

LECTURE III

THE BACKGROUND OF MANUSMṚTI

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 *Manusmṛti*, 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 *smṛti*. Even in ancient times, when dissent had created groups that did not share the beliefs that *Manusmṛti* 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.¹ 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 Manusmṛti." (p. 560). "Buddhists had hardly any independent set of juristic ideas or works different from those of the Brahmanical jurists, and in mediæval 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 Dharmasāstra*, 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 behavioural. 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 *śrauta* rites and duties, along with the rules of ordinary conduct.¹ 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 (*śākhā*). 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 *Kaṭhasūtra*.

that go against Hindu *dharmā*, is tacitly admitted in definitions of the areas from which alone correct precedents for action can be drawn. If Dharma depends on revelation (*śruti*), tradition (*smṛti*), the customs of "good" men and conscience (*ātmanastuṣṭi*), as laid down by Manu,¹ 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 *Brahmāvarīa*, handed down from generation to generation, as regards both the approved *varṇas* and *varṇas* not so approved, constitute the valid criterion.² The usages of *Brahmarṣideśa* furnish the standards for the *dharmā* of the stages of life (*āśramas*). In a broader sense, the land between the Himālayas and the Vindhya and between ocean and ocean is the area of approved persons (*Bryhavarīa*), and areas outside the limits of the habitat of the spotted antelope are those of barbarians.³ The skin of the antelope (*Kṛṣṇājīva*) is needed for sacred rites,⁴ 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 *kuṣa* 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,⁵ and this criterion is stated also by *Viṣṇusmṛti*.⁶ The discussion

1. वेदः स्मृतिः सदाचारः स्वस्व च प्रियमात्मनः ।
पतनमुपैष्य प्राहुः साक्षाद्दर्शनम् ऋषयम् ॥ (२, १२)
2. तस्मिन्देशे व आचारः पारसर्पकसाधनः ॥
वर्णानां साम्प्रदायिकानां स सदाचार उच्यते ॥ (२, १८)
3. विष्वक्त्रिभ्योर्मध्ये यत्प्रान्त् विनशयान्वितम् ।
प्रत्येकं प्रयत्नाच्च मध्यदेशः प्रकीर्तितः ॥
आसमुद्रान्तु वै पूर्वोदासमुद्रान्तु पश्चिमात् ।
तयोरेवान्तरं निधोः आयावर्तं विदुर्द्विधाः ॥
कृष्णसारसु चरति वृषो यत्र स्वभावतः ।
स द्वेषो वाहिषुो देवोः श्लेष्मच्छ्रेयः सतः परम् ॥ (२, ११-२३)
4. *Kṛṣṇājīva* "has been throughout the ages a symbol of holiness and Vedic culture: vide *Sat. Br.* I, 1, 4, 1-2, where *yajña* 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, Sāman, and Yajus." (Kane, *History of Dharmasāstra*, II, p. 1026, l.n.)
5. कृष्णसारः चर्षकेभिः चातुर्वर्ण्यैः तथा ।
समुद्रो धर्मदेशः स्यादाश्वरनिर्वाहितः ॥
(आदिलपुराण, नीलमिनोदकस्फकारमकाशे, पृ. ५७)
6. चातुर्वर्ण्यव्यवधानां यत्र देवो न विद्यते ।
श्लेष्मच्छ्रेयः तु जानीयात् आर्षोवर्षेणतः परम् ॥ (विष्णुस्मृति, ८४, ४)

leads back to the recognition of *varṇāśramadharmā* as the final proof of the acceptability of an area. *Pei contra* it has been argued by Medhātithi that if in any area the system disappears through foreign occupation, it ceases to be a holy land.¹ If a Hindu ruler conquers a country outside the limits specified and introduces the *varṇāśramadharmā* 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."² But there is nothing to show that the customs of the elect had changed during foreign rule. The interpretation of Medhātithi 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 (*līlā*) 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 bhūtabhṛt*): "The world is in God, and not God in the world."³ 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 overcome by *Māyā* (illusion). He takes the synthesized Sāṅkhya-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.⁴ The moral law is an expression of His justice and unapriciousness. He is beyond concrete description, and the sages of the Upaniṣads

1. यदि कर्माभिप्रायवर्तमानेति मन्वेच्छादयः आकरोः, तन्वैवावस्थानं कुर्वी, मन्वेदेवासी म्नेच्छेदेसः। तथा यदि बाधित् क्षत्रियादिनासीतो राजा साध्याचरणो म्नेच्छाम् पराजयेत्, चातुर्वर्ण्यं वासयेत्, म्नेच्छांश्च आर्वाकर्मिण चाम्भालान् व्यवस्थापयेत् सोऽपि स्वाधिक्यः। यतो न म्मिः स्वतो दुष्टाः, संसर्गादि सा दुःखस्वमेष्ट्यापहृतेन (मेवातिथिः, २, २३)

2. *Manu and Yajñavalkya*, p. 32.

3. *Bhagavadgītā*, IX, 5; Radhakrishnan, *Hindu View of Life*, p. 71.

4. प्रत्यक्षं चातुर्मानं च वेदशास्त्राविरोधिना।

यसकौणासुसंभवे स धर्मं वेदो जेतः ॥ (१२, १०५)

could only define Him negatively (*neti, neti*).¹ He is realized by the muttering of the *praṇava*, (*aim*) with the three *vyāhrtis* (*bhūh bhvāh svāh*), which "the Lord churned out of the triple Vedas." 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.² The *praṇava* is itself an esoteric Veda.⁴

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 (*mahā* and *pāka-yājñās*) have similar powers. The five minor sacrifices which the householder (*grhastha*) has to perform every day, have this cleansing property, and one of their effects is to remove the taunt, born of using five domestic articles, whose daily use for cooking destroys life and makes them so-to-speak "five slaughter-houses" (*pañca-sānāh*).⁵ The five minor sacrifices are offered to Brahman, the manes (*pitṛ*), the gods (*devāh*), all living beings (*bhūtāh*) and guests (*ny-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.⁶ Manu 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 *Bhagavadgītā*) that sacrifices cause rain and fertility.⁷ "An oblation thrown daily, into the fire, reaches the sun;

1. इहृदाऽप्यकोपमिषत्, २, ३, ६; ३, ९, २५; ४, २५; ५, २, ४; ५, २२; ५, ५, १५

2. अकार वासुकारं च मकारं च प्रजापतिः ।

वेदव्याजं निरवृद्धं मूर्द्धन्यस्वरितीति च ॥

विन्म पत्रं तु वेदेभ्यः पादं पादमद्भुद्वयं ॥ (२, ७६-७७)

3. २, ७७-८६

4. आष वापृ श्मस्रर मद्वा षवी यस्मिन् प्रतीकितः ।

स यजोऽप्यश्विद्वेदो वरुणं वेदं स वेदवियं ॥ (११, २६६)

5. पञ्चदशान् गृहस्वस्य जुहोषिण्युपसक्तः ।

कण्ठनी चोदकुम्भस्य बभूवैत वास्तु वाहवन् ॥ (३, ६८)

6. अथापनं ब्रह्ममहः शिष्यस्त्रस्तु लोकेभ्यः ॥ (३, ६८)

दोमो द्वैवो बलिः मौतो युवरोऽतिपिबुवनम् ॥ (३, ८०)

7. इदोह गां स यज्ञाय सत्याय मधवा दिवम् ।

संपदिनिम्येनोक्तौ दधद्वृष्ट्वेवमन्यम् ॥ (खुर्दशम्, १, २६)

अन्नाद्भवन्ति भूतानि पर्जन्यादभवत्सवनः ।

यज्ञाद्भवति पर्जन्यो यज्ञः कर्मसंयुज्यते ॥ (भागवती, ३, १५)

from the sun comes rain, from rain food, therefrom living creatures derive their subsistence" (III, 76).¹ A Vedic injunction requires no justification for its validity except itself. It is held self-proven (*svatas-siddhah*). 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-ṛṇa*), the sages (*ṛṣi-ṛṇa*) and the ancestors (*pitṛ-ṛṇa*), 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).² 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" (*patata*)³ 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 Brāhmana 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, Cāpālas (*śvapāka*), those who are afflicted with diseases as punishments for sins committed in former births, crows and insects." (III, 92).⁴ 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 *divija* 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. अहो मस्तदादितिः सप्तमादित्यस्युपविष्टे ।
आदित्याब्जावते सृष्टिः कृष्टेरेते ततः प्रजाः ॥ (३,८६)
2. जायमानो ह ब्रह्मण्यक्षितिः क्षीर्वा जायते, ब्रह्मचर्येण ऋषिभ्यो वरेण देवेभ्यः प्रजया ।
पितृभ्य एव वा सन्तुषो यः पुत्री वच्चा ब्रह्मचारिणासां ॥ (द्वि. सं. ३,३,१०,५) ।
अनधील्य द्विनो वेदान्तनुत्पद्यत तया मन्वाद् ।
अनिष्ट्वा वैव बहैश्च मोक्षमिच्छन्नमस्यः ॥ (३,३-४)
3. Failure to discharge the triple debt is a *pātaka* (९९,६३)
4. द्युर्ना व पतितानां च श्वभन्वां पापरोषिणाम् ।
बायसानां कुमीनां च सन्तुषीनिर्वेष्टुषि ॥ (३,९२)

which unite soul and soul, in mutual service, pass the bounds of transient forms.

The feeding of learned Brāhmanas 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 Brāhmanas, rich in sacred learning (*vidyā-tapas-sanyādha*) and austerities, saves one from misfortune and grave sins." (III, 98).¹ But it is not to be promiscuous and indiscriminate hospitality; it should not be shown to ignorant Brāhmanas, "who are mere ashes" (*bhāsmābhātsu vipreṣu*, III, 97).² A Brāhmana house-holder cadging for food is condemned (III, 104).³

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 scoffer of the Veda in *Manusmṛti*.⁴ Basing morals on

1. विधातवःसमृद्धेः दुत विभुसुसाधिषु । निस्सारवति दुर्गात् महदधैव किञ्चिन्वाय ॥ (३, ९८)

2. नरयन्ति ह्यथकन्यानि नराणामविमानसात् ।
अस्मीभूषु विभेषु मोहदरानि श्रावमि ॥ (३, ९८)

3. उपासते ये गृहस्थाः परपाकमद्युदयः ।
तेन ते देव्य पशुतां प्रकल्पश्रावदायिनाम् ॥ (३, १०४)

4. श्रुतिस्तु वेदो विवेको धर्मशास्त्रं तु वै स्मृतिः । से सर्वाथेनामांश्चे ताभ्यां धर्मो हि निर्वर्णो ॥
वेदमन्मते ते दुस्ते हेतुश्लाघाश्रयादिनः ।

स साधुभिर्विद्विष्याथो नास्तिको वेदान्तिकः ॥ (२, १०-११)

३ व नास्तिककहचयः । ताम् ह्यथकन्यदोर्विमानहीनान् मनुजमवीय ॥ (३, १५०)

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 excommunication.

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 misrule 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

1. एवं स जाग्रत्समाप्त्यामिदं सर्वं चराचरम् ।
संजीवयति चात्सवं प्रमापयति चाव्ययः १, ५७

2. सर्वेषां तु स नामानि कर्माणि च पृथक् पृथक् ।
वेदशब्देषु द्वादशैः पृथक् संस्थासु निर्मिते ॥ (१, २१)

relationship (I, 23-26) and the distinction between right and wrong (*dharma* and *a-dharma*) pleasure and pain (*sukha* and *duhkha*, I, 26).¹ Whatever course of action or quality He assigned in the first instance, was repeated in them in each new creation (I, 28).² He created for the "progress of the worlds" (*lokaṅānam uvṛddhikartham*), the four castes and decreed their functions.³ 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.⁴ 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).⁵ He is born for the protection of the treasury of Dharma (*dharmaśoṣasya 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 paṇṇo dharmah*, I, 108). It may be noted, as related to the time when the *Manusmṛiti* 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 Vaiśvasvata 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 तु विवेकाय धर्मोऽर्थो व्ययेचकम् ।
द्वैतलोचयेचनाः सुखदुःखादिभिः प्रजाः ॥ (१,२६,)
2. च तु कर्मणि धर्मिभ्यः न्ययुक्तं प्रथमं प्रभुः ।
स तदेव स्वयं भेजे सुखमानः पुनः पुनः ॥ (१,२८)
3. लोकाणां तु विद्वद्वचनं सुखवाहृत्परायतः ।
प्राधान्यं क्षमिष्ये वैश्वं चरे च निरुत्तरेवम् ॥ (१,३१)
4. सुखदुःखसं तु विविधं सधेयं सुखवाहायतः ।
नीजवाग्दृष्ट्याप्येव प्रदाना वस्य पृथ च ॥
समसा बहुक्षेपेण वेदिताः कर्महेतुना ।
भन्तःसहा भवन्त्येते सुखदुःखसमनिताः ॥ (१,८४-४२)
5. वस्वास्तेन सदाश्रमिह हव्यानि निदिशोक्तसः ।
कल्पानि चैव पितरः किं भूतानाधिकं ततः ॥ (१,९५)

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 (I, 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 Brāhmanas; among Brāhmanas the masters of learning; among the learned those who recognize the need to do enjoined rites (*hytābuddhayaḥ*), and among them those who do perform them' and of these (last) those who realize the *Brahman*."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. Saṅkara (in the *Vivekaśārami*) 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-bhāṇi*). When one is lifted to it by his *sat-karma*, he dwells in it, as long as the accumulated merit (*puṇya*) 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. चतुर्नां प्राणिनः श्रेष्ठः प्राणिनां बुद्धिर्बोधिनः ।
बुद्धिस्तु नराः श्रेष्ठा नरोपु ज्ञानास्त्वृषाः ॥
प्राणेषु च विदसः विदस्तु कृतबुधयः ।
कृतबुधिर्कर्तारः सर्वेषु ज्ञानादिनः ॥ (१, ९६-९८)
2. दुर्लभं मयमेवेति वातुप्रसहेतुकम् ।
मनुष्यत्वं सुमुञ्चतु महापुण्यसमयः ॥
(विवेकचूडामणिः, ३)

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-bhāmi*) (*Adīparva*, 64, 39).¹

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).² Even he who makes the great effort to raise himself and slips—the *yoga-bhraṣṭa*—is not lost altogether.³ A bad end is not for him who endeavours to do the right (*na hi kalyāṇakṛt Kaścī durgatīm tāta gaccati*, VI, 40). God is the supreme judge of action (*karmādhyakṣa*).⁴ 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 *vāsānā*, 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,

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1. कर्मभूतिसु मातृभ्यं योगभूतिसुविष्टम् ।
इह पुण्यद्वयोऽप्राप्तिं स्वर्णलोकां न संशयः ॥
 2. इह लोके दुष्कृतिनो नरकं याति निर्दिष्टाः ॥ (आदिपर्व, ६४, ३९-४०, p. १११)
 3. नेहाभिक्रमनाशोऽस्ति प्रलयानो न विभेदः ।
स्वयमन्वस्य परमस्य प्राप्तये महती श्रदाद ॥ (अपवर्गा, २, ४०)
 4. प्राप्य पुण्यद्वयान् लोकानुपिना शान्तिः समाः ।
शुचीनां भीमता मेहे' योगब्रह्मोऽभिजायते ॥ (भगवद्गीता, ६, ४१)
 4. एको देवः सर्वभूतेषु गूढः सर्वभ्यापी सर्वभूतान्तरात्मा ।
कर्माब्धयः सर्वभूताऽधिवासः साशौ चैता केवलो निर्गुणश्च ॥
(श्वेताश्व. उपनि १६, ११)

the drive of even his past. The self (*ātman*) is raised only by the self (*ātmanā*); 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 (*keśtra*) will lie barren unless seed (*bīja*) 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 (*Anuśāsanaparva*, IX, 9).¹ A small fire becomes a conflagration when fanned by the wind, so is the effect of past action when helped by individual effort² (*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).³ If man merits success by his actions, he commands his success. Fate is nothing but the influence of past action (Yājñavalkya, I, 349).⁴

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 (*sañcita*), "in being" (*prārabdhā*) and "doing" (*kriyamāṇa*). The first is capitalized merit; the second, the action

1. यथा बीजं विना श्रेष्ठमुत्तमं भवति निष्कलम् ।
सथा पुरुषकारेण विना दैव न सिद्ध्यति ॥ (भातुशासनपर्व, ९, ९)
2. यथाऽग्निः पवनोद्भूतः सुप्रसूतोऽपि महारं भवेत् ।
सथा कर्मसमायुक्तं दैवं साधु विवर्धते । (*Ibid.*, ९, ४८)
3. यथा क्लृप्तं चक्रेण रथस्य न गतिर्भवत् ।
एवं पुरुषकारेण विना दैव न सिद्ध्यति ॥ (याश. सू. १३, ५१)
4. दैवे पुरुषकारे च कर्मसिद्धिर्व्यवस्थिता ।
यत्र दैवमिच्छन्तं पीरुवं पीरुंदेहिकम् ॥ (साठ सू., 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 *niskāmya*. These are termed in *Manusmṛti-pravṛtta* and *nivṛtta* "Acts which secure the fulfilment of wishes in this world or in the next are called *pravṛtta* (i.e., that "continue") and acts performed without any desire for a reward, preceded by the acquisition of true knowledge (*jñāna-pāra*) are declared to be *nivṛtta* (i.e., that "end").¹ The reference to the result here is to the continuance or the cessation of rebirth. For, he who does *pravṛtta* or *kāmya* acts, attains the promised worlds of enjoyment (heaven). The man who does *nivṛtta* 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.² 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" (*ṛṇatraya*), 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 *Viśvedevas*, and to give the offerings to the lowest of the low among men and animals is another device to show it. "Ife prayeth best, who loveth best both man and bird and beast".³ 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).⁴ 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).⁵ *Manusmṛti* works out the idea in

1. इह वासुध्न वा काम्यं प्रवृत्तं कर्म बोधते । निष्कामं शानपूर्वं तु निवृत्तमुपदिश्यते ॥ (१२, ८९)

2. कर्मयोगविकारस्ते मा क्लेशु कदाचन ।

मा कर्मफलहेतुर्भूर्मानं ते सर्वोऽस्त्वकर्मणि ॥ (सगवद्गीता, २, ४७)

शुक्रः कर्मफलं लब्ध्वा शान्तिमाप्नोति त्रैलोक्यम् ॥ (५, ११)

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

4. जप स केषुच मुदके यः पचलात्पकारपात् ॥ (३, ११८)

5. सर्वभूतस्थमात्मानं सर्वभूतानिचात्मनि । ईक्षते योगयुक्तात्सा सर्वत्र समदर्शनः ॥

यो मां पश्यति सर्वत्र सर्वं च मयि पश्यति ।

तस्याहं न प्रणश्यामि स च मे न प्रणश्यामि ॥ (सगवद्गीता, ३, २९-३०)

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 adhiṅgacati*, XII, 91).¹ 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. *Dharmasāstra* is a guide to correct conduct. It is based ultimately on *Śruti*, 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 (*itiḥāsa, 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.² 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.³ The self is condemned to such rebirths by its *karma*. Action is retributive 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 *apārva*⁴ (*Sūtrabrahṃsya* 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. सर्वभूतेषु आत्मानं सर्वभूतानि चात्मनि ।
समं पश्यन्नःसदाजी स्वाराज्यमापिनच्छति ॥ (१२,९१)
2. न चादिदृच्छति क्षिप्रं स वेदः शपथे द्युतिः ॥ ८,११५
3. See the citations in chapter VIII (कैराम्यम्) in मौञ्जकाण्ड (G.O.S. CII, M, ३६-८४)
4. शङ्करभाष्य, ३,२,३८-३९

a residue of action (*anusāya*) which precipitates the self in new forms of life¹ (*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);² that is to say the possible forms into which mutation may drive the self were fixed at the very beginning.³ 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,⁴ according to the rules determining the births of different types of actions, springing from mind, speech and body (XII, 3),⁵ 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-daṇḍa*) as the emblem of his status, must bear it symbolically to represent this triple restraint that alone will help in gaining freedom.⁶ 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 (*upapātakas*). Purgation in after-life or post-mortuary purification of the self may be reduced in intensity by remedial acts in this life

1. कृतात्स्येऽनुशयवन् दृष्टव्युत्पत्त्यां व्येतन्नेव च (महासप्त, २, ११८)

2. See footnote 2 of page 68, *supra*.

3. तेनानुशयं ता धात्रीः क्षरिरेहि धातनाः ।

तास्वैव भूतमाश्रय प्रवीर्यते विभागशः ॥

सोऽनुशयं दृष्टोदकान्दोषान् विषयसङ्गजान् ।

* व्येतन्नेव कल्पयोऽप्येति तावितोमौ महीकली ॥ (१२, १७-१८)

4. स ओषो वीरकल्पयः ।

पान्थेव पञ्चमूर्तानि पुनरप्येति भागशः ॥ (१२, २२)

5. श्रुत्वाश्रुमकलं कर्म मनोवाग्देहसंनयम् ।

कर्मणा गतयो मूर्त्ता उच्यन्तेऽप्येवमथमाः ॥ (१२, २)

6. वाग्दण्डोऽथ मनोदण्डः कर्मदण्डश्चैव च ।

वस्येते विद्विष्या इदौ विश्वयोति स उच्यते ॥ (१२, १०)

वाग्दण्डो मौनमातिथेयं कर्मदण्डश्चैव हिंसनम् ।

पान्थस्य च दण्डस्य प्राणायामो विधीयते ॥ (१२, ११)

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*: *saṭva*, *rajas* and *tamas*. They are primordial in origin, and according to the *Gītā* are of Divine creation (VII, 12).¹ They are qualities rather than substance. *Saṭva* is characterized by purity (*nirmalatva*) and brightness; *rajas* by energy and passion; *tamas* 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 *sāttvika* will attain the pure worlds of those who know the Highest. The *rājasic* self is reborn, in active lives; and the *tāmasic* is reborn among the ignoble and the deluded *Gītā* (XIV, 11-15). *Saṭva* stands for wisdom, *rajas* for greed, and *tamas* for delusion (*Ibid.*, XIV, 16). He who attains liberation (*mukti*) is one who has transcended the *guṇas* (*Ibid.*, XIV, 20).² 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 *Gītā* (IV, 13) to be according to *guṇa* (innate quality) and function (*karma*).³ *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 *Rājasic* quality (XII, 46), and Brāhmaṇas from

1. ये तेषु सात्त्विका भावा राजसासानसाद्य ये ।
मय ऋषेति तान् विद्धि न त्वहं तेषु ते मयि ॥ (मगवद्गीता, ७, १२)
2. गुणानेवानतीत्य श्रोत्रेणो देहसमुद्भवान् ।
जन्ममृत्युवरादुःखैर्विमुक्तोऽमृतमवदत्ते ॥ (मगवद्गीता, १४, २०)
3. चातुर्वर्ण्यं मया सृष्ट गुणकर्मविभागदाः । (मगवद्गीता, ४, १३)

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 (*Caṇḍharva*, *Guṇyaka*, *Apsarasas*) are only the fruits of *Rāyasaguṇa* (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 (Puruṣārthāḥ).

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),¹ 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. दिवा इवात्मनो देहमथेन युक्तीऽमवत् ।

अथेन नारी तस्मात् स विराचनसृजन्नयुः ॥ (१, ३२)

motive of all effort. "It is not praiseworthy to act only from a passion for pleasure (*kāmatmatayā*); 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 (*sankalpamala*); sacrifices are the results of resolution. Vows, the rules of morality laying down enjoined activity and restraint (*yama-niyamāḥ*), are all based on resolution. Not a single act in the world is done, un-inspired by desire (*Kāma*). All that man does is inspired by it." (II, 2-4).¹ 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.² 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

1. अदमासता न प्रशस्ता न वैविहास्यकामता ।
 कामो हि वेदाभिरसः कर्मयोगश्च वैदिकः ॥
 सङ्कल्पमूलः कामो वै यदाः संकल्पसन्धवाः ।
 प्रज्ञा नियमधर्मोश्च सर्वे सङ्कल्पनाः स्मृताः ॥
 अकामस्य क्लृप्ता काविद्वृद्धयश्चे मेह कश्चिन्नित् ॥
 यथादि कुर्वते किञ्चित् तस्यकामस्य केचित् ॥ (३,२-४)

2. Kaṣṭhīlya composed his *Arthasāstra*. Vātsyāyana composed his *Kāmasūtra*.

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 *trivarga* 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 *trivarga* theory on the *varṇa* and *āśrama* organizations are noteworthy. The third *varṇa* is the economically prosperous one ; wealth is concentrated in it ; while the last *varṇa* 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 *varṇa* alone. Generally speaking, the four *varṇas* would, on the *guṇa* criterion, place the first *varṇa* in *Sāttvika*, the second and third in *Rājasa*, and the last in *Tāmasa*.

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

1. धर्मोर्ध्वमेव श्रेयः कामार्थो धर्मं परं वा ।
अर्थं पश्चिद् वा श्रेयः निर्वर्ण इति तु सिद्धिरिह ॥ (२, 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 *Kāma* 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 *Dharmaśāstra* 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. *Dharmaśāstra* 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 In the words of the *Gīta*, social danger is in the offing, when women are corrupted (*striṅsu dāstāsuvārṣṇyea'jōyate vanāsam-karab, 2, 1, 41*). Her need is equal to man's in spiritual advance; but, as her powers and opportunities are restricted, easier modes of advance are devised for her by *Dharmaśāstra*. What is denied her, equally with man, is dealing with her as a unit, separated from the male, and functioning *apart* from the male. As the interests of society demand

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. Radhakrishnan, *Hindu View of Life*, 1927, p. 89).

that perpetual celibacy in the male should be restrained by the prohibition of *dirghakāla brahmacarya*,¹ 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. *Ātman* (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 *Sūdras* 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 *Brahmacārīn* and *Gṛhastha* (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.² Kautilya affirms the need to practise the *trivarga* by a harmonious co-ordination of its elements.³ 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

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1. अर्चाल विधिवत् वेदान् पुत्रशिक्षोपपाद्य धर्मैः ।
इष्ट्वा च शक्तितो वहीः यतो मोक्षे विनिश्चये ॥
अनर्चाल द्विजो वेदान्तुपपाद्य तथा मवान् ।
अभिष्ट्वा चैव चक्षेभ मोक्षमिच्छन् मजलपः ॥ (६, ३६-३७)
 2. स्वप्नमार्गकामानां स्थितिं स्वां लोकवर्तिनाम् ।
अस्य शास्त्रस्य तत्त्वज्ञो सवन्नेव विनिश्चयः ॥
तद्वैराग्यज्ञानो विद्वान् धर्मार्थवचनोक्तवान् ।
नातिरामात्मकः कामो भयुक्त्वावः प्रसिष्यति ॥ (सामय्य, ८, ५८-५९)
 3. धर्मोर्ध्विरोधेन क्षामं सेवेन न निःद्वेषः स्वान् । समं वा शिवर्ममन्योत्यानुबन्धम् ।
एको ह्यव्यसेवितो धर्मार्थकामात्मानादितरै च पीडयति ॥
(कौटिल्य, अ. शर्, १, ८, p. 12)

only means to its attainment. Their value is merely instrumental. Man attains his full stature when he realizes the destiny. The *ātman* 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 (*mukta*) is the highest good; for, with it are finished the endless cycle of birth and death, and intermediate suffering, spread through millards 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 *varna* 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 *Sukhā* 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 (*Sanyāsīn*), 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 asolitary. The etymology of the term defines his attitude; he strives not only for his release but for the release of all others:

*Mokṣam ca vayanī, anyāhīṣca mokṣayitum icchā mumukṣā.*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 (*vānaprasthā*) and the ascetic (*sanyāsīn*), who seek in solitude the seclusion and mental calm that

1. Cited by Dr. Bhagavandas, *Science of Social Organization*, 1932, p. 59.

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 (*gyhastha*), and thereby discharged his natal debts. *Manusmṛti* 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. (Baudhayāna) 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 lakṣaṇāni dharmasya*)—which enforces the obligation to cultivate contentment (*dhr̥tīḥ*), forgiveness (*kṣamā*), self-control (*dama*), abstention from unrighteous appropriation of the property of others (*astheyam*), purity (*śaucam*), control of the senses (*indriya-nigrahaḥ*), wisdom (*dhr̥tḥ*), learning (*vidyā*), truth (*satyam*), 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 paṇanām 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 (*adhyaṭma-vidyā*) by his teacher, who takes the place of the father. The *brahmacārī* 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 (*janaka*) are fathers (*pitarau*) but the teacher is greater than the father. Natural birth is the fruit of sex-attraction (*bhāmātā*) and is subject to decay and death; not so the spiritual birth through *Sāvitrī*, which

1. See १, १०.

2. व साङ्गोलविसर्धं ब्रह्मणा श्रवणात्सुमी ।
स माता स पिता षेयः तत्र दुष्कृत्स्नानन ॥ (१, १४)

is ageless and immortal (*ajaramarā*, II, 147-148).¹ 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*.² 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.³ The fourth stage in a Brāhmaṇa's life is termed the *mokṣāśrama*, 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.⁴ 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 (*niskāmyasam param*; XII, 83), the others being austerity (*tapas*) wisdom (*jñānam*), control of mind and body (*indriyamanyama*), abstention from injuring any one (*ahiṃsā*) 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.⁵ The correct performance of rites enjoined by the Vedas, austerities (*tapas*), the mood of detachment from the senses (*asanga*) and *ahiṃsā* are next declared as leading to liberation.⁶ Mere

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1. कामान्मता पिता चैन यदुत्पाद्यतो मिथः ।
सृष्टिं तस्य तां विधाद्योनात्मिजावृते ॥
आचार्यस्वस्य वां जातिं विधिकेदेवतारः ।
अथाववति सावित्र्या सा सखा साऽनराऽमरा ॥ (२, १४७-१४८)
 2. विषेकादिस्मशानान्तो मन्त्रैस्त्वोदिदो विधिः ।
तस्य शक्योऽपिकारोऽसिम् शेषो नाम्यस्य कस्यापिद ॥ (२, १६)
 3. दसैनेन विहीनस्तु संसार प्रतियच्छते । (६, ८४)
 4. वेदान्ते विधिकञ्जुषा सम्पद्येत् । (६, ९४)
 5. सम्यग्दर्शनसंपन्नः कर्मभिर्न तिनध्यते । (६, ८४)
 6. गृहस्येन्द्रियास्तेर्वैदिकैश्चैव कर्मभिः ।
तपसश्चरपोऽहोमैः साधकमनोह तपस्यम् ॥ (६, ७५)

renunciation of the world (*tyāga*) will not enable one to attain it. The statement in the *uṣṇisad* that immortality is not obtained by rites (*na karmayā*), by sons (*na prajāyā*), by charity (*na dhānena*) 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.¹ 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:² (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)³ 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 (*niskāmakarma*). 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-adhyātmaevī*), similarly, does not reap the reward of the performance of enjoined *karma* (*briyāphalam na āsute*, VI, 82). *Karma* and *Jñāna* 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 *Mīmāṃsadarśanas*, which begin with an exploitation of *Dharma* and end with the discovery of the way of non-return to life.⁴

Sacraments-(*Sauśkāna*).

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, *viz.*, 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 *tarpaṇas* to gods, sages, and the manes, and when one has become contaminated by

1. न कर्मणा न प्रवया भवेत् स्वामैकेऽप्यस्त्वस्मान्मुः ।
पौत्रेण नाह निहितं युहात्पां विभ्राजते वयस्यो विवर्धते ॥ (नारायणोपनिषद्, १० ५)
2. पुत्रेण लोकान् वयसि पौत्रेणानस्त्वमश्नुते ।
अथ पुत्रस्य पौत्रेण ममस्याप्नोति विद्वन् ॥ (१, ११७)
3. सर्वेषामेव दानानां ब्रह्मदानं विशिष्यते । (४, २११)
4. See मोक्षकाण्ड, Introduction, p. 5

the touch of any object, place or person that communicates a taint *e.g.*, a cremation ground, a dead-body, etc.¹ 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 *caṅḍāla*, a menstruating woman, a *patita* (outcaste), a woman in child-bed, or one who has touched a corpse. Water is the *physical* means of purification (V, 109).² 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 bathing³ and of bathing after meals⁴ 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 *Dharmasāstras* give a list of about forty *samskāras*⁵ for the purification of the body and its sanctification⁶ by the removal of the taint (*ena*, lit. 'sin') springing from the seed and dwelling in the womb (*baijika*, *gārbhika*).⁷ By the sacraments, starting with those done in pregnancy and ending with *upanayana* is the taint removed in the case of *dāvija* males, all the *samskāras* being done with *mantras*. They cannot overcome heritage derived from parents, who are sinners. The first *samskāra* for the unborn self is *gārbhādāna* and the last is *antyeṣṭi* (II, 16).

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

1. दिवाकोर्लसुदन्नां च पतितं घृत्तिकां तथा ।
शुभं सत्सद्दिनं चैव सृष्ट्वा स्नानेन शुष्यति ॥ (५, ८५)
2. अङ्गिरसात्राणि शुष्यन्ति ननः सलेन शुष्यति ।
विषासतोर्भां मृतामा शुक्लिनिन शुष्यति ॥ (५, १०९)
3. न नमः स्नानमाचरेत् (५, ४५)
4. न स्नानमाचरेत्सुखा (५, १२९)
5. Gautama (VIII, 14-24) mentions forty *samskāras*, but in most *smṛtis* only sixteen are described.
6. वैदिकैः कर्मभिः प्रप्येन्निष्कारिद्विचमनाम् ।
कार्यैः शरीरसंस्कारः पावनः श्रेयं चैव च ॥ (२, २६)
7. वैशिकं गार्भिकं चैतो द्विजानामप्युच्यते । (२, २८)

omissions. The only *sauṅskāra* for which a light penance was unavailable was the *upanayana* or initiation into *Sāvitrī*. A *dvija* who had not undergone it could not be married. Marriage is a *sauṅskāra*, 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 *dvijas*, 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 *sauṅskāra-jāti* (mixed caste), *prathoma* or *anuloma* equally.¹ Manu declares that the *Sūdra* does not merit *sauṅskāras* (*na ca sauṅskāram arhati*); he has neither the obligation to do *dharmā* rites, nor is he prohibited from doing them. *Sūdras*, who are filled with the desire to practise *dharmā*, and who understand *dharmā*, may imitate the practise of virtuous *dvijas*, i.e., do the *sauṅskāras* but without uttering Vedic mantras (*mantravarjam*). Not only do they incur no sin by doing so but they gain praise for it (X, 127).² Marriage is not a compulsory *sauṅskāra* for the male *dvija*, according to Manu, as it is open to him to take up, after finishing his education, the vow of life-long celibacy (*naiṣṭhika brahmacarya*). Manu seems to regard marriage as obligatory for women.

The purpose of *sauṅskāras* 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 *brahmic* knowledge, and confers a status and lays duties on the acolyte. *Sauṅskāras* like *garbhādhāna* (impregnation) and *punsavana* 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. साङ्गनामस्यसंस्कारोपि धर्मो व्यवहितः ।

वैयुष्यास्त्रमनः पूर्व उच्यते प्रतिशेषतः ॥ १०, १८

2. न शूद्रे वातके विहितं न च संस्कारमर्हति ।

नास्याधिकारो धर्मोऽस्ति न धर्मावतिषेधम् ॥

धर्मवस्तु धर्मज्ञाः सर्वा इत्यमुञ्चिताः ।

मन्त्रवर्जं न इत्यस्ति प्रवृत्तां प्राप्नुवन्ति च ॥ (१०, १२६-१२८)

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. *Manusmṛiti* (XI, 228 ff.)¹ indicates five ways of expiating sin : by confession, by repentance, by austerities (*tapas*), by reciting the Veda (*adhyaiana*) and by charities (*dāna*). 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.² Repentance must be sincere and by the resolution not to offend again.³ Genuine repentance may cancel the taint, but if the sinner is not satisfied that it is, he may perform the prescribed atonements or *prāyaścitta*. Austerity (*tapas*) has miraculous powers, which can be used for redemption of sin.⁴ 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.⁵ 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 (*sevānam*) for the Śūdra.⁶ 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. ख्यापनेनातुतपेन तपसाध्ययनेन च ।
पापकृम्यन्थेति पापाचथा दानेन वापदि ॥ (११,२२८)
2. न धर्मसाधनेन पापं कृत्वा त्रसं चरेत् ।
त्रेतेन पापं प्रच्छाद्य कुर्वन्कीदृशदमनम् ॥ (४,१९८)
3. *Manusmṛiti* XI, 230—233.
4. *Ibid.*, XI, 234—236.
5. वेदाभ्यासोऽथर्षदं दमसा महापशुशक्तिषा क्षमा ।
माश्वत्स्यासु पापानि महापातकान्मपि ॥ (११,२४२)
6. ब्राह्मणस्य तपो ज्ञानं तपः क्षत्रस्य रक्षणम् ।
वैश्यस्य तु तपो वार्ता तपः शूद्रस्य सेवनम् ॥ (११,२३३)

Mixture of Crime and Sin.

The standard classification of moral offences is into *great* and *small* sins (*mahāpātaka* and *ūpa-pātaka*). The five major sins are the slaying of a Brāhmaṇa, drinking spirits (*surā*), theft of gold (*svaṅga-steya*), 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 (*ūpa-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 *ūpa-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 *ūpa-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 *cāndrāyana* (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

1. See *Manusmṛti*, XI, 60-71. Yājñavalkya III, 234-242 enumerates 56 *ūpa-pātakas*, several of which are outside Manu's list.

illustrations of it are to be found in *Sāmavidhāna Brāhmaṇa*. The sentences must be pronounced by a board of three assessors, who will fit the penance to the offence.¹ 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 inexpiable 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.² 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.³ 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.⁴ Such features are likely to be repeated in future lives also, unless expiated in this.⁵ The graver the offence the harder the self-chosen penalty.⁶ 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 brahmahatyā⁷. A Brāhmaṇa thief, who steals a Brāhmaṇa's

1. तेषां वेदविदो ब्रह्मः मयोऽप्येनःस्य विच्छति ॥ (११,८६)

2. राजभिष्टेयव्यासु इत्या पापानि मानवाः ।

विर्मलाः स्वर्गमायानि सत्यमुकृतिनो यथा ॥ (८,११८)

3. इह दुःखरिदः केषिच केषिचपूर्वकृतैस्त्वा ।

प्राप्तुमनिस दुरात्मानो नरा रुमविपयवन् ॥ (११,१५८)

4. मउ, ११,५९-५१

5. मउ, ११,५५

6. मउ, ११,८३-८५

7. ब्राह्मणार्थे नवार्थे वा सपः प्रापान् परिलजेत् ।

मुच्यते ब्रह्महत्यायाः गोदा गोत्रहानस्य च ॥ (११,८०)

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 (Patana).

Crime leads to a fall from caste status, and in grave cases it puts a person outside the four *varṇas* as an outcaste (*patita*). 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 *Dharmasāstras*. 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 *varṇa*. 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 *paṇa*, for the same offence the king should pay a thousand *paṇas* (VIII, 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).

1. सुर्वण्यस्तेष्वकृद्दिशो राजानमभिगम्य च ।
स्वकर्म स्यात्सन्मृत्याम्ना भवाननुश्रितिति ॥
गृहीत्वा मुसलं राजा सङ्कट्यासु तं शपथम् ।
पथेन द्युप्यति स्तेनो ब्राह्मणस्तपसेन वा ॥ (११,११-१००) cf. ८,११४-११६
2. यो येन पतितेषां ससर्गं याति मानवः ।
स सत्स्येव त्रतं कुर्वन् तस्ससर्गविसुद्धये ॥ (११,१८१)
3. पतितस्योदकं क्षारं सविश्वैर्नृपैः सह ॥ (११,१८२)
4. श्रावितं चिन्मिस्तस्ते लक्ष्म्याः इतलक्षणाः ।
निर्देया निर्मेतस्त्वारोत्तमनोऽनुशासनम् ॥ (९,१३९)

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 (*ātamanastuṣṭih*), or by its meeting the urge of the self (*svasya priyam* or *ātmanah priyam*)¹. 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., *śruti* (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 *Śiṣya*, 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 *Śiṣya* as one who has "acquired" (*adhigata*) the Vedas and their appanages (*aṅgāni*) in the traditional manner i.e., (through proper teachers and in the proper *āśramas*), and who is a *śrutipratyakhyaṭu*—a compound expression, which is interpreted by commentators in different ways.² 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 *élite* (*ācāra*) is a more trustworthy guide than precept (II, 6). Rights are by-products or result from the enforcement of duties. Protection (*rakṣaya*) 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. वाङ्मन्वन्, १, ७

2. धर्मोपाहितो वैश्वं वदः स परित्यज्यः ।
तेऽसिद्धा माङ्गनाः ज्ञेयाः श्रुतिप्रत्यख्येवदः ॥ (१२, १०९)

rights or claims betrays *ahankāra*, 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 *āpad-dharma*, (duties in exceptional circumstances) which is enforced by *Dharmaśāstra*, 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 *īṃśa-guṇa* 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 *Manusmṛiti*, 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. ब्रह्मेण हि समस्तानन् वाच्येदे न जायते (२, १८२)