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‘Manusmriti’: A Critical Analysis

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Abstract:

The first written script of Hindu dharma ‘Manusmriti’ was translated by Sir William Jones in 1794. It reflects the social and religious customs of ancient Hindus. According to Manu Hindus were divided into four colors, and later on, four castes namely Brahmanas, Kshatriyas, Vaisyas, and Sudras. In that system kings and Brahmanas were connected to each other regarded by the remaining castes. It explains Grihya-Sutras, spirituality and women’s position in society. There was a certain code for Vaisyas and Sudras. Although Dr. B.R. Ambedkar accused the Manu system of indiscrimination castism in India. Gandhi preferred the social system by their duties but not on rights.

Key words:-Customs, Grihya-Sutra, Spirituality, Indiscrimination, Castism.

Introduction: The Manusmriti[1] is an ancient legal text among the many Dharmaśāstras of Hinduism. It was one of the first Sanskrit texts translated during the British rule of India in 1794, by Sir William Jones, and used to formulate the Hindu law by the colonial government.[2] Over fifty manuscripts of the Manusmriti are now known, but the earliest discovered, most translated, and presumed authentic version since the 18th century has been the "Calcutta manuscript with Kulluka Bhatta commentary".[3] Modern scholarship states this presumed authenticity is false, and the various manuscripts of Manusmriti discovered in India are inconsistent with each other, and within themselves, raising concerns about its authenticity, insertions and interpolations made into the text in later times.[4]

Discussion: The metrical text is in Sanskrit, is variously dated to be from the 2nd century BCE to the 3rd century CE, and it presents itself as a discourse given by Manu (Svayambhuva) and Bhṛigu on dharma topics such as duties, rights, laws, conduct, virtues, and others. The text’s fame spread outside India, long before the colonial era.

The medieval era Buddhist law of Myanmar and Thailand are also ascribed to Manu,[5] and the text influenced past Hindu kingdoms in Cambodia and Indonesia." [6] Eighteenth-century philologists Sir William Jones and Karl Wilhelm Friedrich Schlegel assigned Manusmriti to the period of around 1250 BCE and 1000 BCE respectively, which from later linguistic developments is untenable due to the language of the text which must

be dated later than the late Vedic texts such as the Upanishads which have themselves dated a few centuries ago around 500BC. [7]. Later scholarship shifted the chronology of the text to between 200 BCE and 200 CE. [8]

Olivelle adds that numismatics evidence, and the mention of gold coins as a fine, suggest that the Text may date to the 2nd or 3rd century CE [9]. "Most scholars consider the text a composite produced by many authors put together over a long period. Olivelle states that the various ancient and medieval Indian texts claim revisions and editions were derived from the original text with 100,000 verses and 1,080 chapters. However, the text version in modern use, according to Olivelle, is likely the work of a single author or a chairman with research assistants.[10] " Manusmriti, Olivelle states, was not a new document, it drew on other texts, and it reflects "a crystallization of an accumulated knowledge" in ancient India[11]."" The root of theoretical models within Manusmriti relies on at least two shastras that pre-date it: Artha (statecraft and legal process), and Dharma (an ancient Indian concept that includes duties, rights, laws, conduct, virtues, and others discussed in various Dharmasutras older than Manusmriti). Its contents can be traced to Kalpasutras of the Vedic era, which led to the development of Smartasutras consisting of Grihyasutras and Dharmasutras[12]. The foundational texts of Manusmriti include many of these sutras, all from an era preceding the Common Era. Most of these ancient texts are now lost, and only four of them have survived: the law codes of Apastamba, Gautama, Baudhayana, and Vasistha.[13]

Patrick Olivelle, credited with a 2005 translation of Manusmriti published by the Oxford University Press, states the concerns in postmodern scholarship about the presumed authenticity and reliability of Manusmriti manuscripts. He writes "The MDh [Manusmriti] was the first Indian legal text introduced to the western world through the translation of Sir William Jones in 1794. All the editions of the MDh, except for Jolly's, reproduce the text as found in the [Calcutta] manuscript containing the commentary of Kulluka. I have called this the "vulgate version". It was Kulluka's version that has been translated repeatedly: Jones (1794), Burnell (1884), Buhler (1886), and Doniger (1991). (..) The belief in the authenticity of Kulluka's text was openly articulated by Burnell (1884, xxix): "There is then no doubt that the textus receptus, viz., that of Kulluka Bhatta, as adopted in India and by European scholars, is very near on the whole to the original text [14]." other scholars point to the inconsistencies and have questioned the authenticity of verses, and the extent to which verses were changed, inserted or interpolated into the original, at a later date. Sinha, for example, states that less than half, or only 1,214 of the 2,685 verses in Manusmriti, may be authentic [15].

Further, the verses are internally inconsistent [16]." Verses such as 3.55-3.62 of Manusmriti, for example, glorify the position of women, while verses such as 9.3 and 9.17 do the opposite [17]." Other passages found in Manusmriti, such as those relating to Ganesha, are modern-era insertions and forgeries [18]. The Code of Manu assumes that Brahmins were created to study and teach the Vedas, and perform sacrifice; Kshatriyas, to protect the people; Vaisyas, to be industrious; and Sudras, to be servile. But in Sanskrit

works, anterior to the Yajur-Veda, no such system is to be found. Mr. Muir collected many passages relating to the subject, and finds it abundantly evident that the sacred books of the Hindus contain no uniform or consistent account of the origin of castes, but, on the contrary, present the greatest varieties of speculation "the freest scope", Mr. Muir says, further," is given by the individual writers to fanciful and arbitrary conjecture[19]." The common story is, that the castes issued from the mouth, arms, thighs, and feet of Brahma. In its oldest form, this representation was probably an allegory. In the Code of Manu, and in the later works called Puranas, the mystical import disappears, and "the figurative narration is hardened into a literal statement of fact." The conclusion at which Mr. Muir consequently arrives is, "that the separate origination of the four castes was far from being an article of belief universally received by Indian antiquity." Society was undoubtedly divided into a variety of ranks, classes, and professions, but was not in the time of the hymns believed to have been derived from four distinct sources." On the contrary, it appears from a considerable number of passages, that at least the superior ranks of the community were regarded as being of one stock, - the Aryan."[20]

There is, in fact, no plea in Hindu sacred books for the divine origin of caste but their much evidence that, from very early periods, Brahmans were assumed to be divine, as in the Taittiriya- Brahmana it is written - "The Brahman caste is sprung from the gods; the Sudra from the Asuras."[21] The Sanskrit word for caste is varna, which means color; and Professor Lassen suggested that this probably betokened that difference of complexion was the ground of distinction of caste, - the pale-colored Hindus being at the top of the caste-scale, and the dark or "black-skinned aborigines at the lowest end. The darkness of skin was, we have observed, often used as a term of reproach in Vedic hymns, and is applied to the enemies who neglect sacrifice, who are sometimes further described as having flat noses and indistinct speech. The Hindus came from the north, and were fairer than the people whom they found already in possession of the country of India; and as the darker race was made subservient by conquest, "color" (varna) would naturally be regarded as a test of rank. The division of mankind into four classes was, no doubt, at first a simple and convenient division, the four classes being the-

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|-------------------|------------|
| 1. Ecclesiastical | Brahmans |
| 2. Military | Kshatriyas |
| 3. Industrial | Vaisyas. |
| 4. Servile | Sudras. |

We have already traced out some of the steps by which Brahmans became the all-powerful regulators of society, as shown in their sacrificial Vedas, and their ritual, legendary and mystical Brahmanas. They also made rules, called Kalpa- Sutras, to regulate the great public festivals; and prescribed Grihya (or domestic) ceremonies, by which the daily life of a believer was brought under the control of a spiritual guide, or Guru. These rules [22] were given in Grihya- Sutras, and practices sanctioned by custom and tradition, were laid down by them in Sdmaydchdrika- Sutras. The latter class of works, especially, resulted in Dharma Sastras, or so-called codes of law, and amongst these codes, the most

prominent is the "Code of Manu," which forms the subject of the present research. There seems, then, to be no doubt that "the laws of Manu," and the other metrical codes "are founded on the habits and customs laid down in the works complementary to the Grihya work," which works "complete the Kalpa works; and without the Kalpa works the practical Vedas would be unpractical." The codes show that "society cannot perform the duties prescribed in these sacred books unless it possesses a king who watches over the safety of the people, but a king cannot exist without the produce of the land; land, however, yields no produce without rain; rain is sent down by the favour of the gods; such favour is obtained by means of sacrificial acts, but where there is no Brahman there is no sacrificial act: king and Brahman thus close the circle within which the people has to obey the behests of both[23]."

This view of early Brahmanical influence sufficiently explains the institution of caste. We do not see it in the Code of Manu in its earliest stages; but this Code is their genuine exponent, rather matured representative; and it is one of the highest value because it gives a freer and fuller view of Hindu life in early periods, and of the occupations permitted and not permitted, than any other work to which we have access. Agriculture is treated with respect; and, according to the theory of the code, was to be carried on by the cast called Vaisyas.

"Let the Vaisya, having been girt with his proper sacrificial thread, and having married an equal wife, be always attentive to his business of agriculture and trade, and to that of keeping cattle.[24] " Never let a Vaisya be disposed to say, I keep no cattle." [25] If the land is injured by the fault of the farmer himself (as if he fails to show it in due time), he shall be fined ten times as much as the (king's) share (of the crop, that might otherwise have been raised); but only five times as much, as if it was the fault of his servants without his knowledge." [26] "Let him be skilled likewise in the time and manner of sowing seed, and in the bad and good qualities of land. Let him also perfectly know" the correct modes of measuring and weighing." [27] Let him apply the most attentive care to augment his wealth, by performing his duty; and with great solicitude let him give nourishment to all sentient creatures." [28]

In other verses, introduced possibly at a later period, it is said that should a Brahman or Kshatriya be obliged by distress to subsist by the acts of a Vaisya, they "must avoid with care... the business of tillage, which gives pain to sentient creatures, and is dependent on (the labour of) others. Some are of opinion that agriculture is excellent, but it is a mode of subsistence which the benevolent greatly blame; for the iron-mouthed pieces of wood not only wound the earth but the creatures dwelling in it." [29]. The Manusmrti has been subject to appraisal and criticism. Among the notable Indian critics of the text in the early 20th century was Dr. B. R. Ambedkar, who held Manusmriti as responsible for the caste system in India. In protest, Ambedkar burnt Manusmrti in a bonfire on December 25, 1927 [30]. While Dr. Babasaheb Ambedkar condemned Manusmriti, Mahatma Gandhi opposed the book burning. The latter stated that while caste discrimination was harmful to spiritual and national growth, it had nothing to do with Hinduism and its texts such as Manusmriti. Gandhi argued that the text recognizes different callings and professions, defines not one's

rights but one's duties and that all work from that of a teacher to a janitor are equally necessary, and of equal status [31]." Gandhi considered Manusmriti to include lofty teachings but a text with inconsistency and contradictions, whose original text is in no one's possession.[32] He recommended that one must read the entire text, and accept those parts of Manusmriti which are consistent with "truth and ahimsa (non-injury or non-violence to others)" and the rejection of other parts[33]. Friedrich Nietzsche is noted to have said "Close the Bible and open the Manu Smriti. It has an affirmation of life, a triumphant agreeable sensation in life and that to draw up a lawbook such as Manu means to permit oneself to get the upper hand, to become perfection, to be ambitious of the highest art of living." [34]

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