are healthy. Manu recommends the rejection of a bride, even if her family be wealthy, if it is one in which religious rites have been neglected and the Veda is not studied, or in which male children are not born, or in which heritable diseases appear (III, 7). As the object of the union is to carry on the line, Manu recommends the rejection of girl who has no brother (as there is a risk of her being made a putrikā or her son being taken

1. भयं: शरीराकृिन्द मिथ्याख्यं च नैवकरः।
   स्व चैव कुत्त्वालिनं मार्गाति: कथयते ||
   गर्भ ताजारकमोपात्राः सत्सवन्ताः ||
   यथा मार्गायणक: पूविसिृताः ॥] ॥ (९.८.६-५७)
2. चरणांसि द्वैतातीति घरेल शास्त्रमणि।
   कामसूत्राम रामचिरागायी: रूप: कम्भेश्वराः || (३.१२)
3. शुद्धः श्रमारोपण मार्गाना वायुपरेशां ||
   जमीमाः सुध नारायानापि दृष्टं श्रीयः || (३.२३)
4. होनाकिं निपुष्यं निरिन्द्रं रोमाशास्त्रमं।
   मार्गायणप्रभुचितितिकुमः कामयां च || परिवर्णेदिलस्तुतः: (२.३)
by her father as son), or whose father is not known. The parties must not be *sapindas* of the mothers and of the same *gotra* as the fathers (III, 5). The rule of *gotra* and *sapindya* is laid down by Manu only for *dvijas* but *Sudras* observe the prohibited degree of relationship, according to tribal or family custom. The bride must be a virgin, and ordinarily one who had not attained puberty. Insistence on marriage within the *varna* for religious purposes is endogamous; exogamy comes in the *sapinda* and *sagotra* prohibition. Hypergamy is discouraged, and *pratiloma* relations do not of course constitute marriage. Exclusion by *gotra* (assumed relationship) applies to *dvijas* and is absolute; that by relationship applies to all *varnas*. Manu rules out cross-cousin marriages, (XI, 171-172) and considers them as likely to lead to loss of caste, but they are allowed as a local custom for the people of the South by Baudhāyana. Under the maxim that an express rule of Manu supersedes those of any other *smṛti*, the prohibition has been upheld by digestes like the *Kalpātara*. The bridegroom should also be free from defects, and caution in marrying a girl to one devoid of character is enjoined by Manu (IX, 89). He must be of attractive appearance, of good character and of good disposition. Manu does not refer to the question of his not being impotent, though the purpose of marriage will be defeated by allowing such a person to marry a girl, but writers like Nārada insist on tests of potency. The rule that a *dvija* should marry only after his studentship is over, makes a boy—bridegroom impossible. The rule that a *dvija* bride should not have attained puberty before marriage rules out girls of over twelve years of age. The ideal ages of bridegroom and bride are stated illustratively by Manu (IX, 94); a man of thirty may marry a girl of twelve, or one of twenty-four a girl of eight. The existence of such disparity in age, at the outset, has been defended on the ground that a woman

1. *Aṣṭādhyāyī*, 3, 59
2. Kamalākara (*Śāstrasūrya*, p. 109) holds the *sapindya* prohibition as applicable to *Sudras*; but it is ignored in many areas, e.g. the Andhra country.
3. *Vaiṣṇavastotra*, 3, 22
4. *Gṛhausthakāṇḍa*, 7, 12
5. *Nāradaśāstra*, XII, 8—18

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5. *Nāradaśāstra*, XII, 8—18.
is at her best when she is about eighteen and a man when he is about thirty, and that a union at those ages is best eugenically. Misfits in marriage arise when wives have already built up ideals of what their future husbands are to be like and find themselves disappointed. In Indian marriages romance comes after marriage and does not precede it. A girl whose affections are mentally pledged (manodatta) is regarded as equal to a married girl, and is recommended for rejection by some smrtis, like any punarbhā. A girl of very tender age can qualify for wifehood for religious purposes, says Lakṣmīdhara, though not for progeny, and that is sufficient, as a bridegroom younger than twenty-four is permitted (IX, 94). All that is required is that the wife should be younger.

Some aspects of marriage should be noted. Its primary aims are unworldly and uncarnal. As a bride is required by an accomplished student (sūtaka) to enable him to set up as a householder and establish the fires, the gift of a bride is the greatest of all gifts. It must be made without expectation of any return. If conditions are imposed, they must be only for the fulfilment of the sacramental purposes of the union. They are stated in kanyādāna. The sale of a bride, i.e. accepting a bride-price is āsura, not dhārnīka. The ceremony of marriage involves two main steps: the gift of the bride and the subsequent ceremony of udvāha. To both are ascribed "unseen fruits" (adyaṭa-phala). There is no contract between bride and bridegroom in a marriage. This is why it cannot be annulled by any human power. Manu does not recognize divorce. The bond is not snapped that ties the wife and husband, even if he sells or abandons her (IX, 46). It is open to a wife to show aversion to a demented, impotent, or leprous or outcaste husband (IX, 79). Manu, who disallows the remarriage of a widow (V, 162; IX, 65) appears to allow the remarriage in proper form of a virgin widow (IX, 176) but she will still be held to be a punarbhā. Kauṭilya, who allows divorce, will not permit it after the first four forms of marriage (the

1. Gṛhaśṭhakāṇḍa, p. 46.
2. ब्रह्मचारिणीं वा (९६४)
3. "मन्नधूति रतिः श्रीभगवान् पारारोगिनः"
   न सामागिर्मिति रिम्बार म (९६९)
   न सिद्धीवर्वविद्याय क्रियते मद्विदत्वितेन (५.९२)
4. न विवाहविषयम् विषवैद्यनुष्टो शुनि (९६५)
5. का विद्वान्तविधिः स्वातं स्वागताय सः
   श्रीप्रभवति जनाः सा पुनः संस्कारभूति (५.८५)
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reputable forms). As these are the common forms, it is tantamount to rejection. That marriage is a contract between the parties will presuppose capacity to enter into a contract in both parties, which cannot be upheld at the age of the average ancient Indian bride. What a wife is entitled to springs from Dharma, not from stipulation at the time of marriage. The so-called conditions imposed on the bridegroom in the Präjāpatya form of marriage are promises and are not contractual.

Eight forms of marriage are named by Manu (III, 21). He rejects the Raksasa and Paisāca forms for all (III, 25). The quality of the form must be suited to the guna of the suitor, as indicated by his varṇa. The restriction of the first two to the Brāhmaṇa is due to their involving kanyādāna, for only a Brāhmaṇa may accept a dāna. The belief is that only marriages suitable to a caste result in unseen benefits (III, 36-39). As marriage is a duty, anything that might diminish the chances of a man or a girl discharging it must be discountenanced by Dharma. This is seen in the rules of parivedāna, i.e., a younger man or girl marrying before the elder brother or sister is married. (III,171-172). All parties, in such an alliance, including the officiating priest are condemned as liable to fall into hell. But the forbidden act is allowed in the case of a

1. परस्परे भागानी: || योनिएकारारा पुरुषभूमीमिथिइन्द्रभागिनीयाणि दयां || पुरुषेकारारा कृष्णेनिःस्मिन्द्रभागिनीयाणि दयां || अभवधर्मिनिःस्मानसानाम् || (व. अ. श. p. 155)

2. A real dāna has unseen benefits. The gift of a bride to non-Brāhmaṇas will not amount to a real dāna even though the transfer of the bride takes the form of a kanyādāna. Kamalākara (op. cit. p. 109) writes—नदनुपर्र कम्यादानाय सूृत: विवेकलेभ: || नासुन: आयो—

युग्मते: दुः पांविकविणे संस्करणेद्व: सवेन्द्र: ||

जुग्मन्: विृविरामकम्यानामपि कामस् ||

महतवः—आंक्षेत किविरामम्यानमक्षारानी स्त्रियाः विवेकेत् ||

हस्तेण दुः वुष्टा समानम्येतकामयाः || (१.२५)

3. दश पुत्रानु प्रांक वंदनानामां जैक्यविभक्त: ||

आदेशाय: पुत्रानाममपदेश: स्थित: ||

ईदेवाय: सुवशि सरस परिवारान: ||

आर्योगाः—सुकस्मीनो पारं परकाउन्त: सुत्र: || (१.२६-२६)

4. दर्शाना भस्मार्गानां कुलेन पोषाते विशिष्ट: ||

परिविष्टाः त विष्ण: परिविष्टिः पुरुष: ||

परिविष्टिः: परिविष्टाः त ब्राह्मण: || परिविष्टिः ||

स्वेते ते तत्क्ष यथि दातामनन्दानाम् || (१.४२-४७)
man, if his elder brother definitely refuses to marry, or has disappeared from view for many years; it will also be allowed if the brother is an eunuch, or has become an ascetic.

Gṛhastha's Rules of Conduct and Life.

Rules of Dharma are classified as yama, what is forbidden, and niyama, what is imposed or enjoined. Both must be observed by every one, according to his āśrama and varṇa, and their detailed enumeration in smṛtis makes an ethical code. Manu makes the paradoxical statement that even in distress one should follow the yamas, though he need not observe the niyamas1 (IV, 204). Rules may be stated in the imperative, or (as in the Christian decalogue) negatively, as prohibition. Buehler has rendered the two as 'paramount' and 'minor' duties. Manu’s famous rule (which has often been misunderstood) that one must speak the truth and speak agreeably, must not speak what is true and unpleasing, and in any case never speak what is not true, is an instance of a yama2 (IV, 138). Invasion of the right of property by theft (steyā) is an offence against a yama. As only a householder can hold property, the gṛhastha, who violates the rule, acts suicidally. Niyama is enjoined conduct. To resist natural but wrong or unsocial impulses brings action under niyama. The duties of the householder are not exhausted by the two. The Indian systems of philosophy have dissected the psychological bases of action, traced the filiation of motives and evolved a moral code on psychological bases, which digests and late smṛtis reproduce.3 A wise gṛhastha will by study, meditation and association with the virtuous learn them. It is when he gets the feeling that he has lived a good life, in accordance with Dharma, and is no more needed for the family or society that he can proceed to the next āśrama.

The Position of Women.

We may close the consideration of the position of the āśramas with a review of the position of women in Dharmaśāstra. A society is rightly judged by the place it gives to women.

Manu notes that the two sexes are unequal in strength, stamina and psychology. Each complements the other. The attraction of the sexes to each other is deep-rooted in nature. Suppression or repression

1. समाधु मेवस जनने न नियमने मममु हुः।
   समाधु पात्रहोत्नियमा जिवयसु केषालु ममत्तु मे। (४, २१२)
2. सगां मुमु मयु मयुमयु मयात्ममिवमृद्।
   प्रियमेनानानु मद्विन क्षे: लनात: || (४, २१६)
3. See e.g. Lākṣmīdhara’s Gṛhasthakāyda.
of natural instincts is not; so, canalizing and sublimating them is the better way. Manu does not look down on Kāma, and only provides safeguards against improperly yielding to its urge. Unrestrained sex union might lead to a lowering of the human being; untrained, it may make him its slave. It is on this ground that celibacy is prescribed for the male, during studentship, and both the bride and bridegroom are expected to come together in wedlock without ante-marital sex experience. The passages in Manusmṛti which seem to condemn the nature of women (11, 213-215 and IX, 17-20) are in reality warnings against the strength of the sex urge, and the tendency of both men and women to succumb to it, unless taught restraint. In the family, in treatment as children, a girl and her brothers are equal. In the family, husband and wife are equal partners, and are unable to function independently of each other. The famous discussions on soil and seed are intended to enforce the importance of both man and woman. The husband is reborn in the wife as a son, and hence she is called jāyī. Fidelity in marriage is mutual (IX, 101). The wife is the goddess of the home. Husband and wife are not two persons but one. If a woman falls it is due to her husband’s lack of care and to want. Woman is a social trust. If a girl has no guardian, the king becomes her guardian. A defenceless, or destitute woman becomes the king’s charge. Woman’s not being permitted to study the Vedas is a concession to her different nature. The high standard of conduct expected of a woman is a compliment, as she is made the custodian of social morality. The home is her field. The path to emancipation is made easier and shorter for her. The prohibition for her to do sacrifices or observe vows, independently of the husband, or without his approval, is to prevent her more important duties to her children, husband and home suffering by an unbalanced desire to duplicate the work of her husband. Manu enjoins the entire relegation of the management of the house to the wife. Vātsyāyana elaborates the idea and makes it the duty of the wife to maintain domestic accounts and frame the family budget. Woman is not to be kept ignorant or uneducated. Only her education is to be on lines different from those of man. Her school must be the home, her teachers her male relations, and her best teacher her husband. The birth of a son is necessary for the

1. माता वसा हुँना ताँ न विबिदासनो मेषु ।
   काकामात्तिर्दिष्टमाहो विद्येषमवि मये ॥ (२,२३६)
2. अम्प्रामात्तिर्दिष्टमाहो भक्तिर्दिष्टमाहिकः । (२,१०२)
3. अविन्दिकशिष्टा हि सो प्रदुषितिविद्येषमवि ॥ (२,६४)
the salvation of the ancestors of a man, but a woman's liberation (mukti) does not depend on the birth of a son.\(^1\) Hence a superseded wife need not re-marry. Even in submitting to niyoga a widow's purpose is not to raise a child for herself but to her dead husband, whose salvation is contingent on the birth. The ascetic life of the Hindu widow parallels that of the vānaprastha. The more emotional nature of woman necessitates the prohibition of asceticism to her, as she may lose herself in it. She needs to be shielded from its roughness. In the narrow limits of the family, a woman may find ample scope for her vogue for sacrifice as daughter, sister, wife, mother and widow. The home is her school of service and suffering. A wife must bear with even an unworthy spouse, and try to wean him from his evil courses by her meekness and virtue. Remarriage is not a haven for a wife deserted for eight years; the injunction of Manu to her to wait so long for a husband that may return, is not to be taken as a permission for her to remarry at the end of the period; its purpose is to make her enter then on the ascetic life of the faithful widow, as pointed out by Medhātithi (IX, 76). There is more virtue in resisting the sex-urge than in yielding to it. The lower rank of a Gāndharva marriage, and of penalizing a girl for giving herself away to a suitor of her own choice, by denying her jewellery, (IX, 92) are due to this truth.\(^2\) The idea of the perpetual tutelage of the Indian woman is a myth. It is contradicted by the large freedom enjoyed by the wife in the management of the household,\(^3\) (IX, 11), in the wife's concurrence being necessary for all gifts by the husband, including the giving away of a daughter in marriage (kanyādānam), by their enjoying rights of separate property, and of disposal of it, by the rule that the family estate should not be partitioned between the sons during the life-time of the widowed mother\(^4\) (IX, 104, and Kauṭilya, III, 5),\(^5\) by the recognition of a widowed mother as the natural guardian of her minor children

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2. कल्पयते मास्त्र किचु वष्करोक ||
    मातृक भ्रातुनिः न तिना स्मारणवद त हतेः || (९,७२)
3. यथा सप्तवी चैस्मे स्वयं स्वर्गविज्ञे निभु विपयवेद ||
    ज्ञानी समेधस्थवर्ग्यां न परिवर्गायमेव केमं || (९,११)
4. कर्मा विद्वेद मातुक संसार भ्रातुश्रुतमः समस्यः ||
    संज्ञेऽपूर्वेक्षम मिववानि निल्वश्यः हि जीवतः || (९, १२४)
5. मनोक्षरा: न्यायविवक्तामामः हृदां || (श्री. 'कु. शा. p. 160.)
THE ASRAMA SCHEME

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(Nārada, I, 37) and by historical instances of women who have inherited kingdoms and governed them as queens. The famous declaration of Manu that the wife, the son and the slave (dāsa) are adhānā (wealthless, VIII, 416), and his statement that a woman should not be left to herself (no stri svātantaryam arhati, IX, 3) because she has the protection of the father as a girl, of her husband as a wife and of her son as a mother, have been relied upon to support the doctrine. Correctly interpreted neither supports the view. The first is merely a limitation of a woman's freedom to dispose of family property, without the sanction of her husband. The second is only an enunciation of the duty cast on the father, the husband and the son to protect (and maintain) her. A woman never loses her lien on some male for support—and in the last resort on the State.

Dharmasāstra raised a chaste wife to the rank of a goddess; it has raised the mother to the rank of divinity (mātr-deva), along with the teacher and the father, and placed them immeasurably below her in the right to love and veneration (II, 145). She is the best of teachers, and a super-teacher (ati-guru) according to Viṣṇuṣmṛti (XXXI, 1-2). So long as one has a mother he never feels old (Mahābhārata XIII, 268, 30). Indian history knows of some royal parricides but of no matricide. Abandoning a mother, even if she be an outcaste, is both a sin (III, 157, XI, 60) and a crime (VIII, 389). The first earnings of the student must be tendered to his mother (Aparastamba, I, 7, 15).

1. जीवोरस्तम्यः स्वाच्छपायिः समन्नितः।
तमोरपि विता शेषानू सोवपासचिद्धिमातृश।
अभावे शिष्यिनो माता तदन्तः तु पुजते। (मारदृश्य, ed. Jolly, p. 58.)
2. भावे पुजास्व दत्तव व व्ययवतः द्वातः। (८,७-१६)
3. पिता रक्षिते श्रीमारे महार रक्षिते श्रीवशे।
रघुनि रघुब्रह्म गृहे न कृति स्वारस्वमिति। (९,३)
4. बधायण्युक्तमहान्यान्यान्याण्याण्य गत श्रवन।
हसले तु मित्राय माता गौरविन्यातिनः। (३,२४६)
5. जवः दुर्भवातितिरा मणिनः विता माता मातायत।
। (विणप्रस्तुता, ३१, २-१४)
6. अनुशासनमया, २६८, ३०।
7. ने माता ने पिता न श्री मुनि गृहमातिति।
। (६, ३२९)
Kautṣila forbids the abandonment of the mother even if she is an outcaste.

1. राहो शुभ्या सिः परितामाया। (भार ५, २, २८, ९)
8. समासवृ माते दजाय। (भार ६, २, ६, २५)
In *Manusmrti* woman attains her apotheosis, as wife, mother and dependent relation, serving and radiating her love. The gods rejoice when women are honoured, and rites in their honour yield no rewards in homes in which women are not cherished and revered. The tears of dependent women blight a family; their grateful smiles make it blossom into fortune; their curse, when treated with contumely, wither the home. Honour and cherish your women, therefore, for your own good, on holidays and in festivals, with gifts of dainty fare, raiment and jewels! Joy dwells in the home in which there is conjugal love. Let a woman cherish her beauty that she may retain her husband’s love and become fruitful. With her radiance the house will be alit, and without it, be dark and dismal. It is in such terms that Manu, supposed to be the derider of woman, makes almost a religion of her adoration. \(^1\) (III, 56-62).

Indian society was kept from disintegration by the sublime conception of the scheme of *varna* and *ashrama*, which gave its women and men a clear vision of the spiritual winning post, and showed them how to order their lives and mould their actions in order that they may, in the fulness of time, or even in this life itself, triumphantly reach it.

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1. बस नामेव्यु पुत्रेन्ते रम्ये तव देवता: ।
    वेषतास्य न पञ्चने सरस्वतायावलित: किमः ।
    सोचन्छिन्न नामयो यज बिनायवलायु हताकलम् ।
    न शोचन्छिन्नु तु यज्ञसा यथे तांि सर्वदा ।
    नामेव्यु भास्ये नेहानि श्रापलोपनिः ।
    तसबू दुःकातानीयो प्रस्तावित: समस्त: ।
    कस्माइरात: सह सुस्म शुक्लाण्णायाएँ ।
    शूरिकार्मादेहानीं संस्कारायुक्त: च ॥
    संतुं: देवस्या मत: भवो यथो तेषां च ।
    महामयेव तते मित्रं कल्याणं तत: वै प्रभुः ।
    वदि कि नो न रोचित पुराणे न प्रमादेवः ।
    अम्मोदायुः पुत्र: प्रवर्ते न प्रवते ॥
    किमः तु रोचमनानम् सर्वं भूतानारं कल्याण: ।
    तस्मां त्वरोवस्यानां सर्वमेव न रोचिते ॥ (३,५६-६२)
LECTURE VI

THE POLITICAL SYSTEM

We are today under the obsession of politics. The study of the political institutions of the past still attracts the care and attention of modern students that their socio-religious background fails to receive. This attitude is due, as much to the pre-occupations of the modern world with political controversies, as to an imperfect perception of the inter-connection between the two. When the aims of the catastrophic war into which the world was flung and from which we have yet hardly emerged had to be defined it was said to be fought to make the world safe for democracy. The signification of a somewhat vague political ideal as that for which the nations were dragged into a seething cauldron of destruction was received with unction. Had it been said that the war was being fought for the higher purposes of humanity, for the vindication of mere morality or spirituality inherent in man, the declaration would not have commanded a fraction of the appreciation that the signification of a "democratic" purpose behind it evoked. The illusion of idola fori is difficult to overcome. A century of adoration at the shrine of what passed as democracy, still draws worshippers to where it is held to dwell. Like orthodoxy, democracy is what appeals to each man in the form of government that seems best to suit his needs and interests. Habit makes one impervious to facts. Nations which seek to perpetuate their domination over other nations, and which are governed by compact sections, still claim to be democratic. One is reminded of Sir Lancelot’s conflicting ideals and practice.¹

Ancient India had no use for political labels. It is curious that in a land in which the tendency for classification and systematization seems inborn, political ideals and institutions remained unclassified. It looked to results, not to forms. It would matter little if the government was carried on by one, a few or the many, if the results were happy. That which is best administered is best. The test was Dharma applied to means, ends and results. The range of applicability was universal. It is the demonstration of the domination of a moral principle in the universe that vindicates the position of

¹ His honour rooted and dishonour stood,
And faith unfaithful kept him falsely true.

(Tennyson).
the Supreme. He merges in Dharma. Judged by ultimate values that alone can be expedient which is just. Dharmāśāstra takes a cosmic view of existence and of every branch of activity, and judges them by this standard.

Rājadharma is commonly equated with Political Science. Its content is assumed to be the art of government; It is forgotten that, literally and historically it means not the art of government, but the indications of the duties of a particular functionary, viz., the crowned king. Vījñāneśvara makes this clear in introducing the brief section on rājadharma in Yājñavalkyasūtra (pp. 309-368). He explains that Yājñavalkya proceeds to indicate the special duties of a householder, who had acquired a special guṇa by being crowned as a king, after the specification of the duties of householders of all varṇas generally. The duties of administration devolve on one who is put at the head of a state. In Indian conception, he who has to discharge the duties must obviously belong to the second aśrama, as the other three are outside worldly life. While the ideal is that the head of the state should be a Kṣatriya, the position might go to men of other varṇas; but even so the duties of the office (guṇa-dharma) will still devolve on him. That there may be no misunderstanding, Yājñavalkya (I, 311) uses the neutral designation narādhipa (king) instead of rājā, which, like kṣatriya, is frequently used in smṛtis in the sense of 'king'.

A code of instruction for a ruler on his duties may be of both a narrow and a comprehensive character. The specific duties, as an administrator when enumerated and explained, constitute the smaller code. One of the king's duties, and the most important, is to see that every one does his or her duty, whatever it might be. Protection is complete only when every one is made to keep within his limits, and perform his duties. Whoever neglects a duty or does what he is enjoined not to do has to be pulled up by the king, both in the interests of the community, whose placid life has been disturbed by his guilty action, and in the lasting interests of the offender himself. A knowledge of what every one is expected to do, in whatever position he or she may find himself or herself, is an antecedent condition of correct regulation of every one's conduct. The king has a personal responsibility for the dharma and the a-dharma of every

1. साधारणारु गृहस्थसंबंधीवेदावतैः स्वाभाविकातिरिक्तयुक्तज्ञान गृहस्थस्तु विशेषसंबंधाः

2. Mitākṣarā equates (I, 308) with 'crowned Kṣatriya' (उपविन्यासित), and 'नराधिपो' (I, 311) with राज्यामिकः.
subject, and it is signified by the statement that he obtains a sixth part of the spiritual merit of his good subjects, and a sixth part of the demerit (apunya) of unpunished delinquent subjects. It is not to be taken as a picturesque statement but was meant and taken literally in the ages in which an unseen result was held to attach itself to every action, good or bad. It is his duty to determine what is enjoined and what is not, and to enforce compliance to the rules of Dharma. The regulative and punitive duties of the king include not only civil penalties but appropriate penances and modes of purification from the taint of the offence. In short, the range of his responsibilities imposes on a ruler a liability to a sort of omniscience. This extends not only to the whole field of enjoined duties (Dharma) but also to the psychological and philosophic background of the mind of the subjects. This is why among the subjects that are indicated for study by princes, who will later in life be called on to rule, Kauṭilya includes philosophy (ānākṣikī) in the prince’s curriculum of studies, and further explaining the content of the philosophical course brings under it Lokāyata, school of Materialism, whose followers the king is enjoined by Manu to keep under check or banish (IX, 225). The comprehensive character of Manuśmṛti, which goes into every one’s duties, makes it a work of rājadrharma in the wider sense of the term. But, as a king may not be in a position to understand every provision of the comprehensive code of conduct, he is required to get expert advice,—from his ministers in matters of administration, from judges in matters of adjudication, and from the purohita in matters relating to penances and vows. This is the reason why the study of Manuśmṛti is prescribed for the Brāhmaṇas particularly, and to all twice-born persons generally (XII, 126). On questions of interpretation of doubtful points, he is to be guided by the opinion of a parīṣad of learned men, whose constitution is detailed in XII, 108-115.

Bases of Manu’s Polity.

The scheme of polity that Manuśmṛti outlines is accordingly rooted in the general scheme of Hindu life, and in the postulates of Hindu social and economic organization. The former is com-

1. वर्गस्तो वर्गमानाय राज्यः समाग्नि रखत:। अयस्माणाय परमायाय महायस्य ब्रह्मायः॥ (८, २०६)
2. ततोऽर्जुनम् साधित्वं साधक्ष्यवार्तमः। अतिव च ब्राह्मणविद्वत्स प्रथम न विचारते॥ (९, २३)
3. सत्सन्योगरोकावतं नागान्नेष्टिको। (p. 6.)
   बुधोपनवधिमानान्नेष्टिको न विहितः। (p. 10.)
4. पालण्यवाख्य मानवाय। इयम् निबोधनेवद्याय। (९, २२)
prehended under varṇāśrama-dhāma in the wider sense of including the dhāma of varṇa and āśrama, of both in their inter-relations, of the dhāma of ‘position’ or guna, of the dhāma of ‘special occasion’ (naimittika) and of the dhāma ‘common to all’ (sādāhāraṇa or nitya). The last presupposes the universal acceptance of certain institutions. These are property, the idea of contract and obligation, the existence of the capitalistic system in a planned society and of personal freedom generally. While these ideas may be regarded as springing from the established political order,—which is signified by the legend of no such regulations being needed in the Golden Age of the dim past,—they are pre-supposed by the system of government indicated and described by Manu. As the assumption of the smṛti is that all that is contained in it was revealed, like Koranic laws, it has a background of divine sanction for the institutions. He who advocates anarchy, as well as he who urges the abolition of private property, capital and the repudiation of contracts, will be acting not only in defiance of state laws, but of divine injunctions behind these institutions. In the face of these hypotheses, political and economic progress can be visualized only so far as they are possible within the limits of these institutions. A way-out is suggested, however, by certain commentators. The indication of a visible purpose or benefit is contrary to the nature of Vedic vidhi. The rules regarding economic and political organization and institutions in Manusmṛti and works like it are rules of Artha, not Dhāma. The sections on these topics are to be treated as Arthasaṭṭa sections, which can be modulated by rational action. It is true Arthasaṭṭa itself is within the canon, though by an explicit rule its rules must give way if they conflict with those of Dharmasaṭṭa. Absolute validity attaches only to those cases in which there is the sanction of both reason and injunction behind them.

Different Scales of Values.

The adjustment of dhāma to changing needs was to be brought about only by research and interpretation. Rules traced back to divine omniscience cannot be supposed to be defective or self-contradictory. If any defects or contradictions are found, they must be deemed superficial and capable of resolution and valid explanation.

1. अर्थशास्त्रप्त वतवदेवशास्त्रात्मिति रिचरि: // (अखबन्न, २,२६)
सत्रशया धर्मशालिन शास्त्रा वा मावहारिकस्।
धर्मिनिवे विदवदेव धर्मशास्त्रार्विनिधये // (अर्थशास्त्र, p. 150.)
The _pariṣad_, custom (caritra), the practice of the elect (_śītācāra_, _ācāraśca sadhānām_), can be called in for the determination of the problem of reconciliation, internal and external, of consistency and of suitability to all times and needs. From our outlook today the parts of _Dharmaśāstra_ of most interest are those devoted to polity, law and administration. To an ancient Hindu king the sections that would most appeal would be those dealing with _ācāra_ and _prāyaścitta_, which the king had also to administer. We cannot attribute to him _our_ mood, but must look at it from _his_ standpoint. In the atmosphere of the palace and the court a knowledge of _rājaniti_ will be gained by him automatically. It need not be specially taught or learned. It will be in the atmosphere. Nor will he require instruction on court etiquette. It is in regard to civil law and penance laws that he will feel the need for learning, training and guidance. This attitude will explain the character of the works on Dharma that princes might study. They are relatively full on forensic law, on penance, on _ācāra_ of _varṇa_ and _āśrama_, and even on transcendental matters, while their treatment of polity proper is scrappy and superficial. The difference will be clearly noticed if the _Kauṭiliya_ and _Manusmṛti_ are compared, or better still if the _Nitisāra_ of Kāmandaka is compared with Manu's work, because Kāmandaka deliberately adopts the _sṛṃti_ form and mode of exposition. On polity, administration and law proper _Kauṭiliya_ is very full; Kāmandaka omits not only all penance and _ācāra_ law, but even _vyavahāra_. Manu stands midway, stressing all, and dealing with them pretty fully, but with a little less fulness polity proper.¹ The feature is reflected in later _sṛṃtis_ and in _nibandhas_ composed to order like Hemādri's great digest. Lakṣmidhara follows Manu's proportions, and even in his _nibandha_ the _Rājadharmā_ section is less full than some of the other sections while _Vyavahārakānda_ is the fullest.

_Theories of the Origin of the State._

Among legends of the origin of the State or Government, given in the great Epic are two, which ascribe a divine origin to the State, and base it on an original contract. Both legends are implicit in _Manusmṛti_, which however does not describe them. The Supreme Being (_Praḥnu_), finding that for want of a government (_arājaka_) every one in the world was disturbed by fear, created the King for the

¹. In _Vājīnvālākya-sūrti_ only 60 _ślokas_ are devoted to polity proper, while _ācāra_, _vyavahāra_ and _prāyaścitta_ have 308, 307 and 334 _ślokas_ respectively.
protection of all in the world. (VII, 3). The legend is given by Kautilya (p. 22). The people finding that for want of a common ruler they were being ruined by mutual quarrels (in which they devoured one another as fish devour fish) made Manu Vaivasvata their king, and agreed to render to him (and his successors in the office) a sixth of their harvested grain, a tenth of their trade gains, etc. It is in accordance with this arrangement that kings have become responsible for the welfare of their subjects. In both legends a pre-political stage is envisaged, which is one of anarchy in which every one devours every other. The idea implies the existence of 'rights' which were invaded, and of freedom to make a contract. The installation of Manu Vaivasvata was a secular arrangement. The legend in Manusmṛti relates to the creation of political organization, i.e. kingship. The legend in Kautilya refers to the installation of the first king, by common agreement, later rulers apparently accepting the arrangement from veneration for precedent, or because Manu is the progenitor of the human race. Sukra has a third theory, which fits in with the general Hindu belief in krama. The king becomes master over movable and immovable chattels, becomes capable of giving protection and receiving his sixth (dakṣaḥ saṣbhāgagrahaṃ, I, 72), by virtue of the austerities performed by him in a previous birth even as Indra became king of the gods by austerities. This is mere explanation of worldly position by past krama, as one's caste in this life is similarly explained. Manu follows up his account of the creation of the king, by stating that he was created from eternal particles of the eight lokapalas (VII, 4). The divinity inherent in a king springs from this synthesis. The king is not an incarnation of God, but of elements of the chief gods. They
account for his power and splendour and for his surpassing all beings in lustre, "Even an infant king should not be treated with slight, from the idea that he is only a mortal being; he is really a great divinity in human form." (VII, 8). This is glorification not of a king but of kingship. For, through lack of virtues many kings like Vena perished (VII, 41). The rule of this Vena was evil. It resulted in varnasamhara. It was in his reign that the practice of niyoga, which Manu condemns as an animal practice, was much in vogue (IX, 66-67), as the intellect of the king itself was destroyed by lust. Manu does not follow up the legend of destruction of Vena for his oppression, and the creation and installation of his son Prthu, after whom the earth is named Prthvi, as 'king of men'. Prthu took an oath (pratijñā) to subordinate his inclinations to morality, and to observe the eternal Dharma. The action of Prthu forms a second Social Contract.

Implications of the Theories.

The underlying implication of the different legends is that political union, under a common ruler is natural and necessary, and may be considered as having divine sanction behind it. It is the only answer to human depravity, which leads man to eat man, unless restrained by a common master. While the divinity in the ruler so created makes for his lustre and power, he is bound to respect the original convention of righteous rule. Manu gives only the divine creation legend. The extremes of irresponsibility to which it may
lead an infatuated monarch is countered by allusion to the evil king Vena, whose story must have been familiar to all. But over and above it, another legend that Manu gives makes the king himself subordinate to a higher power, viz. Daṇḍa or the incarnation of the Spirit of Punishment. It is Daṇḍa who is king; he is the regulator of the entire universe,¹ (VII, 17-1 ). A guiltless man is hard to find in the world; through fear of Daṇḍa the world observes Dharma.² The elaboration of this legend or theory of the penal power behind the State (or king) is of constitutional interest. It provides not only the Austrian sanction behind law, but also a restriction on the unlimited exercise of the prerogative powers of the king! Punishment is said to strike down the king who swerves from Dharma,³ (VII, 28) for Danda is Dharma.⁴ The meaning of the identification is that the king is under the law, not above it. Dharma alone rules. The power to make new laws or to alter old ones is not vested in the king or any human power. A king, like a judge, merely declares Dharma; he does not make it. A strong executive is needed for social order; an irresponsible executive is a danger. The support of the one and the condemnation of the other are in Indian theory made to rest on Divine sanction.

It is noteworthy that Manusmṛti makes no mention of alternative theories of the origin of monarchy; from the pressure of war, as stated by the Aitareya Brāhmaṇa,⁵ or from an election sanctified by divine blessing as implied by the Satapatha Brāhmaṇa, or from deification of a priest during a sacrifice and its perpetuation, as in the case of the rex sacrum in ancient Rome.⁶ As a practical-minded thinker Manu is satisfied with supporting the necessity for a common executive authority and with basing it on morality and the common good.

1. सा राजा दशः सा जयात् जयाति च सः।
   अन्तरणामक्षणोऽब चमस्य प्रचन्डः सुमा।।
   दशः जयाति प्रमा: साय दशः वधानिरृक्ति।
   दशः ह्रदयु ज्ञाति। (७.१६-१२)
2. समों दशाधिको दुरुस्मिता हि शाचिनगरः।
   दशाधिको हि भवस्यं भवान्नाय नायोऽवलोकते। (७.२२)
3. कस्मिदेविकिं हस्ति सुप्रवेश समावेशः।। (७.२९)
4. दशः पर्थे विदुधा: (७.२८)
5. कैश्यमा, २१३, -देवसुरा व शाक्तेऽसमस्या।...
   तत्तत्सुद्दारा अरन्धु, ...
   देव अनुभावात्तिथया वै नेत्र व्याप्ति, राजाने कर्ममहा हाति निर्मिति।।
Glorification of the King.

The value of unitary control is the obvious reason for the laudation of the person and position of the king. It was clearly not meant to be taken literally by king or subject. The king is Viṣṇu (Caṇḍeśvara quotes a retort, almost in Gandhian language, the "subject is Viṣṇu too"). He is made up of the essences of the divine guardians of the universe (lokapālas). Assaulting a king, reviling him or treason against him are capital crimes. Banishment follows the betrayal of state secrets. To seduce the queen is treason. The protection given to the ministers and others are the natural needs to protect high functionaries. The property of a king is proof against adverse possession, however long it may be (VIII, 149). (It means state property cannot be taken over and held against the State on the plea of prescription). Ownerless things go to him. Every one, every article, is pledged to support him by definite contributions. His jurisdiction is unrestricted, Brāhmaṇa immunities do not mean that they cannot be tried in the king's courts. The Vedic statements "Soma is the king of the Brāhmaṇas" and that the king is lord of all except the Brāhmaṇa, are merely glorificatory statements; for, the Brāhmaṇa's offences and offences against him have to be adjudicated by the king or by his judges. The privileged position of the chief executive is seen in the rule that a king does not contract pollution by birth or death (V, 63); he is like the brahmācārin and the sacrificer (dikṣita). The king's impurity is extended to all, and Vedic study is interrupted so long as it lasts.
(IV, 10) and his death interrupts Vedic study. A moratorium follows automatically on the occurrence of a vacancy to the throne (Vasiṣṭha). Rights cannot be acquired by possession during an interregnum, according to Kautilya (III, 16). Śukra puts picturesquely the idea that a throne can never be vacant; as Indrāni is never a widow, so a kingdom can never be without a ruler. When a country is conquered, and its king is slain, the conqueror is enjoined to instal at once a member of the late reigning family as king (VII-202) so that there may be no vacancy to the throne (II, 49). A king is even more necessary in the demoralized conditions of defeat than in normal conditions. The advice to appoint a yuvārája, which is acted upon in the Rāmāyaṇa and the Mahābhārata, is not dealt with by Manu, nor is there anything in his work about the rule of succession. Obviously a kingdom cannot be divided like personal property; but Manu would allow the eldest son to take the entire inheritance, (IX, 105) and such a son would a fortiori be the heir-apparent in a kingdom. Manu regards the eldest son alone as the son who frees the ancestors from hell, and the other sons as only sons of lust (kāmaśākh). The statement has been interpreted as indicating a desire for family limitation, but this is doubtful, as the trend of smṛti thought is to welcome additions to a family. Manu’s rule that in private property there should be no discrimination between son and son cannot furnish an indication.

1. न केवल गुरुः रामो राहो शक्रते ॥ (४,१२०)
2. भवमेव न राष्ट्रि ओऽति (वैदिकसम्र, १६,३२)
3. न लोक तुषाराः शृङ्ग तुषारा शति तु प्रजा: ॥
4. न नेव निपदः श्रृङ्ग तुषारा शति तु प्रजा: ॥
5. स्वाधेशेषव हस्तव: कुष्ठाय समवजितः ॥ (४,२०२)
6. शेष एव तु मृत्युसारिणिः भवनक्षतः ॥
7. अष्टीं नातारनय गुप्ती संवत्ति मानवः ॥
8. न द्रुममान विनाम विना द्रुमाकर्षण ॥ (४,२२६)
effects things that would lose value by division (IX, 219) might be applied by analogy to the indivisibility of a royal inheritance.

**Personal Responsibility of the King.**

Responsibility goes with power. The language of hyperbole, which is used for exalting the office and person of the king, must not be construed literally. Even in such descriptions as Manu's the repetition of *vrata* (self-imposed vow) in regard to the functions in the discharge of which the king is likened to god after god (*Manu* IX, 303-311), emphasizes his dedication for his duties. He should shower benefits on the kingdom. He should draw his taxes from his subjects slowly as the sun draws water by evaporation; there should be no abrupt collections, like the modern 'capital levy.' He should be kept fully abreast of all that happens, through his secret service. He must be stern and impartial in his judgments. He should punish only the wicked. He must cultivate popularity. Like Mother Earth he must bear the weight of the support of the entire people. Nārada's glorification of the king is still more exaggerated. But, they are construed in their proper spirit as only indicating the finality of judicial pronouncements made by the king or in his name by a judge, and of arrangements, such as division of property, that he decrees. The injunction that a king, even if devoid of good qualities, should be honoured even as a bad husband has to be dutifully obeyed by a wife, is only a call for respect to the office of head of the State, and not a counsel of abject submission to the personal whims of a ruler. Literal versions of the praise have led to the impression that Nārada is the advocate of royal absolutism. The context in which these statements occur is restricted to litigation. Similarly, it is not a royal power of making laws that Nārada proclaims but the embodying of recognized customary usages in royal proclamations, so that they may obtain due publicity and there may be fixity in affairs (*sthithayartham*). Every act of an executive authority, if challenged, can only lead to confusion. There should be some finality in disposals. This is all that is meant in this misconstrued passage. In the *milieu* in which an ancient Indian king functioned, his real powers can be deduced only from a review of the entire set-up of the kingdom.

Regal responsibility is enforced by every judicial decision that was pronounced being in the king's name and having to be implemented by his authority, while he had no power to set aside a decision by fiat. By good government, and by diligent upholding of Dharma, a king of

1. See the whole of chapter XVIII.
the Kaliyuga may make it like the Golden Age. By unrighteous action he can lower the Golden Age to the level of the Age of Iron. A careless, idle or vicious ruler will not only incur popular odium but bring many misfortunes on himself and on his subjects, It is in this sense that he is called 'the maker of his age.' It does not mean that he can alter the conditions of life or usage or Dharma. Manu hints it in alluding to the degradation of morals in the time of the unrighteous Vena. Unhappiness in a kingdom is traced to error in government, for which the king is responsible. For every mistake in the kingdom, it is the king who is threatened with penalties, 'seen' and 'unseen.' The advisory position of his ministers made the king the sole repository of responsibility. In Indian belief not only is it incorrect to say (as we do in modern states, in which the king is a mere figurehead,) that 'the king can do no wrong,' but, it is held that he can do great wrong, and be held responsible for all his acts of commission and omission.

The idea of regal responsibility is emphasized in different ways. He is asked to set an example, to his subjects. A ruler, who is constitutionally uncontrolled, can make his personal failings national calamities. This is the reason for the initial warning, in detailing the duties of the Kṣatriya varṇa, that he should conquer his inclinations to yield to the urge of his senses. The personal failings of the ruler are appropriately described as the sorrows (vyasana) of his subjects. In a constitutional monarchy, where the king is a gilded non-entity, the weakness of a king does not matter to the kingdom. It is not so in personal rule. The elaboration by Manu of the ten royal vices that spring from pleasure (Kāma) and the eight that spring from wrath (krodha) show the importance of keeping the king well out of mischief. Death is preferable to vice. This is the reason for the meticulous regulation of the king's time, so that he is hardly ever left to himself or left unoccupied, for the prescription of a fairly comprehensive and purposive curriculum of studies to the future king, and perhaps also for the omission to guarantee the succession to the eldest or any son. That kings were at liberty to select, on public grounds, the son who should succeed them, apart from mere seniority in birth, is evidenced in the dynastic history of India. The princes had to learn from 'experts' the Veda.
the art of government, philosophy and the knowledge of the Supreme Soul (adhyātmavāidyā), and from practical men the trades and professions: vārīrambhāṃśa lokatah (VII, 43). The prescribed curriculum is identical with that advised by Kaṇṭhilya, and is therefore standardized, or at least customary. More important than the subjects learned is the association as learner with teachers of proved spirituality and character. The future king should represent the flower of the training that could be given to one of his age.

How Royal Abolition Was Checked.

The king was the repository of both responsibility and power. The former was more moral than constitutional; that is to say there was no power or body, which was empowered by law to control the action of the king. The fundamental law, i.e., Dharma, provided no rival to the king, no co-adjutor, no person or body of persons whom he must consult and obtain the co-operation of. Society was more a system of mutual checks and balances. The provision of enlightenment and a conscience to a king, who has no external constitutional check, is the obvious way of making him act properly. Telling him that he will incur sin, or will lose his chance of salvation will be effective only if by his training, temperament and environment a deep-rooted belief in them has been generated in him. The detailed recital of his duties—to himself and to others—is another step in the direction. He should be constantly reminded that his interests coincide with the good of the subjects, and that he will be judged by his posthumous reputation. He should be reminded of the manner in which good kings had won love and respect in this world, and earned heaven in the next. The character of Manusmṛti, as a work springing from the mouth of the father of men, and given out in the remote past, rules out historical illustrations, unless they refer, as in the instance of King Vena, to a remote age, or the two ladies, Aksamālā (Arundhati) and Sārāngi (who, in spite of the low origin became worthy of honour because they acquired the qualities of their virtuous husbands, as rivers by union with the ocean, IX, 22-23), married to sages who were among the immortals, like Vasīṣṭha. Kāmadaka is freer, and cites a historical (or legendary) instance, to point to the result of every virtue or dereliction. Neither ruler nor subject could be oblivious of the implications of the legends of the origin of kingship and royal authority. If divinity was latent in the king, it would be reflected in his virtuous upholding of Dharma; not otherwise. He might wield the “rod of punishment” (Doṇḍa) against others, but the embodied Spirit of Punishment is still his Master, and is identical with Dharma. It will slay him if he transgresses Dharma. The “law” protects only
when it is cherished (dharma rakṣati rakṣitah). The social compact from which the king, or the State derives its title to govern, is two-edged: it can be used to support the king’s claim as well as to refute it. A contract is bilateral. It is only when one party observes the terms of the agreement that an obligation springs in the other to do so also. The solemnities of the coronation, with their symbolic representation of the king’s representative and elective origin, and of the coronation promise (which revives the pledge of Prthu, when he was installed as king on the assassination of Vena), will drive home the conviction that the king is only a public functionary, remunerated for his duties by the payment of taxes, and in effect only a public servant. That there may be no misunderstanding of his resemblance to a worker, who is worthy of his hire only when he accomplishes the work he has been hired to do, a tax is described as the king’s ‘wage’ (vetanam). This doctrine is implicit in Manusmṛti and throughout Indian literature, Hindu, Buddhist and Jain. Aśoka frequently refers to his position, with such implications, and to the obligation resting on him to labour ceaselessly for the public welfare. Kālidāsa, whose fame made his utterances pass into popular currency as proverbial wisdom, and whose words are deliberately woven by great rulers in their inscriptions and declarations of aims, says of a great hero that he took bali (contributions as tax) from the subjects solely to be used for their benefit (prajānāmeva bhūtyartham sa tebhya balim agrahitī) to be returned to them as a fertilizing shower of benefits. Failure of the duty to protect is involved in undetected theft, and unrecovered stolen properties. Accordingly, the king (i.e., the State) was, in ancient India, under the obligation to make good to a loser the full value of the property stolen. The king, who fails to protect person and property (arākṣitā) in spite of his collecting taxes (balim saṅghāga hārīna) is to be stigmatized as the gatherer of the sins of the whole kingdom (VIII, 308). The ruler who collects his dues but fails to afford protection sinks into hell. It is held a breach of

2. Raghuvamsa, I, 18
3. दातव्य संधिमयिन राजा चैव धर्मम् राजा तदव्यूहायाः कर्ष्यां धर्मम् किलिष्म (८,४०)
कर्ष्य महि धर्मम् कर्ष्य धर्मम् अस्वरताः सम्बन्धम् किलिष्म यथा चतुर्व (भाषा, 2,185)
4. धर्मम् किलिष्म कर्ष्य महि धर्मम् कर्ष्य (८,२३७)
the coronation pledge. The king who does not maintain the limits of every one's duties and rights (anavekṣita-maryādam) is as bad as an atheist, and he falls into hell. Such appeals to the post-mortuary effects of bad government can have effect only when the throne is occupied by a devout and conscientious ruler, or a weak and timid one. Unjust punishment recoils on the king's head, as well as omission to punish the guilty (VIII, 128). In every unjust decision by a court in his kingdom, a fourth of the sin goes to the king and only another fourth to the judges (VIII, 18). He should see that a law-suit is not hushed up, and that none are started in his own name. (VIII, 43). He must not appropriate the property of persons guilty of mortal sins (mahāpātaka, IX, 244). Fines unjustly collected by the king should be thrown into water for Varuṇa or given away to Brāhmanas (Yājñavalkya, II, 307). As the commonest punishment is fining, the king is warned to resist the temptation to make it a source of income, and the fixing of the scale of fines is obviously intended to prevent an abuse of the power (VIII, 183). The king has no power to pardon or overlook an offence, as thereby the guilt is transferred to him. (VIII, 316). Perpetual vigilance is a duty of the king or the state, or of any one

1. अनवेक्षितमयौं नारिनं किस्मतमयं || अरिक्षतारन्तरं न पैत्र विषयत्वागितं || (८,२०९)
2. भाराकाशु दण्डयन राजा वर्णवाच्यानामः || अथ भाराकाशु नारिनं किस्मतान चैव सन्धितं || (८,४२८)
3. पारेषायमेव कतयं पारस्याभिनं किस्मयचितं || पारस्य समासू पारस्य राजनां सन्धितं || (८,४८)
4. मौलिकवेशस्य तार्क राजा मानवस्य चूतः || न च भावितस्माते दृष्टान्तेऽवच चैत्यतं || (८,४४३)
5. नारीदत्त नुषः सत्यं पर्यावलकामिनी भाषाः || नारायणसु सत्यं पर्यावलकामिनी भाषाः & (८,१८७)
6. दण्डसाधनेऽद्वितारीण महाशीतारीण किस्मतः || अथ दण्डसाधनेऽद्वितारीण महाशीतारीण किस्मतः || (८,५४३-५४४)
7. राजायानसे मो एवं गृहं भवतात् वर्णाय ततः || निवृत्य दण्डायमेव वर्णो विनाशितम् || (८,१६५)
8. परां देव कस्तो सातो प्रभाय पारस्य संहस्त: स्वतः || मध्यम: पत्त: विनवेश: सतस्ते वेय चौधराय: || (मन, ७,२६८)
9. कामकार्यायासहः दण्ड उपसाहितः || तदर्फ मध्यम: श्रीकास्तारण्यमः स्वतः || (पाव, ६,३६६)
10. "मनुनाथ: तत्वात्मनस्याम् सत्यं पर्यावलकामिनी भाषाः" (मिखार) || Kauṭilya's fines are far lower in amount.
11. अनशास्त्रा दु: सत्या विनाशित प्रधियमः || (८,२१६)
placed in guardianship over another; thus a husband who connives at the adultery of his wife, or a teacher at his pupil’s neglect of sandhyā are as guilty as the parties themselves.² Manusmṛti denies a king the power to annul a sentence pronounced in court after a proper enquiry² (IX, 233). The king cannot withhold his sanction for a court decision, or fail to implement it. There is no royal pardon or reprieve in Dharmaśāstra.

On the positive side of duties to be discharged, Manu lays the following on the king, i.e., the State. The support of education and state religion is implied in his duty to honour, support and make gifts to śrotiyan (VII, 82-86, 88, 135; VIII, 395; IX, 323). He should perform the various sacrifices, both for his own good and for the good of the kingdom (VII, 79, 145). The discharge of these duties diminishes the king’s resources, and throws on the State a steady and unavoidable expenditure that will reduce the reserves which can be used to buttress up the power of the king, by establishing, for example, a standing army. In the West the power of the purse in legislative bodies was the source of the attacks on the Prerogative, and of the reduction of an absolute ruler to the position of a constitutional monarch. The sources of revenue for an Indian king were fixed, and means of adding to them by illicit ways were forbidden by Dharmaśāstra,³ The prohibitions can of course be set at nought, but only at the peril of overturning the throne. A popular tumult was always to be feared, and it might break out if anything was done to alarm the common people or fill them with fear of divine anger, and the occurrence of calamities. The effect of a protest launched by even a single person to-day, against an act of the State or of some public functionary by fasting to death, ostensibly to bring about ‘a change of heart,’ is due to such a fear. In ages in which special virtue was attached to birth in the first varna and was believed, the fasting to death of a Brāhmana, not through want of food, but as a protest must have had great potency in creating or fomenting trouble. It was styled prāyāpaveśa, and though a form of suicide, which is

1. ⁵⁵वृद्धि ग्राहण शिष्यने करणे भक्तिमेव।
   नामान्येकन्तु कविन्द्र पद्मकम्य निवृत्ते || (४,२१७)

2. ⁵८श्रीलिङ्ग ने दधिक श्रवण हेमन बलकरतु।
   कस्म व्यक्तिमेव विशाल तद्भवो निवृत्ते || (९,२२३)

3. Arthaśāstra suggests dubious means of increasing the revenues by levying benevolences, special taxes and confiscation (Kautiśya, p. 246 and p. 249), but restricts them to collections from seditious or wicked persons.
condemned by Indian ṣūrtis, it appealed to the people as a kind of brave and disinterested action, whose magnitude was measured by even the defiance of the rule against suicide. Kalhana's Rājatarangini gives (VIII, 428, 658) descriptions of prāyopaveśa undertaken by Brāhmaṇas as a protest against misgovernment and of their great effect, so much so that a special officer was appointed to watch such public protests, and see if they were genuine. The declaration of Manusmṛti that the kingdom in which a śrotriya pines with hunger will be visited by a famine and that no śrotriya should be allowed to perish of starvation¹ (which is found also in Dharmasūtras) is the basis of prāyopaveśa, though the context in which the declaration is made refers only to involuntary starvation and is aimed at getting the king to provide food and maintenance for such pious persons, and not to cases of voluntary starvation as a public protest.

If we look at the resources available to a king, other than mere laudation of his position and his revenue and accumulated wealth—to support autocratic rule, we may find little else. The kṣatriyas, were like the Brāhmaṇas, unorganized, had no esprit de corps, and, in any case, will not feel themselves called on to stand by an oppressive ruler. They could not also have been a numerous body. The composition of an army made up of recruits from kṣatriyas, as well as from other castes to whom the profession of arms was a 'distress occupation,' could not have helped the king very much. The members of an army of 'nationals' will not be free from the beliefs which run counter to royal misrule, and regard it as certain of drawing divine wrath on the kingdom and people. In a country dependent on rains, the failure of a monsoon, following an obnoxious rule which defies the conventions of Dharma, can stir up a people's rising, which will be an instance of the conflict between the 'legal' and 'political' sovereigns, in modern terminology.

It may be asked—'Did not the king possess the power to over-ride the law or change it?' We now regard the power of legislation as a mark of sovereignty. The sources of law or Dharma are alleged to include rājaśāsana, the commands of the king. Kautilya includes it along with custom (caritra), vyavahāra (rules of procedure) and Dharma, and makes each over-ride those that precede it in the enumeration.² Dr. Jayaswal takes vyavahāra as Arthaśāstra law, an

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1. ¹ न च भुजाय अतिरिक्तनिर्मयः। विषयेः वक्तु ॥ परम राजस्त्र विषयेः भावः। संदर्भः स्नेहः। बलविन महुषा राजमिहेन्ध्र संदर्भः ॥ (७,२३३-२३४)

2. ² सम्यक्ष स्वाराज्य चतुर्विंशति राज्यार्थं। विकार्यसेवामपि प्रधिम: पूवःसरकः (नारदः, २,२९)
assumption for which there is no warrant. It does not mean that 
Arthasastra rules are superior to those of Dharmastra. It should 
be noted that Kautsilya refers to the four—not as sources of law, as 
now wrongly construed, but as the "four feet of a judicial 
proceeding" (vivadârthas-caduspâdah). Nârada makes the same 
enumeration and statement, in almost the same words, and his dicta 
have been loosely translated by J. Jolly thus: "Virtue (Dharma), a 
judicial proceeding (vyavahâra), documentary evidence (caritram) 
and an edict from the king (râjaâsanaam) are the four feet of a law 
suit (vivâda). There, virtue is based on truth; a judicial proceeding 
rests on the statements of witnesses; documentary evidence (rests) 
on declarations reduced to writing; an edict depends on the pleasure 
of the king." It should be noted that the dictum appears, not in the 
enumeration of sources of law proper, i.e., substantive law, but of rules 
of procedure. A court can and must make its own rules. Where 
a clear declaration from the State (i.e., king) as to what is or what 
is not the law is available in a public document (râjaâsanaam), it 
will naturally gain first priority in procedure in the disposal of 
suits by judges. Documentary evidence is held as the best form of 
testimony, and Manu shows its importance, though he deals briefly 
with adjective law (vyavahâra-mâyakâ). That the statement 
declares the over-riding force of Arthasastra over Dharmastra is 
explicitly contradicted by Kautsilya (p. 150) and by Nârada also. 1

Râjaâsanaam is not new law made by a king, over and 
above those given in Dharmastra. The king is not above the law 
but is under it, like any other person. Dañḍa is king over kings 
(VII, 28). 2 Kautsilya, who represents the Artha view, holds that a 
court can punish a king, as it would any commoner (p. 226). 3 Judgment 
could be given against him. The famous warning of Manusmrti 
(VII, 13) that no one should defy the law (Dharma) which the king

1. संस्कार ब्रम्हाकरण शास्त्र वा शास्त्रारिकाय: । 
वानिकवेच विशेषत् ब्रह्मणैत्व विनिरेवेत्: ॥ (कौटि, शा, ३, ६, ४, २५२)

2. गणेद व हरमेषे सुरसासुतायामः । 
भोजिनायेत सति नरेन समभवम: ॥ (७, २८)

3. दुश्चन च भारान्त न कारणे सुणाकरणमः । 
अनुपमस्त्वति च देशाकारः समझि च ॥

उत्तमायुपायवत अद्विता व्यक्तमौणि । 
र्षयत प्रक्षीनां च कालतेन्द्रयामिनिः ॥ (कौटि, शा, ४१०, ४, २२६)
makes in favor of those he loves or against those he disapproves of (anistéśu) and sentences, is not to be construed as entitling the king to make special laws, according to his personal whims. The commentators make this clear, as also the context, because the next verse refers to the punitive power and its creation, through which alone the king is able to maintain his authority, which is superior to kings, and will strike down kings who swerve from Dharma, and which is identical with Dharma. Two interpretations of dharmo rājakṛita, or rājaśāsanam (king's edict) have been given, both of which are correct, according to their context. The king cannot transgress Dharma or issue an edict that does so. His commands must be obeyed, even if they are in favor of his favorites or against those he dislikes, provided they are in conformity with law (Dharma) or are not in conflict with it. This is Kullukā's interpretation which makes the verse refer to an occasional order of a king, which does not create a law. Medhatithi takes it to refer to orders that a king may issue, in the course of administration and in consonance with Dharma and custom, on minor matters, such as that the citizens should observe a holiday, that no animals should be slaughtered for soldiers on a particular day, that a close season should be established for snaring wild birds, that the king's slave girls may be entertained for certain days by wealthy men as dancers etc. "When such orders are issued by beat of drum, they should not be disobeyed. The king has no power to make ordinances relating to the Dharma relating to religious duties, nor rules of varna and dāśrama, because to do so will be contrary to to smṛti dicta." (Medhatithi). The Rājaśāsanas, referred to by Nārada, are isolated or consolidated rules of procedure made by the king as a judge, and published by beat of drum. The courts will be bound by them. Or they may contain authoritative interpretations of obscure points of Dharma (law) decided by pariṣads. The alleged 'royal edict' will thus correspond to the praetor's edict in ancient Rome, which declared but did not make new laws.

The idea that a Buddhist king was not bound by Hindu Dharma and would be free to change the latter by his edicts, is behind the belief that Aśoka exercised a prerogative of legislation, corresponding to the Tudor power of making laws by proclamation or possessed by modern Indian princes of co-ordinate legislation by proclamation. An analysis of Aśoka's famous inscriptions shows that the conclusion is baseless. Aśoka's Dharma is mainly the Hindu Dharma, sāmānyo-dharma, common to all. His rule of ahimsā is the emphasis of one of the duties placed first in the
enumeration of yamas by smṛtis.¹ (Manu, IV, 204 and XI, 222; Yājñavalkya, III, 312-313). His ethical code is identical with that of smṛtis. He was not hostile but friendly to Brāhmaṇas, to whom he asks (Edict VIII) honour and kindness to be shown, quite in the spirit of the smṛtis. The belief that, like the Buddha, he forbade the holocaust of sacrificial victims is baseless: firstly, the idea of ‘wholesale slaughter of animals’ in Vedic sacrifices is incorrect, and sacrifices were themselves very occasional and few; and secondly, because he restricted the killing of animals, only within his palace, and enforced only the smṛti rule against castration and caponing.² He may have withdrawn his patronage from Brahmancial yāgas. The first and fourth Rock Edicts, and the second, fifth and seventh Pillar Edicts which contain the provisions, are not in any sense modifications of law or Dharma, but come within the categories named by Medhatithi. It is therefore wrong to assume, as is usually done, that either Buddhism or Aśoka put a stop to the slaughter of animals, or meat eating. The belief that they did so persists, largely because it seems to be based on a dislike to Brahmanism.

In the search for precedents for a supposed power of the king to make laws, two instances have been pressed into service to establish the proposition. The first is an allusion in the Daśakumāra-carita of Dandin (II, 44)³ to a regulation made by the Mauryas in favor of merchants. It was that a merchant found in possession of stolen property was not to be sentenced to death, like a thief. In Manusmṛti (IX, 270) a thief caught red-handed, with the stolen

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¹ cited by Jayaswal, *Manu and Yājñavalkya*, p. 73.
property in his possession, is subject to capital punishment. He who knowingly receives stolen property, or property of which the seller is not the real owner either incurs guilt or loses his purchase and is liable to punishment. But an open and bona fide purchase in the market clears the buyer from criminal liability, though the article must be restored to the original owner (VIII, 201). The Mauryan law is clearly only in the spirit of Manu, and upholds the nonculpability of a transaction made in good faith, and a judge who acted in the spirit of Manu to take all circumstances, place, time, etc., into consideration would have only acted as directed by the Mauryan edict. It did not change the smrti law, but only made it clearer. In an empire with expanding trade the trader had to be protected against mistakes made in good faith.

The second instance is held to be a three days’ grace granted by Asoka to criminals sentenced to death between the date of the sentence and its execution, in order that the criminal might make his peace with the world and prepare himself for his departure. In smrtis there is no rule that a sentence pronounced by courts should be carried immediately into effect. But that was the practice. It was an executive matter entirely, and a king was free to act on his discretion, as Asoka did, in granting the short period of grace. The matter for surprise is that the period was not longer, in order that the king himself may review the case, in view of the impossibility of correcting a wrong capital sentence after it was carried out.

An influence that must have contributed, paradoxical as it may seem, to the zealous subordination to Dharma as laid down in works like Manusmrti, is the presence, (constantly renewed) of large bodies of foreigners, who came as invaders, settled in the country, learned its language, were admitted to its tolerant religion and became enthusiastic advocates of its culture. Dynasties also, whose title to rule as kings, was weak under Dhrmsastra, made up almost ostentatiously for their weak position by zealous adherence to the ancient Dharma. In Manusmrti, we have a clear enunciation of the principle that only a Ksatriya should be a king. But, the work knows of the existence of Sudra kings and kings of mixed castes. The rule that a Brhma

1. न होवें जिनाची ची वाहवेदाधिकृत: नृपः।
   सहोवें निपकरणं वाहवेदाधिकृत्वः (र.०.२५८)
2. विक्रिया: परस्धस्य रवि बौद्धवामी स्वामसंस्कृतः।
   न वें नवें साधनं तो शतंस्मृत्त्वा शमस्तं (४.९०)।
3. विक्रिया: धनं विनिवृत्तं रवि स्मृयं हस्तविनं (४.२०२)।
should not dwell in the dominions of a Śūdra ruler (na śūdra-rājye nivaset, IV, 61) is coupled with the warning that one should not also live in lands over-run by a heretical population or by unrighteous persons. If it was meant to be acted upon, it was a counsel of perfection. The Purāṇas declare that the Nanda dynasty marks the end of the rule of Kṣatriyas (Nandītiṃ kṣatriyakulam). Under the great Mauryas, the limits of the empire stretched from sea to sea, from the Hindu-Kush to the forests of Eastern India, and far into South India. Aśoka was a Śūdra king, and as a Buddhist he will be classed as a pāṣaṇḍin (heretic), though to term so highminded a ruler an adhārmika would have been absurd, particularly when his dhamma is indistinguishable from the old Dharma. A Brāhmaṇa king would have been as obnoxious to orthodox sentiment as a Śūdra ruler or a Vaiśya king. We have the Vākāṭakas, who claimed to be Brāhmaṇas, the Kadambas, whose first ruler, Mayūrasarma was a Brāhmaṇa, who voluntarily suffered demotion in varṇa by becoming a king, the Imperial Gupta dynasty, which gloried in an alliance with the Licchavis (whom Manu traces to outcaste or vrātya Kṣatriyas, X, 22), the dynasty of Thanesar (Śhāhenśvara), of which Harṣavardhana was the most famous ruler, which Yuwan Chwang describes as a Vaiśya dynasty, besides the Śatavahanas and the Pallavas, who were not of indigenous origin. Yet all these dynasties gloried in their support of Dharma, in performing, even in Kaliyuga, 1 the Aśvamedha sacrifice, and were enthusiastic worshippers of either Śiva (e.g., the Bhārarśivas) or of Viṣṇu (e.g., the Guptas). They intermarried. The marriage of Harṣavardhana’s sister to the Maukhāri Graharvarman (whose Kṣatriya birth is extolled by Bāṇa) may perhaps be explained away as hypergamous, but not the marriage of a Vākāṭaka princess to a Gupta king, which may make it a pratiloma union. When Manu denounces niyoga as a ‘beastly custom’ (pāṣudharna, IX 66), how would he have viewed the marriage of Candragupta II with the widow of his brother? The open door of tolerant Brahmanism might find a place in it for the Greek devotee of Viṣṇu, Heliodorus, whose staff and inscription still exist at Besnagar. And but for the theory of Manusmrī that many Kṣatriyas fell from their varṇa by neglect of Dharma, the absorption into the varṇa scheme of powerful non-Indian peoples would not have been possible. The elastic limits of Āryāvarta were gradually extended to all lands in which varṇāśrama-dharma prevailed. A similar extension appears to have brought within the scheme every tribe or people, which accepted it!

1 Aśvamedha and Vājapeya are Kalivarjya.
It is obvious that the new converts to the varṇāśrama ideal accepted the other ideas involved in it, such as the guṇa-dharma of kings as set out in smṛtis. They must have accepted the principle that the king was under, not above Dharma. The ostentatious manner in which the kings of the Pallava, Kadamba and Gāṅga dynasties of South India, and even the rulers of Campa in the Far East, took the title of 'Dharma-Mahārāja' must carry the implication that they accepted the entire scheme of Dharma. It is possible that the immense popularity of the horse-sacrifice with rulers of the new dynasties of dubious varṇa may have been due to the belief that their vṛāya origin (assuming that they became vṛāyas, after having been Kṣatriyas once upon a time) would be corrected by the Āsvamedha, which is prescribed for it. Thus the system of varṇāśrama-dharma obtained a new and vigorous lease of life from the incorporation within it of alien tribes and peoples, and the old smṛtis new and zealous upholders. There was statesmanship in the scheme of mixed castes and their official recognition in Manusmṛti, as it extended the field for humanization, religious and cultural conquest and the acceptance of healthy political ideals, which did not translate power as absolutism and irresponsibility.

The Elements of the State.

We may now pass to the concept of 'the seven limbs' of the kingdom, or the elements of the stable State, as we may put it. The condition of political union, or the State, having been upheld as a natural and necessary institution, resting not merely in the instincts of mankind, but on the highest ultimate sanctions, it becomes necessary to analyse its component elements. The effort resulted in the doctrine that the State has 'seven limbs' (ṣaptāṅga). The idea is a unique discovery of the Indian mind, and is common to both Dharmaśāstra and Arthaśāstra. The seven constituents are stated to be the king (svāmin), minister (amātya), capital (pura), country (rāṣṭra), treasury (kośa), armed forces (danda) and ally (suhrta), and each preceding one is held to be more important than those which follow it (IX, 294-295), and its destruction the greater calamity. As the three sticks composing the staff (tridanda) of the ascetic are all equally needed for its strength, so in the seven constituent elements of the kingdom there is, in normal conditions, none which is less important than another (IX, 295). If it becomes a matter

2. सत्कर्मणि वर्षकर्मणि विद्वत्वकर्मणि विद्वत्वकर्मणि।
   अन्योममहत्त्वतेषसिंहितरिक्ष्ये (९,२९५)
of desperate choice in an emergency, as when an amputation may be the only way of saving the man, so in a national calamity, such as a foreign invasion, one may give up an ally than sacrifice the army, even give up the army than the war-chest, from which new troops may be raised and new allies won, sacrifice even the treasury to save the country from ravage (as by buying off an invader), allow even the country to be over-run or denuded in a 'denial' policy to an invader, who might attempt to live off the land, and carry on the war, at the expense of the invaded land, and withdraw to the fortified capital (pura, or durga). If it becomes necessary, in the last desperate effort to save the State, to evacuate even the capital, it may be done if the men, who have stood behind the king, as his ministers and directed the defence, can be saved. When all seems lost, and even the members of the cabinet have been lost, the sole remaining hope of rallying the defenders, of making the ravished State rise again from the embers of its destruction, is the King, the living symbol of union. The wisdom of the principles has been demonstrated in every modern war in which a country has been attacked, over-run and almost destroyed as a nation and State by an irresistible invader. We have seen every one of the steps taken in precisely the same order in the Franco-German War, in the First World War of our time and the latest World War. The preservation of the Mikado today, without throwing him to the wolves, is an act of statesmanship, defensible on the ground that to remove him will be to destroy the only symbol of unity, the only authority through which order can again be restored and preserved in ravaged Japan.

The principles are to be applied not only in a war of defence but in an invasion. To attack the citadel of the enemy is more important than to capture his war chest, and to make his field forces surrender than to detach his allies. For finishing the war the capture of the king and his staff is the culminating event. In normal times, all the elements work in co-operation, recognizing their interdependence; but even then, the relative values will be the same for stable government. The advice of Manu to place a prince of a conquered dynasty and country on the throne, as soon as the enemy is killed or has fled, is a recognition of the need to set up an executive head of the conquered State, with whom peace can be concluded, instead of allowing the country to remain in a condition of chaos, with an indefinite prolongation of hostilities and the deterioration of the struggle into a guerilla war. The resort to war as the last expedient to solve an insoluble dispute between nations is justified only by limiting its duration to the minimum. It is not only the combatant powers but allies and neutrals
that are unsettled by the prolongation of a war. The restraint to which under International Law neutrals willingly submit are due to their interest in making the struggle sharp, short and decisive. As in the case of a fire, the combatants should have a ring drawn round them, as a fire-fighting device, to prevent the extension of the area of strife. The rules of war, which are laid down elaborately by Manu (VII, 87-94, 164-167, 170-171, 181-199) are designed to this end, and to minimise the suffering caused by the war, and to prevent atrocities or horrors, whose memory will engender bitterness, the desire for revenge, and sow the seeds of another war. War crimes, like war revenge imposing impossible peace terms, are less likely to end a war than to provoke it again. Dynastic ambitions, the desire to annex the conquered territories, the exaction of war indemnities, the imposition of the power of State on State, and of one people on another, and, in the name of a superior culture, attempts to uproot the culture, laws and traditions of a conquered country and to impose on it those of the conqueror, are all evils in the view of Dharmaśāstra as well as Arthaśāstra. They condemn them not only as inexpedient and unwise, but as contrary to the higher instincts of man, and the lasting interests of all concerned.

Manu’s rules on these subjects are still worthy of study, and worthy also of imposition in our days, when primitive passions roused in the World War have uprooted humanity, in the sense also of deadening national conscience and humane feelings. Under the ancient Indian rules of war, many of the methods adopted in recent world-wars would be outlawed. Night attacks are forbidden except for creating a diversion or to create panic and confusion in an enemy’s encampment (VII, 196). The slaughter of men asleep is forbidden (VII, 92). The use of kūṭa-yuddha (concealed methods of fighting), a term of wide extension, probably includes ‘booby traps,’ and such things as we now call land-mines. In the wider sense, it is war by secret and unregenerate methods. While Manu permits the laying waste of the enemy’s country and destruction of his productive resources, he does not allow the molestation of non-combatants. The undisturbed condition of the peasant cultivator that Megasthenes noted with admiration, as a unique feature of India, must refer not to the conditions of actual warfare but of military marches and of army manoeuvres. The soldiers were not allowed to molest peaceful citizens or to destroy crops and standing trees during their marches. The tendency to take the law into their own hands, so common to those who have arms and entertain the belief of their belonging to a

1. राज्य विधानवेले (२२२६)
privileged class, was discouraged. Every fighter, whatever his varṇa, was governed in his action and conduct by the ideals of the Kṣatriya, which include not only refusing to fly before an enemy and courting death in battle as the way to heaven, but protecting the civil population. We have a realistic picture by Bāṇa of an army on the march, and one of its features was the pelting of the troops with stones and clods of earth by infuriated peasants, when their crops were trampled on, and the assaulted soldiery not retaliating, but calling on spectators to bear witness of the assault, in order that the peasants may be duly punished by the civil magistracy. Such discipline is possible only when the military power is ordinarily under civilian control in the last instance, and there is a strong Government to enforce discipline on its armed forces. A pampered soldiery is adharmic. While the king and the generals probably belonged to the martial caste, the minister in charge of war and peace, the Mahāśāndhivigrāhika, was of the non-martial Brahmāṇa varṇa. The subordination of the army to civilian control, and of the military to civil law and usage, are not therefore the discoveries of modern times. The deterioration in standards, which we notice in mediaeval times, and the pursuit of war by methods that were condemned by Manusmṛti as unregenerate and unhallowed, are the consequences of the struggles against barbarous invaders, who fought without any scruples, and against whom the rules of chivalrous war were positively futile. Still, the higher ideals did not die out. A recent study of the Pathan conquest of India reckons the causes of the Hindu collapse before the invaders as two: inferior military equipment and inferior war technique. The latter refers to the conduct of war according to the smṛti rules. There is a disadvantage in being chivalrous to an unchivalrous foe. It was seen in former invasions of India, like those of the Huns. But, in wars between Indians and Indians, both of whom followed the rules of the game, it had its advantages. It limited the area over which the struggle was spread, it reduced the evil results of defeat to the vanquished, and prevented the growth of rancour in the defeated party. The prizes that an Indian conqueror coveted were tribute and formal homage rather than additional territory. There was some degeneracy after the Gupta epoch, but it was not comparable to what followed foreign conquest by an enemy, alien in birth, tradition, culture and religion like the Arabs and Pathans. Constant war on a small scale was a feature of mediaeval India. It was due to the incitement contained in the smṛṭi dictum that death in battle was the ideal for the king or Kṣatriya

(IX, 323) rather than death by old age or disease. War was compared to a sacrifice, and to a king it was equal to one. A war was regarded as between rulers or states and not as between peoples. It was a struggle for supremacy, not a conflict of peoples, in the search for markets, or fields for colonization or for raw materials, as today it is. There could be no implacable enmity between kingdoms. Such results of Dharma warfare flowed from the inspiration of smritis like Manu's.

Elaboration of Policy (Upāya).

Manu utters a note of warning. The issue of a battle is always unpredictable. The victory may not be to the strong. To appeal to war for the settlement of a dispute must therefore be the last resort. Kings must study policy. It is fourfold: conciliation (sāma), concession or gifts (dāna), sowing dissension (bheda) and war (danda). Each preceding among these is superior to those that follow. (VII, 159). Manu favors the first and the last above the others, as the intervening two are obviously not straightforward. (VII, 109). The expediencies (śadgūnya) are six: Sandhi (agreement for co-operation), vighrāha (hostility), yāna (marching or mobilization), āśrama (readiness to attack) dvaidhībhāva (division of troops), and āśraya (subordinate alliance). The literal meaning of these terms does not convey that ascribed to them by commentators following the teachings of the Arthāṣāstra, in which they are elaborated. Thus dvaidhībhāva, which Manu interprets as dividing up one's army, is taken by Kāmandaka as double-dealing, talking of peace when prepared to strike, as the Japanese did at Pearl Harbour. A third concept is that of the 'circles' or maṇḍalas, in regard to which there seem to have been ancient cleavages of opinion—to judge from their discussion in Kāmandaka. A king is looked at (in regard to foreign policy) as a viśīṣṭa (aspirant for victory), just as every living being is a potential mumukṣu (aspirant for ultimate freedom). Common frontiers are fertile sources of conflict. The neighbours on four sides of a kingdom are therefore its natural foes. *Their* neighbours, being potential enemies of theirs, may be regarded as united by common enmity to the same person or state by the first named kingdom. A kingdom whose boundaries march together with those of two others which are on terms of hostility, is forced into a position of

1. दलवा भनो तु सिम्भाम: सर्व दण्डसम्भितस् ॥
   पुरे राजस्य समस्तत्व कुलवत् प्रवर्ण रूपे ॥ (६.२२३)
2. सामस्तति बशस्तित निन्य राजस्मिन्यदेव ॥ (६.२०५)
25
neutrality (madhyama). A neighbour in the rear (parśnigrāha) is ever a danger, if one has to advance against a foe in the other direction; he must either be secured as an ally, or be embroiled with his neighbour (akrama). In this manner the total number of interests comes to twelve, which has to be multiplied by the six prakṛitis or elements of the kingdom (i.e., the saptaṅga), each of which might pull with or against each of the twelve. There are thus seventy-two factors in all. The subject is developed on the lines of works on polity, with the modification that Manu will not countenance in foreign relations immoral action. His diplomacy is to be straight, because he feels that duplicity can beget only duplicity. The predominant position given in the circle of ministers to the Purohitā ("the first Brāhmaṇā"), the successor of the Vedic Purūdhā, who like the Peshwa or Pandit Pradhan of the Maratha empire, was the king’s alter ego or vicegerent—is to give a high ethical turn to all decisions taken in consultation with the ministers.

The Council of Ministers.

Indian thought does not see a conflict between reposing the responsibility for final direction or decision on one person, and the obligation to consult experts. In all State matters the king’s decision is not only final, but it is he alone that must decide and take the responsibility. But he is to be daily advised by a body of carefully chosen ministers with whom all important matters must be considered. In judicial work, either the king, or a Brāhmaṇa acting for him (VIII, 9) is the judge, who has to pronounce the decision of the court, but he is to be assisted by the sabhāsadas, or sabhyas, who find a verdict on the evidence before the court (VIII, 10). In a sacrifice there is the sacrificer (hōtṛ), who simply is guided and does not guide, and four priests, of whom one is the director (Brahman). ‘A car cannot run on a single wheel’ is the expressive metaphor to signify distrust of ‘one-man rule.’ Manu directs (VII, 54) the appointment of seven or eight chief ministers, who are natura-born subjects of the country (to secure their fidelity), have ancestors who have served the State faithfully, are of noble lineage (a warning against appointing favorites or upstarts, who will have no weight in the country), and skilled in counsel and arms. Even a small matter is difficult of accomplishment by the unaided efforts of a single man; how can a State be ruled properly by a sole monarch? The Graeco-Roman device of checks and balances, of co-adjustors in every office, armed with equal powers and duties, is not favored by Indian thought. This is the reason for some difference between the consultations, as envisaged by Manu and by Yājñavalkya, in regard to the manner of taking opinion: Manu will
have it done in secret, minister by minister (VII, 57); Vājñavalkya makes it collective (taɪ ṣārdham I, 312). Though there is no collective responsibility (as in a modern cabinet) there must have grown among ancient Indian ministers a feeling of one-mindedness on important issues. A consultation is a duty, being imposed by Dharma. The frank advice of ministers must have been so weighty that a king, who went against it must have felt that he was doing so at his peril. This is a real check on absolute rule.

There is some haziness in Manusmṛti about the names and duties of the individual ministers. The question was one much canvassed in Arthaśāstra writings, and Manu has merely indicated his preferences. The number of ministers for daily and nightly consultation must not be too large; nor should the consultations be so held as to take away the ministers from their own administrative duties. The Commanding General, the Purohita, the Chamberlain, Dharmādhikāri and the Minister for War and Peace and the Dūta (envoy) emerge as common figures in the enumerations in books and inscriptions. As in modern times, new ministers may have to be created for new purposes or emergencies, and some ministers may become unnecessary. Much stress is laid on secrecy, and the divulging of counsel is a grave offence. An ambassador was expected to use his eyes and ears, and spy out the secrets of the kingdom he was deputed to: i.e. to do spying, a function, which is not absent from modern embassies.

Administration.

The king is asked to pay great attention to his finances, and make a daily audit of his position. This was needed in view of his fixed sources of revenue and elastic expenditure. The enumeration of authorities for local and district administration by Manu seems to indicate only a general principle, and is obviously not a reflection of actual conditions at all times and places. The unit is the family (kula), next the village (grāma), and next higher the group of grāmas, the bhukti, ascending groups of ten, twenty, hundred and thousand villages each under a collector. The heads have all police, judicial and revenue collecting duties. City administration is on different lines. Caste affairs and affairs of saṅghas or corporations are to be settled by their own officers, in accordance with their own constitutions. The residuary responsibility in all matters is on the lowest unit. It is a kind of federal arrangement, reducing centralization to a minimum. Except where the King or the State is compelled to intervene in the exercise of duties of regulation, standardization, policing, defence or maintenance of Dharma of varṇa and āśrama, the
local authorities were free from central interference or control. This again was a check on absolutism.

Law and Justice.

In the adjudication of law, a system of laws was developed which in its subtlety, refinement and standards of equity, is equal to, and, sometimes superior to the best modern systems. The admirable features of our developed civil law (in its traditional arrangement under eighteen titles) even in *Manusmrti*, which deals with it less fully than later smritis—(for reasons already stated) are obvious even in a cursory examination. Comprehensive codes of civil and criminal laws are comparatively late in the history of Western jurisprudence. It still shows many anomalies and archaisms. Indian achievement in this respect is entitled to praise for its high excellence and for its being reached early. That judicial work, involving learning and subtlety, should have been so well done, and done without the courts having a body of trained lawyers to assist them, is proof of the wide-spread knowledge of legal principles and rules in ancient India, thanks to the obligation to study works like *Manusmrti*. It was the boast of Justinian that his *Institutes* would enable every one to render to every other his due by comprehending his rights as against those of others.¹ The Indian code, on the other hand, aimed at making every person of education learn his duties to himself and to others, as well as the duties to the present, the past and to the future of himself and his genus. The skill of a judge in tracing truth was likened to that of the hunter in tracking game. Responsibility for justice in courts was personal to the king, in the sense that on it depended not only his position in this life but in the future lives also. Justice was open and free. Immunities were attached, as already explained, on various grounds to special classes, but they were only from the common penalties, and not from the liability of every one to be called to account in a public trial. A careless or corrupt or proud judge could be pulled up openly in his own court, during and after trial, if the critic was prepared to take it before the arena of public opinion or before the highest responsible functionary *i.e.*, the king. There was no judicial privilege against merited criticism².

In regard to criminal law, which is popularly supposed to be weak in ancient systems of jurisprudence, and which, as presented in

1. 'Justice is the constant and perpetual wish to give every one his due'. (*Institutes*, I, i, 1) ed. Saunders.

2. This was a safeguard against the abuse of 'contempt of court'.
works like *Manusmṛti*, has been hastily branded as barbarous, savage in its punishments and discriminatory, a detailed study will vindicate its claim to humanity, subtlety and fundamental impartiality. I have only alluded to it, in the course of the lectures. A detailed study now will take me far out of my way. Even as regards civil law and judicial procedure, I have felt myself at liberty to omit a systematic consideration of them in this course. They have been dealt with by one eminent as a jurist and judge who was the first lecturer under this Foundation. The social and political system of any people cannot be comprehended except on a background of its laws.

**Conclusion.**

The consideration of a number of preliminary issues regarding *Manusmṛti* in the earlier part of this course may give the impression that its aim has been merely to vindicate it. The study of an ancient society or its authoritative exposition in ancient literature has only a limited utility, if its purpose is only to clear misapprehensions and to correct errors of appreciation. Social palaeontology may hold an appeal only to academic minds. But the system that Manu outlines is not a thing of the past; it still survives. Its features have been obscured and its rules distorted, and much which claims his authority in modern life may be found to depend more on assertion than on proof. The one service that the terrible shake-up that the world has suffered within the lifetime of our generation, is to be less positive of the merits of modernity and of institutions that have been loudly advertised, but which have signally failed to save the world from appalling disaster, and to be more ready to look for guidance outside one’s own circle. The first World War set many people asking whether the Christian civilization that was on its trial was not worth re-thinking out. We are now receptive to suggestions to think out the fundamental assumptions of modern life, and the basic principles of our social and political life. Old labels and old war-cries do not now satisfy us. We desire to look behind or below them for principles that they obscure or smother.

In this mood for studies in revaluation, ancient schemes of life, which have shown historic influence and a power of survival in the face of great vicissitudes, may seem worthy of study. The Hindu scheme of life, of which *Manusmṛti* may be accepted, as it has been for centuries, as an authoritative exposition, is among such studies. If it has no other value except as exposing the unstable foundations of many modern social and political beliefs—such as the equality of the sexes, the equal rights of men, and of equal weight to every one in

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society; of the value of only a materialistic view of life and life's problems; of the superiority of environment to heredity; of the exclusively material basis of social betterment; of the belief that the proper standard for remuneration is material productive capacity etc.—it will have served a useful purpose. On the positive side, it may throw new light on old problems or suggest a readjustment of values or emphasis. The basic differences of outlook between the East and the West will emerge from such a study. India has a synoptic view of the economic, political, social and spiritual aims of life and of hedonistic, psychic and spiritual urges. Its views on the nature of sex and of sex-relations as natural and capable of regulation and sublimation for ultimate ends of existence, make the approach to the problem of sex relations, in law and out of it, must help. Its approach to the problem of riches and poverty is different from ours. Its valuation of ascetic and non-ascetic activity are different. Its attitude of quietism is a myth. Its standards of conduct are less liable to change, owing to their bases being in instincts and ultimate ends. It visualizes social elevation by slow processes and by fundamental changes of spiritual outlook. It places the sublimation of human nature as the only way of raising man. It has shown salvation as not exclusive but universal. It has based social harmony upon a balance of duties, and not on a conflict of rights.

It has shown the limitations of individualism and of what we now call socialism. It has made the State the means of the 'good life,' in more than the Aristotelian sense; for, it made not only every one function to the best of his powers and means, in this life, but prepared him for the ultimate goal of all activity. While it has not disdained economic motives and activity, it has placed them in due subordination to other and higher ends. It has had no such illusions as the modern world has of the saving virtues of mass production and machinery, of world marts and world controls. It has neither been andro-centric nor ego-centric. It has visualized the survival of man as dependent on the education of the best in him and in all other men upto the limits of capacity, and discipline and spirituality as the features of its educational machine. It has been wisely selective in regard to the persons to be educated, and the degree to which they may be educated, the special needs of special classes in education as well as the common needs of all, and of the communication of the knowledge, which means power, only to those who will use it not for selfish purposes but for the good of the world. The degradation of science by applying its results to the causing of harm or destruction on a colossal scale, is a voided in its scheme of training. It is only the asura (demonic)
mind that misuses the power, which mastery of the secrets of Nature confers. Communal life is conceived as one in which equality means equal opportunity for disinterested service to every one by every one, up to the limits of his or her capacity, the subordination of the individual to the common good, of the supersession of proximate by ultimate ends. Social service is not based under it on the vague claims of a shadowy humanity, but upon the needs of every one's self-expression, self-realization and propulsion to the final goal. It has put a background of divine purpose to all activity.

Disillusionment in the saving virtues of Western Civilization dawnd on thoughtful minds long before some of them realized its decadence, and urged whole-sale reconstruction to bring into existence the old ideal of the City of God. In such a frame of mind, it is not surprising, that even in the obscurity of translation and misinterpretation, the merits of the Hindu organization and its exposition in Manusmṛti evoked appreciation. "Such a law book" said Nietzsche "as that of Manu sums up the experience, sagacity, and experimental morals of long centuries before it comes to a final decision. . . . It does not devise expedients; it only reveals them. At a certain point in the development of a nation, the book with the most penetrating insight, pronounces that the experience according to which people are to live—i.e., according to which they can live—has at last been decided upon. The aim is to garner the largest and richest harvest possible from the times of experiment and unfortunate experience. Consequently, that which has to be obviated is the further persistence in experimenting, the continuation of the fluid condition of values, of the testing, selecting and criticising of values ad infinitum. A double wall is put against this state of things—God gave it, ancestors obeyed it. The rationale of such a procedure is to oust consciousness step by step from the sphere of life recognized as correct (as proved by an immense and carefully sifted experience) so as to obtain complete automatism of instinct—the pre-requisite for every kind of superiority, for every kind of perfection in the art of living. To draw up a law book such as that of Manu means to permit a nation to get the upper hand, to become perfect, to be ambitious of the highest art of living." Universal experience has a common denominator. It is this which is expressed in a work like Manusmṛti whose surprising modernity in many matters will cause astonishment in those, who had over-looked it.

In the histories of great nations or peoples a mood of introspection and historical revaluation comes upon the best minds, when they have witnessed appalling calamities ending in almost the collapse of society following internal decay or disintegration or external impact,
springing from violent collisions with alien or barbarous peoples. India has had many such experiences. Some of them are reflected in the Purânas. After chronicling the collapse of successive dynasties, they come to the barbarian invasions and the disintegration of society in which they visualize the workings of Kaliyuga. Their wails have a common feature. They lament in painful detail the lengths to which society proceeded in directions contrary to those indicated by Dharma, in the good days in which it was the soldering agent of social solidarity. The vision of the distant Redeemer, who will again lift the submerged world above social and moral chaos and restore moral order and spirituality under Dharma, that the world had lost by straying from the path, and inaugurate the approach to the Golden Age, is held up to sustain the faltering faith of men, to whom such an epoch had been only of the remote past.

To-day in a mood of disappointment with existing institutions and ideals, we feel an urge to shed the prejudices of race and culture, and to look for light wherever it may be found, to illuminate the world’s path again to safety and security. In this mood, among the studies which may attract, that of our Sanâtana Dharma as expounded in Dharmasâstra, may have a place. The hope that the study of its skilful adaptation of means to ends, its logical deduction of rules of conduct and of social planning from psychological and socio-religious hypotheses, and its successful attempt to weave in a common pattern the strands of ethical, economic, social and spiritual aims of man, so as to produce a web of co-ordinated effort in interdependence than in isolation or rivalry, and its success in building up a tradition that has saved Indian society for centuries from disintegration, may still have use is the hope that has inspired and sustained this study and interpretation of Manu.
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