

LUCKNOW UNIVERSITY  
RADHA KUMUD MOOKERJI ENDOWMENT LECTURES, 1946  
ASPECTS OF THE SOCIAL AND POLITICAL SYSTEM OF  
MANUSMṚTI





ASPECTS OF THE SOCIAL AND POLITICAL  
SYSTEM OF

# MANUSMṚTI

BY

K. V. RANGASWAMI AIYANGAR

*(RADHA KUMUD MOOKERJI LECTUREŚ, 1946.)*

PRINTED AT THE MADRAS LAW JOURNAL PRESS.  
MADRAS, MADRAS AND PUBLISHED BY  
N. RAMARATNAM, M.A., B.L.  
FOR THE LUCKNOW UNIVERSITY

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 *Atharvāsira* 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 (Bṛgu) 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 (*manvantara*), and who are immortal. By agreement, it has been accorded primacy among *smṛtis*, 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' (*mānaniyo māṅṅinām*), in the words of Kalidāsa. 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. To-day, 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 *Manusmṛiti* being composed. At present, the oldest commentary that has survived is the *Manubhāṣya* of Medhātithi, which is at least 1200 years old. But Medhātithi used older commentaries like those of Āśahāya (whose commentary on *Nārada-smṛiti* has survived in fragments), Bhartr̥yajña and Bhāguvī. What is more significant is that the ancient *smṛiti* of Brhaspati, which is far older than commonly believed by many scholars, is virtually a lucid expansion of Manu's work—a kind of *vārttika*. 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 *Dharmaśāstra* by collecting eight famous commentaries on the work and printing them in 1886. Where Sir William Jones had only the guidance of Kullūka, modern students of *Manusmṛiti* can use the erudition of Medhātithi, 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 Govindarāja's brief but pointed notes. A new edition of this commentary is badly wanted. It is unfortunate that Dr. Jolly's extracts from the *śikṣas* 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 *Nyāya* and *Mīmāṃsā*, as well as thorough mastery of Vedic texts and of the *sūtra* 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 paṇḍits, 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 *Manusmṛiti* and of *Dharmaśāstra* 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 *Mīmāṃsā*, 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 *Dharmasāstra*, and of even the *nibandha* (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 *summum 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 *nītyoga* (levirate), and the conditions which should govern its application,

and also condemns it as an "animal practice" (*paśu-dharma*), *śrī* *Manusmṛti*, IX, 59-63 and IX, 64-69, the juxtaposition 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 (II-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 *sātra* 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 *vārtika* 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 *Arthasāstra*, 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 *Arthasāstra*, 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 Organisation in the Light of Adhyātma-vidyā* (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 Yājñavalkya* (1928) are chiefly concerned with the analysis of the jural 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 *Manusmṛiti* being a composition to justify the Śunga usurpation. None of these works gives a resumé of Manu's views, as traditionally understood and handed down from generation to generation in *Bhāratavarga*. 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 *smṛiti*, to use *Manusmṛiti* largely in his *Dharma and Life* (2 vols., 1921) to vindicate the modernity of Manu's ideals and the claim of *Dharmaśāstra* to be for all time (*sanātana*).

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 *Manusmṛiti*—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 *Manusmṛiti*. 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 Gekwad Prize Endowment at Paroda. 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 inducement 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 *Arthasāstra* and *Dharmasāstra* is examined. A number of problems that have to be solved by students of *Manusmṛiti* 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 *varṇa* and *āśrama*, 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 *Manusmṛiti*, 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 *Manusmṛiti*, 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-

PREFACE

xii

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,  
New Delhi.  
25th January, 1949

K. V. RANGASWAMI



CONTENTS.		PAGE.
DEDICATION	...	v
PREFACE	...	vii
LECTURE I. MANU AND HIS RIVALS	...	1—29
LECTURE II. SOME PROBLEMS OF MANUSMṚTI.	...	30—59
Pre-eminence and influence of Manusmṛti	...	30—32
Manu in literature and tradition: Vedic tradition.	...	32—34
Manu and the <i>Mahābhārata</i>	...	34—36
The Idea of Progress: <i>Kalivarjya</i> : Philosophical background of the idea	...	36—46
Traditions of the origin of <i>Manusmṛti</i>	...	46—53
Redactions of <i>Manusmṛti</i>	...	53—54
Alleged interpolations in <i>Manusmṛti</i>	...	54—56
Bühler's excisions	...	56—58
Date of <i>Manusmṛti</i>	...	58—59
LECTURE III. THE BACKGROUND OF MANUSMṚTI	...	60—93
Manu's Cosmology	...	63—68
The Law of Karma	...	68—73
Transmigration	...	73—76
The Aims of Life ( <i>Puruṣārthāḥ</i> )	...	76—78
The Fourth <i>Puruṣārtha—Mokṣa</i>	...	78—84
Sacraments ( <i>Sanskāra</i> )	...	84—86
Sin and Atonement	...	86—87
Mixture of Crime and Sin	...	88—90
Excommunication ( <i>patana</i> )	...	90
Some missing ideas in Hindu Social Theory*	...	91—93
LECTURE IV. OUR SOCIAL HERITAGE	...	94—135
<i>Varṇāśrama</i>	...	94—96
Origin of <i>Varṇas</i>	...	96—99
Features of the <i>Varṇa</i> scheme	...	99
Functions of <i>Varṇas</i>	...	99—103
Interdependence of <i>Varṇas</i>	...	103
Four <i>Varṇas</i> , and no <i>Fifth</i>	...	103—104
Mixture of <i>Varṇas: anuloma</i> and <i>pratiloma</i> unions.	...	105—108
Correlated ideas of <i>Varṇa</i> scheme	...	108—109
<i>Vṛātya</i>	...	109
Manu's disapproval of <i>anuloma</i> unions	...	110—111
<i>Varṇasamīkara</i>	...	111—112
Influence of occupation	...	112—113
Occupations open to Brāhmanas in normal times.	...	113—117
Occupations of the Kṣatriya, and Vaiśya	...	117—118
Duties of the Śūdra	...	118—120
Distress occupations ( <i>Āpād-arthāyab.</i> )	...	120—124



Theory of Privileges and Disabilities (Magnification of the Brāhmaṇa)	... 124—128
Discrimination in favour of Brāhmaṇas	... 128—129
The Śūdra's position	... 130—131
Brāhmaṇa and Śūdra in Criminal Law	... 131—132
Conclusion	... 132—135
LECTURE V. THE ĀŚRAMA SCHEME	... 136—166
Varna scheme comprehends Āśrama	... 136—137
Four Āśramas: legend of their creation	... 137
Āśramas sequential and obligatory	... 138—139
Reasons for imposing sequence	... 139
Why <i>Samnyāsa</i> is not obligatory	... 139
Lifelong celibacy deprecated	... 140
Life of the <i>Samnyāsīn</i>	... 140—141
The Hermit	... 141—144
The First <i>Āśrama</i> and <i>Upanayana</i>	... 144—153
The Householder	... 154
Marriage and <i>Gārhasthya</i>	... 155—156
Marriage obligatory for women	... 156—157
Marriage: eligibility and tests; <i>gotra</i> and <i>sāpīṇḍya</i> : cross-cousin marriages; pre-puberty marriage for girls: Why? Some aspects of marriage.	... 158—162
Eight forms of marriage	... 162
The Grhastha's rules of conduct and life	... 162
The position of women in <i>Manusmṛiti</i>	... 163—166
LECTURE VI. THE POLITICAL SYSTEM	... 167—200
Utility of the study of Ancient Political Institutions	... 167—168
<i>Rajadharmā</i>	... 168—169
Basis of Manu's Polity	... 169—170
Different scales of values	... 170—171
Theories of the Origin of the State	... 171—173
Implications of the theories	... 173—174
Glorification of the King	... 175—177
Personal responsibility of the King	... 177—179
How royal absolutism was checked	... 179—183
Royal power to change the Law: examination of alleged precedents; influence of foreign dynasties	... 183—189
The Elements of the State	... 189—193
Elaboration of Policy ( <i>Upāya</i> )	... 193—194
The Council of Ministers	... 194—195
Administration	... 195—196
Law and Justice	... 196—197
Conclusion	... 197—200
INDEX	... 201—204