

VARIOUS ASPECTS OF MANUSMRITI-ASYSTEMATIC STUDY.

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Abstract

The Manu-smriti is one of the most important and authoritative legal texts followed in Hinduism. It is also widely known as Manav Dharma Shastra or The Laws of Manu. The text is said to be written by the first law-giver, Manu, in Sanskrit language. It is believed to have been developed in the time range of 2nd century BCE to 3rd century CE. In the opinions of several recognized historians, the text is a reflection of the thoughts of Manu in the form of a discourse on topics like laws, duties, conduct and other general aspects of human life. It presents a code of conduct for human society. Manu-smriti was compiled at a time when the contemporary civilizations lacked even the basic understanding of laws, rights and other such things that tend to be a binding force on society. In this regard, the Manu-smriti is praised for being largely progressive in most aspects. This paper studies the status of women and the caste system in manusmriti.

Keywords: Dharmashastra, Caste system, Women in manusmriti, Vedic society, Behaviour and morals.

Introduction.

Manusmriti it came into being roughly 1,800 years ago, around the period that saw yagna-based Vedic Hinduism transform into temple-based Puranic Hinduism. Many thinkers assume that the Manusmriti to be the law book of Hindus. It is a code of conduct put together by brahmins, mainly for brahmins, and maybe for other "upper" caste communities, especially the king. It is part of a set of documents known as dharma-shastras. Hindus believe that to make life meaningful (purusha-artha), we have to pursue four goals simultaneously: be socially responsible (dharma), generate and distribute wealth (artha), indulge in pleasure (kama) and don't get too attached to anything (moksha). Knowledge related to each of these four pursuits when organised is called shastra. Thus we have dharma-shastra, artha-shastra, kama-shastra, and moksha-shastra. The Manusmriti, also known as the Mānava-Dharmaśāstra or Laws of Manu, is believed to be the first ancient legal text and constitution among the many Dharmaśāstras of Hinduism.

Review of literature

Flavia Agnes states that Manusmriti is a complex commentary from women's rights perspective, and the British colonial era codification of women's rights based on it for Hindus, and from Islamic texts for Muslims, picked and emphasised certain aspects while it ignored other sections.^[47] This construction of personal law during the colonial era created a legal fiction around Manusmriti's historic role as a scripture in matters relating to women in South Asia

Sir William Jones and Karl Wilhelm Friedrich Schlegel Eighteenth-century philologists 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 are themselves dated a few centuries later, around 500 BCE.

Olivelle, scholar, shifted the chronology of the text to between 200 BCE and 200 CE. Olivelle adds that numismatics evidence, and the mention of gold coins as a fine, suggest that text may date to the 2nd or 3rd century CE.

Objectives

1. To study the significance of manusmriti.
2. To examine the caste and women in manismriti.

The Indian society is said to be ruled by a Hindu code of conduct in order to maintain a social order. It is largely moulded on the lines laid down in Manusmriti or Manava Dharmashastra, a celebrated work of Manu, who was regarded as the initiator of social and moral organization in the Hindu society, dealing with issues like marriage, family, status of women etc. However, our Indian society has experienced many changes since the laws of Manu were put down. The purpose of our study is to review the basic principles stated in 'Manusmriti' and assess their appropriateness in the recent days.

Significance of Manusmriti

Since its composition, Manusmriti was seen as the foremost dharma-shastra, overshadowing all other law books. Most commentaries on dharma-shastras use Manusmriti as the code book. The content is traced back to the Vedas, and to the customs and practices of those who know the Vedas. Manusmriti aligns with the Vedic view that society is composed of four kinds of communities - those who know the Vedas (brahmins), those who govern the land (kshatriyas), those who trade (vaishyas) and those who serve (shudra). Typically, dharma-shastras give greater value to the code of brahmins than to the code of kshatriyas. Statecraft is elaborated in artha-shastra. However, Manusmriti gives almost equal value to the code of brahmins and the code of kshatriyas, effectively making artha-shastra a part of dharma-shastra. So while earlier dharma-shastras were interested in regulating conduct of brahmins mainly, Manusmriti is also interested in regulating conduct of kshatriyas too.

The personal choices, behaviours and morals.

Manusmriti has various verses on duties a person has towards himself and to others, thus including moral codes as well as legal codes. Olivelle states that this is similar to the modern contrast between informal moral concerns to birth out of wedlock in the developed nations, along with simultaneous legal protection for children who are born out of wedlock. Personal behaviors covered by the text are extensive. This recommends that a monk must go on his begging round, collect alms food and present it to his teacher first, then eat. One should revere whatever food one gets and eat it without disdain, states Manusmriti, but never overeat, as eating too much harms health, and the work becomes without effort when a man contemplates,

undertakes and does what he loves to do and when he does so without harming any creature.

Numerous verses relate to the practice of meat eating, how it causes injury to living beings, why it is evil, and the morality of vegetarianism. Yet, the text balances its moral tone as an appeal to one's conscience, states Olivelle. He states that, "there is no fault in eating meat, in drinking liquor, or in having sex; that is the natural activity of creatures. Abstaining from such activity, however, brings greatest rewards.

The statecraft and rules of war

The Manusmriti discusses the duties of a king, what virtues he must have, what vices he must avoid. It identifies precepts to be followed in selecting ministers, ambassadors and officials, as well as the characteristics of well-fortified capital. Manusmriti then lays out the laws of just war, stating that first and foremost, war should be avoided by negotiations and reconciliations. If war becomes necessary, states Manusmriti, a soldier must never harm civilians, non-combatants or someone who has surrendered, that use of force should be proportionate, and other rules. Fair taxation guidelines are also described in verses.

Caste System and the Manusmriti

The Manu-smriti dedicates almost one thousand and thirty-four verses to the laws for, and expected virtues of, the Brahmans. This is Manu-smriti's largest portion. There are around nine hundred and seventy-one verses for the Kshatriyas. On the other hand, the laws and rules for the lower two classes, namely Vaishyas and Shudras who constitute the merchant and working class respectively, are very brief in description. This goes to show that the Manu-smriti was quite scathing in its attitude towards the lower caste members of society. There are several instances in Manu's verses where he preaches against the Shudras and Vaishyas, such as.

- In one of the verses, it is said that Brahma, the "supreme creator", gave birth to the Brahmans from his mouth, the Kshatriyas from his shoulders, the Vaishyas from his thighs and Shudras from his feet. It can be inferred from this passage, that Vaishyas and Shudras should not be touched as they are dirty creatures, thus leading to the concept of untouchability, a grave social evil.
- In another verse, Manu proclaims that god said the duty of a Shudra was to serve the upper castes faithfully with devotion and without grumbling.
- Manu says: Let the first part of a Brahman's name denote something auspicious, a Kshatriya's relate to power, and a Vaishyas with wealth but a Shudra's express something contemptible.
- Manu considered Shudras unfit for receiving education. He said that the upper varnas should not impart education or advise Shudras. He did not feel it necessary that Shudras should know the laws and codes and, therefore, they should not be taught the same.
- A Brahman may compel a Shudra, whether bought or unbought, to do servile work as he has been created to be the slave of a Brahman.
- No Shudra should have property of his own. He should have nothing of his own. The existence of a wealthy Shudra is bad for the Brahmins. A Brahman may take possession of the goods of a Shudra.

- A Shudra who wants to just fill his stomach may serve a Vaishya. If he wants a permanent means of living he can serve a Kshatriya. But if he wants to go to heaven or wants higher or superior birth in the next generation he must serve a Brahmin.

I find that the Manu-smriti has been rightly criticized by people from all quarters for promoting social inequality and being a harbinger of hatred. There are still unscrupulous religious people who live by these rules and try to impose them on others as well. Dr. B.R. Ambedkar, a well-known social reformer and crusader of social equality, protested such social norms by burning the Manu-smriti and held it responsible for the prevalence of the caste system in India. He observed that the Manu-smriti was a hindrance to the growth and progress of the nation.

I find the portrayal and justification of the caste system by Manu very disturbing and unsettling. Manu has justified the caste system as the basis of order and regularity of society. Brahmins and Kshatriyas are given all the privileges man could enjoy while Vaishyas and Shudras are oppressed and neglected. The upper caste members are given leniency in matters of misconduct. A Brahmin who commits a crime against a Shudra is let off lightly, whereas a Shudra was given the strictest punishment possible for the slightest misconduct. In modern world, things have changed as the caste system has become a subject of politics. Manu-smriti is seen as the source of inequality in India, leading to several demonstrations of burning the book to register protest.

Women and the Manusmriti

The point for which the Manu-smriti draws most flak, is its representation of women and their status in society. Its depiction of women paints a picture of how women were perceived to be mere objects of men in ancient India, and to some extent, we are able to relate to it by analysing the present conditions of women in Indian society. First, let us see how women are shown in the Manusmriti offers an inconsistent and internally conflicting perspective on women's rights. For example, declares that a marriage cannot be dissolved by a woman or a man, and allows either to dissolve the marriage. For example, verses 9.72–9.81 allow the man or the woman to get out of a fraudulent marriage or an abusive marriage, and remarry; the text also provides legal means for a woman to remarry when her husband has been missing or has abandoned her. It preaches chastity to widows, and opposes a woman marrying someone outside her own social class. Manusmriti preaches that as a girl, she should obey and seek protection of her father, as a young woman her husband, and as a widow her son; and that a woman should always worship her husband as a god. Manusmriti also declares that women must be honored and adorned, and where women are revered, there the gods rejoice; but where they are not, no sacred rite bears any fruit. Olivelle, in his text declares, a woman must never seek to live independently. It describes the numerous practices such as marriages outside one's varna. (see [anuloma](#) and [pratiloma](#)), such as between a Brahmin man and a Shudra woman, a widow getting pregnant with a child of a man she is not married, marriage where a woman in love elopes with her man, and then grants legal rights in these cases such as property inheritance rights, and the legal rights of the children so born. It also provides for a situation when a married woman may get pregnant by a man other than her husband, and dedicates. To conclude that the child's custody belongs to the

woman and her legal husband, and not to the man she got pregnant with.

Manusmriti provides a woman with property rights to six types of property. These include those she received at her marriage, or as gift when she eloped or when she was taken away, or as token of love before marriage, or as gifts from her biological family, or as received from her husband subsequent to marriage, and also from inheritance from deceased relatives.

In a gist, what the Manu-smriti says about women, is that they should focus on what they are supposedly good at, household work and bearing children to carry the family name forward. The life cycle of a woman, as per the Manu-smriti is life, fulfilment of duties towards husband and death. In such a scenario, the condition of women is bound to be depreciated, and it is the root to many of the problems that we are currently facing, such as dowry, child marriages, gender imbalance, female feticide and many more.

Presently, Indian society is battling with the grave problems of child marriage and female feticide. These problems have been stirred up by the colonial mindset of people who fail to recognize the fallacies of ancient religious texts like the Manu-smriti and continue to follow its ideals. In order to eradicate these problems, we need a comprehensive education program that tackles these issues and makes people aware of the shortcomings of these ancient texts and teaches them to apply a rational mind to all things. Education is clearly the only way forward for society.

Conclusion

However, there are wide inconsistencies and contradictions about the authenticity of Manu-smriti, as over fifty of its manuscripts have been found. Each manuscript has inconsistencies with each other and, over the years, the text has undergone multiple modifications, insertions and deletions that have altered the structure. It is also debated whether the text was the work of a single author or it is a compilation of the thoughts of numerous thinkers of the time. Nevertheless, it is possible for us to ascertain the fundamental features of the text, which talks about laws, regulations and customs. Manu-smriti is not considered relevant in modern society as most of its preaching's do not align with modern society. The text was the subject of considerable importance during the British colonial rule of India, after Sir William Jones translated the text from Sanskrit and used it to formulate a common law for Hindus. It is described by many as an attempt by the British to implement their strategy of divide and rule by attacking the religious sentiments of Indians.

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