

# DHARMA IN *MANUSMṚTI*

## Agent of Social Cohesion and Equilibrium

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**Abstract:** Dharma, through its role as a moral ideal and through its manifestations that permeate every part of the society, binds all the individuals in Manu's society as envisaged in *Manusmṛti*. It serves as a common value and dictates common goals for the people that could be attained by functioning for the good of the institutions they belong to and, ultimately, for the survival of the society. Social institutions like marriage, family, *varṇa* system, *āśrama* system, political system and legal system were structured with accurate positions and roles for their efficient and smooth functioning. They were made to function compatibly with each other to ensure the survival of the society. Manu carefully avoided conflicts and competitions in the society. Thus, by acting as a cohesive agent, Dharma, as a foundational moral principle, integrates both individuals and the institutions to maintain the equilibrium of Manu's state.

**Key Terms:** Dharma, *Manusmṛti*, Marriage, Family, *Varṇa*, *Āśrama*, Politics, Law, Society and Social Cohesion

### 1. Introduction

Manu's ideal state, as engraved and meticulously described in *Manusmṛti*, is a society composed of interrelated and interdependent structural units that intend for the efficient functioning of the whole society.<sup>1</sup> The harmonious working of the individual elements maintains the homeostasis of Manu's society. It is evident from the clear-cut division of state into constituent elements, explicit division of labor, positional and gender-based stratification and sharply delineated social roles and expectations, that the aim was to carefully represent a finished state with accurately outlined structures and functions for the holistic

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<sup>1</sup>Rao, "Manu's Ideas on Administration," *The Indian Journal of Political Science* 66, 3 (July-September 2005), 499.

continuity and maintenance of the Hindu society and polity. In this paper, I will be arguing that the central factor that binds the different units and holds the society together is Manu's Dharma. In other words, Dharma prevents the society from breaking up and changing into an anarchic land.<sup>2</sup> The purpose of this paper is to establish that the ethical codes (Dharma) dictated by Manu serve as an agency in bringing about social cohesion, both at individual level and at group level, which would result in the appropriate functioning of social institutions and structures, ultimately leading towards a balanced and orderly state.

The first part of the paper will focus on marriage and family, *varṇa* system, *āśrama* system, political system and legal system of Manu's state to observe how their carefully designed structure has a bearing on their functioning. As I explore them, it will be clear that the functional aspects of these institutions which are regulated by Dharma make them interlinked and interdependent. The final part will address the nature of Dharma and how it serves as a foundation to connect all the parts for the smooth functioning of the society.

### 2. Marriage and Family

According to Manu, marriage is governed by Dharma and not by a physical bonding due to desire. It had been emphasized in *Manusmṛti* that sexual desire must be under control, and love must emerge during the process of enduring relationship acquired through marriage.<sup>3</sup> Marriage tie should normally be considered permanent and, hence, continuance of mutual fidelity till death is considered the best way for both husband and wife to live a life of Dharma.<sup>4</sup>

Manu recognized eight forms of marriage<sup>5</sup> in which *Brahma*, *Daiva*, *Prajapatya* and *Arṣa* forms are holy and blameless while *Gandharva*, *Asura*, *Rākṣasa* and *Piśāca* marriages are unholy and blameable<sup>6</sup> because the first four forms are not based on carnal desires or desire for wealth and takes into account the welfare of ancestors, descendants and the society in

<sup>2</sup>Das, *Manu's Code of Life*, vol. 1, New Delhi: Radha Publications, 1993, 49.

<sup>3</sup>Bhargava, *Manu Smṛiti*, Jaipur: Rawat Publications, 1989, 12.

<sup>4</sup>Burnell, trans., *The Ordinances of Manu*, New Delhi: Oriental Books Reprint Corporation, 1971, 262.

<sup>5</sup>Burnell, *The Ordinances of Manu*, 47.

<sup>6</sup>Burnell, *The Ordinances of Manu*, 50.

general.<sup>7</sup> Although these four are the ideal forms according to Dharma, Manu does not rule out the possibility of the bad marriages happening. Taking their dispositions and qualities into consideration, he associates *Gandharva*, *Asura* and *Piśāca* marriages with *Vaiśyas* and *Sudras*.<sup>8</sup>

Manu prescribes the conditions that a man and a woman should meet in order to be eligible for marriage. Since Manu favors only the first four forms of marriages, he prescribes conditions only for such ideal marriages. In other words, by not throwing light on the intricacies of unholy marriages (which would include all the marriages of people belonging to *Sudra varṇa*), he strongly establishes the Dharma of marriage by his authoritative ethical stance on the rightness of the first four forms of marriages. A man must be learned in Vedas and be mature to seek the permission of his teacher in order to be eligible for marriage in accordance with the Dharma. For a woman, it is the bodily features – bearing an auspicious name, no physical defects, little hair on the body, graceful gait, small teeth and soft limbs – that make her eligible for the marriage.<sup>9</sup> This implies that although at the surface level Manu wanted bodily passions not to interfere in marriage, his patriarchal mentality is explicit in emphasizing bodily features rather than intellectual and moral qualities for women.

Marriages are arranged for girls once they reach puberty. If there is a difficulty in arranging for marriage, a girl can remain unmarried for three years after her puberty after which the girl has the right to choose her own partner of equal status.<sup>10</sup> A woman can stay unmarried all her life, if a suitable partner could not be found.<sup>11</sup>

Endogamous marriage in conformity to Dharma was the preferred, as the child born of the union of the same *varṇa* will have a harmonious nature.<sup>12</sup> Manu prescribes that marriage should be avoided among the

*Sapindas*.<sup>13</sup> Manu considered monogamy as the normal form of marriage<sup>14</sup> and polygamy a sin.<sup>15</sup>

Manu was against dowry system and was of the opinion that matrimony should not become a market where selling of a bride could take place.<sup>16</sup> Manu, however, laid out gifting a bridegroom as a norm in all the four holy forms of marriages. Manu clarifies this by claiming that the gifts must be voluntarily given as a token of affection and kindness towards the couple.<sup>17</sup>

If the husband dies, passing her remaining life in widowhood was considered honorable way to abide by Dharma.<sup>18</sup> She has to be given care by her son<sup>19</sup> or husband’s brother.<sup>20</sup> If a childless widow desires a child, she can beget one from her husband’s brother or *sapinda* after she is given permission by the elders.<sup>21</sup>

Manu’s Dharma prescribes that the freedom to divorce his wife anytime was given only to the husband and not to wife although Manu mentions that she should not be blamed if she abandons a husband who is impotent, insane or having a contagious disease and remarries another. In these cases, after she abandons her husband, she should be given the share of her property.<sup>22</sup> For any reason other than this, she cannot come out of her marriage ties.

Family in Manu’s state was clearly structured according to the moral principle of Dharma which demands patterned roles and expectations of its members. The importance of family in Manu’s state was that it promoted spiritual progress of its members by creating a unifying bond that demands fulfillment of mutual duties.<sup>23</sup>

<sup>7</sup> Bhargava, *Manu Smṛiti*, 13.

<sup>8</sup> Burnell, *The Ordinances of Manu*, 48.

<sup>9</sup> Burnell, *The Ordinances of Manu*, 46.

<sup>10</sup> Burnell, *The Ordinances of Manu*, 260.

<sup>11</sup> Burnell, *The Ordinances of Manu*, 260.

<sup>12</sup> Bhargava, *Manu Smṛiti*, 14.

<sup>13</sup> Burnell, *The Ordinances of Manu*, 45.

<sup>14</sup> Bhargava, *Manu Smṛiti*, 13.

<sup>15</sup> Burnell, *The Ordinances of Manu*, 262.

<sup>16</sup> Burnell, *The Ordinances of Manu*, 51.

<sup>17</sup> Burnell, *The Ordinances of Manu*, 49.

<sup>18</sup> Bhargava, *Manu Smṛiti*, 17.

<sup>19</sup> Burnell, *The Ordinances of Manu*, 130.

<sup>20</sup> Burnell, *The Ordinances of Manu*, 270.

<sup>21</sup> Burnell, *The Ordinances of Manu*, 253.

<sup>22</sup> Burnell, *The Ordinances of Manu*, 257.

<sup>23</sup> Bhargava, *Manu Smṛiti*, 24.

Joint family seems to be the norm in Manu’s social framework,<sup>24</sup> although after the death of the parents, the brothers and their families were allowed to constitute smaller nuclear families and make a living.<sup>25</sup> It is also obvious that a family in Manu’s state was patriarchal, as a man in the family is given more authority and power over a woman.<sup>26</sup>

Dharma strongly advocates a man in a family to perform sacred duties and sacrifices for the spiritual advancement of his family members who were both alive and dead.<sup>27</sup> Specifically, he should perform what were called the *pañca-mahāyajña* or the ‘five great sacrifices’.<sup>28</sup>

A man as a householder was supposed to discharge his Dharma of earning the daily bread. He should be content with what he earns and generous in giving right charity, and fulfill the duties which would suit his temperament.<sup>29</sup> He had to treat guests hospitably, even if they come at an odd hour of the day.<sup>30</sup> Although Manu mentions that an important duty of a man as a husband, even if he is weak, in a family is to protect his wife,<sup>31</sup> she should not be guarded by force.<sup>32</sup>

Manu set ways also for women to hold on to Dharma in family. A wife should remain patient, self-controlled, and chaste<sup>33</sup> and obey the instructions of the husband. The primary duty of a woman in a family is to bear and rear children. In fact, Manu glorifies the role of women in children’s education and socialization.<sup>34</sup> Transmission of social ideals and values to the children happens in the family before they are given formal education under a teacher.<sup>35</sup> She should be economical and take care of household activities. She was supposed to clearly frame a proper annual

budget for regulating the expenditure and<sup>36</sup> make purchases and store the needed goods for the consumption. She should also look after the needs and comforts of the servants. If the family is poor, she should also manually assist her husband. In times of difficulty, she should act like a counselor, and not forsake her husband.<sup>37</sup> She should not ruin herself by drinking, associating with wicked people, separating from her husband, sleeping at unusual hours and staying in the house of other men.<sup>38</sup>

A successful marriage and marital life carefully regulated by Dharma would result in the birth of a son, which would ultimately lead both husband and wife to salvation.<sup>39</sup> However, if a daughter was born she was equivalent to a son.<sup>40</sup> She must be protected by her father.<sup>41</sup>

Both husband and wife were joint owners of the house (*dampati*).<sup>42</sup> Once the householder gets old, he should hand over the economic activities to his eldest son and support him. The eldest son would then support his younger brothers. After the death of the parents, the property among the brothers should be shared equally. In the case of sisters, the brothers must give equal portions out of their shares.<sup>43</sup>

Manu devised the institution of marriage and family, thus, with accurate roles, norms and expectations as dictated by Dharma. The functions of these two institutions that result due to the confirmation to Dharma ensure the survival of Manu’s society. Their purpose was the ascertainment of love and sexual union, spiritual advancements, reproduction of new members of the society, their socialization and economic functions. Well structured marriage and family forms, roles and expectations show us that Manu intended to build a complete unit for the orderly functioning of the society by making use of Dharma as a moral principle.

Subtle and sometimes explicit gender-based stratification in the family could be considered as a functional necessity that maintained the

<sup>24</sup> Bhargava, *Manu Smriti*, 23.

<sup>25</sup> Burnell, *The Ordinances of Manu*, 264.

<sup>26</sup> Bhargava, *Manu Smriti*, 18.

<sup>27</sup> Bhargava, *Manu Smriti*, 24.

<sup>28</sup> Burnell, *The Ordinances of Manu*, 53.

<sup>29</sup> Bhargava, *Manu Smriti*, 25.

<sup>30</sup> Burnell, *The Ordinances of Manu*, 74.

<sup>31</sup> Burnell, *The Ordinances of Manu*, 245.

<sup>32</sup> Burnell, *The Ordinances of Manu*, 246.

<sup>33</sup> Burnell, *The Ordinances of Manu*, 132.

<sup>34</sup> Burnell, *The Ordinances of Manu*, 33.

<sup>35</sup> Bhargava, *Manu Smriti*, 30.

<sup>36</sup> Bhargava, *Manu Smriti*, 27.

<sup>37</sup> Bhargava, *Manu Smriti*, 27.

<sup>38</sup> Burnell, *The Ordinances of Manu*, 246.

<sup>39</sup> Bhargava, *Manu Smriti*, 20.

<sup>40</sup> Burnell, *The Ordinances of Manu*, 268.

<sup>41</sup> Burnell, *The Ordinances of Manu*, 130.

<sup>42</sup> Bhargava, *Manu Smriti*, 27.

<sup>43</sup> Burnell, *The Ordinances of Manu*, 265.

status quo of the society. This is because Manu determined the stratified gender positions, so that there would not be any clash among their roles, power and functions. In fact, wife’s roles were designed in such way that her subordination to her husband was made to appear estimable.<sup>44</sup> This Dharma was regulated by glorifications of women’s roles (especially the role of the mother as a teacher) which were tools to attach honour to their otherwise secondary positions.<sup>45</sup> The subordination of women to men was also strengthened by rewards like exaltation to heaven for obeying the husband<sup>46</sup> and warnings and fear symbols like disgrace and diseases for violating duties towards the husband.<sup>47</sup> Manu also wanted householders to avoid competition and conflict to achieve higher statuses, power and prestige, so that status quo and balance in the society would be maintained.<sup>48</sup>

### 3. *Varṇa* System

Manu made use of *varṇa* system to devise a model of social order set by Dharma that signified a division of labour, power structure and role plays. He accepted the authoritative pronouncement of *Puruṣa Sūkta* in *Ṛg Veda* about the origins of *varṇas*, although there were other theories about the origin of *varṇas* in the classical texts.<sup>49</sup> Accordingly, the four *varṇas* originated from the body of *Brahma*: *Brāhmaṇa* from the mouth, *Kṣatriya* from the arms, *Vaiśya* from the thighs and the *Sudra* from the feet.<sup>50</sup> Each body part from which a particular *varṇa* was born symbolizes an occupation corresponding to it.

The following table presents the hierarchy of *varṇas* in the order of power and privileges, and their prescribed occupations in a table form:<sup>51</sup>

<i>Varṇa</i>	Prescribed Occupation	Occupation Allowed	Forbidden Occupations
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<i>Brāhmaṇa</i>	Teaching, studying, offering sacrificing for oneself and others, making and receiving gifts.	A <i>Brāhmaṇa</i> could live a life of <i>Kṣatriya</i> and <i>Vaiśya varṇa</i> , if he was unable to subsist by occupations prescribed.	Agriculture, selling flesh, fish, salt, and milk. <i>Sudra</i> way of life was forbidden.
<i>Kṣatriya</i>	Administrative duties, kingship, exercising power, punishment, and other military functions	Studying, gifting others and sacrificing for oneself and judicial functions were allowed. They may adopt the life of a <i>Vaiśya</i> , if necessary.	Teaching, sacrificing for others and accepting gifts. <i>Sudra</i> way of life was forbidden.
<i>Vaiśya</i>	Agriculture, animal husbandry, trade, dealing with metals, gems, corals, perfumes and condiments	A <i>Vaiśya</i> , who was unable to earn a livelihood through prescribed means could adopt a life of a <i>Sudra</i>	All the duties prescribed and allowed for <i>Brāhmaṇas</i> and <i>Kṣatriyas</i> were forbidden
<i>Sudra</i>	Serving <i>Brāhmaṇas</i> and handicrafts	Serving a <i>Kṣatriya</i> or a <i>Vaiśya</i>	All the duties prescribed and allowed for <i>Brāhmaṇas</i> , <i>Kṣatriyas</i> and <i>Vaiśyas</i> were forbidden.

Manu restricted the way of life of the people belonging to *Sudra varṇa*, while there is more flexibility for other *varṇas*. In other words, Manu strictly curtailed the upward mobility in the *varṇa* system, although movement downward was permitted to some extent.<sup>52</sup> Manu wanted to establish a basis that would strengthen the rigidity of the *varṇa* system. So, he based the functional differences on the natural qualities and dispositions of the people.<sup>53</sup> Depending on a person’s natural qualities and dispositions, he/she would naturally fall under one of the *varṇas*.

<sup>44</sup> Bhargava, *Manu Smṛiti*, 27.

<sup>45</sup> Bhargava, *Manu Smṛiti*, 29.

<sup>46</sup> Burnell, *The Ordinances of Manu*, 131.

<sup>47</sup> Burnell, *The Ordinances of Manu*, 132.

<sup>48</sup> Bhargava, *Manu Smṛiti*, 26

<sup>49</sup> Dutt, *Origin and Growth of Caste in India*, vol 1. Calcutta: Firma K. L. Mukhopadhyay, 1968, 4-5.

<sup>50</sup> Burnell, *The Ordinances of Manu*, 20.

<sup>51</sup> Burnell, *The Ordinances of Manu*, 315-318.

<sup>52</sup> Bhargava, *Manu Smṛiti*, 36.

<sup>53</sup> Bhargava, *Manu Smṛiti*, 39.

<i>Varṇa</i>	Dispositions	Qualities
<i>Brāhmaṇa</i>	Quiet and curious	Wise, self-disciplined, pleasant, pure, controlled and serving-nature
<i>Kṣatriya</i>	Energetic	Valour, disciplined, royalty and joyous
<i>Vaiśya</i>	Desirous	Possessiveness, instinctual, cowardice and hostility
<i>Sudra</i>	Incoherent	Indefinable and Inconsistent qualities

Manu might have understood the difficulty in accurately determining the dispositions and qualities of every person in the society and fixing him/her in a particular *varṇa*. Since all the members of the society, including the ones governing the state would fall under a *varṇa*, the question of who would determine the nature and decide the *varṇa* of people was difficult to answer. This difficulty would lead the four-fold division to lose its original character as members of a class would encroach upon the profession of other classes.

Although giving more power and authority to *Brāhmaṇas* and calling it Dharma would have solved the problem to some extent, Manu furthermore strengthened the rigidity of the *varṇa* system by associating it with *jati* system which had its basis on birth. In fact, this must have been the reason why Manu subscribed to *Puruṣa Sūkta* theory about the origin of *varṇas* and not to the others, as it gives importance to the birth basis of the *varṇas*. By this, Manu established a correspondence between *varṇa Dharma* and *jati Dharma*, so that they would strengthen each other. Consequently, for Manu there were only four *jatis* in the beginning that corresponded to the four *varṇas*. These four *varṇas* were assigned their Dharma based on their dispositions and qualities which further depended on their birth from the particular body part of *Puruṣa*. As a result of mixed unions of people belonging to different *varṇas* a number of *jatis* arose.<sup>54</sup> Manu exhaustively covers all the possible inter-mixing of *varṇas* and details their dispositions and qualities, so that their statuses and occupations would not turn flexible.<sup>55</sup>

To further strengthen the rigidity, Manu tried to figure out which *jatis* corresponded to the four original *varṇas*. He mentions that subsequent permutations and combinations after the inter-mixing of high and low ranked *varṇas* would result in a baby that could possess the

nature of either highly ranked *varṇa* or even the lower ones depending on which generation the baby gets the birth. It is in this context he mentions that a *Brāhmaṇa* could become a *Sudra* and *Sudra* could become a *Brāhmaṇa*.<sup>56</sup>

Manu’s use of *jati* system, which developed through exogamy, does not mean that he supported exogamy. It just means that he recognized it and made use of it to strengthen the rigidity of *varṇa* system. His authoritative position in favour of endogamy cannot be doubted.<sup>57</sup>

Thus, *varṇa* system was a well-structured institution based on the division of Manu’s society into four segments on the basis of functional differences. These differences were clearly delimited with the help of dispositions and qualities which depended on the *jati* in which the person was born. Since *varṇa* system was made to be associated with *jati* system, it revealed a rigid hierarchy with marked distinctions in status, privileges and power.<sup>58</sup> Although Baudhāyana, Vasiṣṭa and Gautama had already associated *varṇas* with *jatis*, it was Manu who made it most orthodox by establishing Dharma through clear-cut distribution of power, authority and functional roles.<sup>59</sup> This checked all the unwarranted competitions between the *varṇas* and *jatis* and thereby ensured the avoidance of conflict and easy working of the society. Also, the interdependency between the various functional groups enhanced and promoted the integration of various social institutions and equilibrium in the society.<sup>60</sup>

It should be noted that Manu also wanted to keep track of even those who would not fit into the society he was designing. He mentions that all those tribes which were excluded from the community of those born from the mouth, the arms, the thighs, and the feet of *Brahmā* were called *Dasyus*. Manu understands these people as barbarians and considers them to be impure, who must subsist by occupations reprehended by the people belonging to the twice-born *varṇas*.<sup>61</sup> By

<sup>56</sup> Burnell, *The Ordinances of Manu*, 314.

<sup>57</sup> Burnell, *The Ordinances of Manu*, 45-47.

<sup>58</sup> Bhargava, *Manu Smṛiti*, 34.

<sup>59</sup> Kumar, *Changing Role of the Caste System*, Jaipur: Rawat Publications, 2005, 49.

<sup>60</sup> Bhargava, *Manu Smṛiti*, 40.

<sup>61</sup> Burnell, *The Ordinances of Manu*, 311.

<sup>54</sup> Burnell, *The Ordinances of Manu*, 306.

<sup>55</sup> Burnell, *The Ordinances of Manu*, 306-310.

consciously bringing all the members of the society into his vision, he extends the strength of Dharma and carefully organizes his society for its smooth functioning.

As in the case with the family, the *varṇa* Dharma got strengthened with a definitive assertion that it was better to perform one's own appointed duty incompletely rather than to perform completely the duty of another.<sup>62</sup> Warnings of banishment, deprivation<sup>63</sup> and pouring the burning oil into ears<sup>64</sup> made sure that the *varṇa* Dharma was not violated. Non-observance of prescribed sacred rites would lead to degradation and these degraded groups were called *Vrātyas*.<sup>65</sup> Rewards like heaven, attainment of high birth in the next life further toned *varṇa* system up.<sup>66</sup>

#### 4. *Āśrama* System

In addition to the functional division based on labour, Manu's society was also divided on the basis of the stages of life into student (*brahmacari*), the householder (*grahastya*), the hermit (*vānaprastha*) and the ascetic (*sanyāsa*).<sup>67</sup> In other words, every stage of life was patterned with roles, norms and expectations as prescribed by Dharma. This system assured the interdependent relation between the individuals and the group life, as individual belonging to a particular age also belonged to a group.<sup>68</sup>

In order to tread the path determined by Dharma, a student must engage in study of Vedas and Upanishads, and at the same time perform various kinds of austerities and vows as prescribed in the Vedas. Initiation to education (*upanayana*) was considered the second birth of a person (*dvija*). It was there that one learnt the conduct and duties to apply them later in life.<sup>69</sup> He should offer fuel to the sacred fire, beg for food, sleep on the ground and serve the teacher.<sup>70</sup> He must control his senses,

bathe every day, worship Gods and avoid honey, meat, garlands, touching women, singing, gambling and dancing.<sup>71</sup>

Once the studentship was completed successfully, the person married (as a rite) and shouldered responsibilities of life.<sup>72</sup> He now lives with his wife and subsists independently by occupying a duty that Dharma prescribed him. He must not neglect the 'five great sacrifices'.<sup>73</sup> Desire of sex, wealth and progeny must be satisfied within the vision of tasks that Dharma has placed before him.<sup>74</sup>

Dharma dictates that as a householder sees his wrinkled skin, grey hair and the grandchildren, he has to go to the next stage. He should go to the forests either along with his wife or leaving her with his sons. He should take with him the sacred fire to conduct sacrifices in the forest,<sup>75</sup> and must be industrious in reciting the Vedas. He should be patient, compassionate, friendly, broadminded, and should not make efforts for pleasure.<sup>76</sup> He must wear a tattered garment, sleep on bare ground, beg alms, and not care for shelter.<sup>77</sup>

Although activity for pleasure must be ceased, the intensity of activity without attachments and bonding must be greater. In fact, a person of *Kṣatriya varṇa* must act to duly protect the world.<sup>78</sup> This could happen in this *āśrama* because this is the stage where the person could dedicate his energies and experience to the general good. Since people belonging to *Kṣatriya varṇa* possessed active temperament, Dharma allows them, in this stage, to live with their family and engage in worldly pursuits to work as an advisor to young, or even as a king for the welfare of all without any attachments or desires.<sup>79</sup>

After abandonment of worldly attachments in *vānaprastha* stage, he must live a life as an ascetic in the fourth part of his existence. He must not possess anything and must wander from place to place silently. He

<sup>62</sup> Burnell, *The Ordinances of Manu*, 318.

<sup>63</sup> Burnell, *The Ordinances of Manu*, 318.

<sup>64</sup> Burnell, *The Ordinances of Manu*, 222.

<sup>65</sup> Dutt, *Origin and Growth of Caste in India*, 7.

<sup>66</sup> Burnell, *The Ordinances of Manu*, 303.

<sup>67</sup> Burnell, *The Ordinances of Manu*, 146.

<sup>68</sup> Bhargava, *Manu Smṛiti*, 47.

<sup>69</sup> Burnell, *The Ordinances of Manu*, 24.

<sup>70</sup> Burnell, *The Ordinances of Manu*, 29.

<sup>71</sup> Burnell, *The Ordinances of Manu*, 36-37.

<sup>72</sup> Burnell, *The Ordinances of Manu*, 45.

<sup>73</sup> Burnell, *The Ordinances of Manu*, 133.

<sup>74</sup> Bhargava, *Manu Smṛiti*, 44.

<sup>75</sup> Burnell, *The Ordinances of Manu*, 134.

<sup>76</sup> Burnell, *The Ordinances of Manu*, 135.

<sup>77</sup> Burnell, *The Ordinances of Manu*, 137-138.

<sup>78</sup> Burnell, *The Ordinances of Manu*, 148.

<sup>79</sup> Bhargava, *Manu Smṛiti*, 45 and 78.

must carry a vessel and beg for food. He must meditate on the supreme self and wait for final liberation.<sup>80</sup> He must have his hair, nails, and beard clipped, should carry an alms-bowl, a staff, and a water-pot, and wander without hurting any creature.<sup>81</sup>

The structure of *āśrama* system was developed so that living in compliance with its Dharma would lead the individual and the group to be mutually interdependent on each other, which would ultimately lead to the progress of the individuals in the society.<sup>82</sup> For example, students, hermits and ascetics must depend on the householders economically. Similarly, students must depend on the householders for their education. Such interdependence would not lead to a conflict between the members of the different groups. The uniqueness of *āśrama* system is that it made very clear the norms and expectations from a spiritual dimension too. Furthermore, it reveals that not only did individuals have obligations for the society, but the society also has obligations and responsibilities towards individuals.<sup>83</sup>

Although not explicit, it is evident from the studentship of *Brahmacarya āśrama* and the spiritual inclination of *vānaprastha* and *Sanyāsa āśrama* that the *āśrama* system and its Dharma was devised only for the *Brāhmaṇa*, *Kṣatriya* and *Vaiśya varṇas*. This does not make members of *Sudra varṇa* free and flexible, but only restricts them to *varṇa* system and its Dharma. In other words, by not including *Sudra varṇa* into the *āśrama* system, Manu curbed them and held them restricted into their world of service and menial jobs.

## 5. Political and Legal System

The aim of Manu’s political and legal system was to ensure peace and prosperity of the people.<sup>84</sup> The political basis of the state was the government which was the tool of expression of collective will and power. It consisted of three parts: executive, judiciary and legislature.

<sup>80</sup> Burnell, *The Ordinances of Manu*, 138.

<sup>81</sup> Burnell, *The Ordinances of Manu*, 141.

<sup>82</sup> Bhargava, *Manu Smṛiti*, 47.

<sup>83</sup> Bhargava, *Manu Smṛiti*, 48.

<sup>84</sup> Rao, “Manu’s Ideas on Administration,” *The Indian Journal of Political Science* 66, 3 (July-September 2005), 490.

The executive further comprised of three parts: king, cabinet and civil service.<sup>85</sup>

Manu gave the king, the head of the state, the divine right to rule. His Dharma is to protect his people, and attain justice.<sup>86</sup> He should know the Vedas and learn the science of government, the science of dialectics, and the knowledge of the inner soul from the *Brāhmaṇas*. From the people, he must learn the theory of the various trades and professions.<sup>87</sup> He must be modest, self-controlled and self-disciplined. Manu warns of the activities that would make the King violate Dharma.<sup>88</sup> Manu also mentions the regular schedule of a king.<sup>89</sup>

Cabinet part of the executive branch of the government refers to the group of seven or eight ministers, who should assist the king. These ministers must be well-versed in sciences, skilled in weapons, well tried and from families which uphold Dharma. They should be assigned tasks related to war and peace, revenues, police affairs and public works. The most distinguished of them must be a *Brāhmaṇa* who should be in charge of all official businesses.<sup>90</sup> Manu’s Dharma dictates that the taxes should be moderate and press lightly on the people.<sup>91</sup>

The third part was the civil service which was composed of officials who were wise, skilful, alert, brave, honest and high-born, and who should deal with the execution of government policies. They should be responsible for collecting revenues from mines, manufactures, storehouses and interior of his palace. They should not have any corrupting influences, and must take charge of the administrative service.<sup>92</sup>

The second department of Manu’s law making system held the purpose of interpreting the laws and initiating new legislation. Ten wise men of acute intelligence who can deduce proofs through reasonable argument must be appointed. Any legal disputes should be solved in

<sup>85</sup> Bhargava, *Manu Smṛiti*, 79.

<sup>86</sup> Burnell, *The Ordinances of Manu*, 148-149.

<sup>87</sup> Burnell, *The Ordinances of Manu*, 153.

<sup>88</sup> Burnell, *The Ordinances of Manu*, 154.

<sup>89</sup> Burnell, *The Ordinances of Manu*, 166-177.

<sup>90</sup> Burnell, *The Ordinances of Manu*, 154-155.

<sup>91</sup> Burnell, *The Ordinances of Manu*, 164.

<sup>92</sup> Burnell, *The Ordinances of Manu*, 155.

relation to the sources from which the laws are made: Vedas, Law Treatises (*Dharmaśāstras*), custom of the holy men and conscience.<sup>93</sup>

The last part of the polity was the judiciary to provide justice to the people by upholding the law. A well-versed *Brāhmaṇa* must be appointed by the king for the administration of justice.<sup>94</sup> He must know what was expedient and inexpedient, pure justice and injustice.<sup>95</sup> Through external symbols, he should be able to discover the inner dispositions of a person.<sup>96</sup> In addition to the judge, three other *Brāhmaṇas* versed in Vedas should be appointed to constitute the legal bench.<sup>97</sup>

Manu mentioned eighteen topics that would give rise to law suits.<sup>98</sup> In Manu’s state punishing a person for a crime was relative on various factors like time, place, circumstances, strength and knowledge of the offender.<sup>99</sup> This means that punishment varies from *varṇa* to *varṇa*, as members belonging to each *varṇa* possess different dispositions, intellectual and moral qualities. These qualities also directly reflected their respect for law.<sup>100</sup>

<i>Varṇa</i>	Intellectual Qualities	Moral Qualities	Respect for Law
<i>Brāhmaṇa</i>	Very high	Very high	Vedas, Law Treatises ( <i>Smṛti</i> )
<i>Kṣatriya</i>	High	High	Vedas, Law Treatises ( <i>Smṛti</i> ) and customary laws of the holy men
<i>Vaiśya</i>	High	Average	<i>Smṛti</i> and customary laws of the holy men
<i>Sudra</i>	Low	Low	Customary laws alone (although <i>Smṛti</i> very rarely)

Depending on the above conditions, Manu devised four types of punishments for these groups: warning, imprisonment, fine and corporeal

<sup>93</sup> Burnell, *The Ordinances of Manu*, 17.

<sup>94</sup> Burnell, *The Ordinances of Manu*, 179.

<sup>95</sup> Burnell, *The Ordinances of Manu*, 180-181.

<sup>96</sup> Burnell, *The Ordinances of Manu*, 181.

<sup>97</sup> Burnell, *The Ordinances of Manu*, 179.

<sup>98</sup> Burnell, *The Ordinances of Manu*, 178-179.

<sup>99</sup> Burnell, *The Ordinances of Manu*, 149.

<sup>100</sup> Rao, “Manu’s Ideas on Administration,” 497.

punishment.<sup>101</sup> The table below concentrates on different types of punishment for the four *varṇas*.<sup>102</sup>

<i>Varṇas</i>	Types of Punishment			
	Warning	Fine	Imprisonment	Corporeal Punishment
<i>Brāhmaṇa</i>	Sufficient	Results would be significant as they are poor	Not necessary	Not necessary
<i>Kṣatriya</i>	Sufficient	This wouldn’t work as they are very rich	Might be necessary	Not necessary
<i>Vaiśya</i>	Poor results	This wouldn’t produce results as they are very rich.	Absolutely necessary	Might be necessary
<i>Sudra</i>	No result	Impractical as they are very poor	Absolutely necessary, although with poor results	Absolutely necessary, and would produce significant results

Manu also mentioned different types of crime and punishments equivalent to it.<sup>103</sup> The intensity of the punishment for a criminal king was greater than that of the ordinary people.<sup>104</sup> One-time offender must not be punished severely while habitual criminals must receive harsh punishments.<sup>105</sup> After the criminal received the respective punishment, the society should forgive him. The criminal should be restored to his social status.<sup>106</sup>

The main functions that would result from the Dharma of Manu’s political and legal system were the freedom from external coercion, and

<sup>101</sup> Burnell, *The Ordinances of Manu*, 199.

<sup>102</sup> Rao, “Manu’s Ideas on Administration,” 497.

<sup>103</sup> Burnell, *The Ordinances of Manu*, 232-244.

<sup>104</sup> Burnell, *The Ordinances of Manu*, 232.

<sup>105</sup> Bhargava, *Manu Smṛiti*, 92.

<sup>106</sup> Burnell, *The Ordinances of Manu*, 229.



right of the people to discharge their duties independently.<sup>107</sup> He wanted to give importance to the welfare of the people. Specifically, he wanted to see every individual in his state to satisfy basic needs, enjoy rights and privileges and have representations in the administration.<sup>108</sup> Furthermore, he wanted to ensure that the sovereignty was enjoyed by every individual. This means that every individual must be free to carry out their duties prescribed by Dharma to live happily and peacefully.<sup>109</sup>

It must be noted that the punishments devised are not just to protect the public, but also to keep the people awakened and aware of their Dharma.<sup>110</sup> Thus, the political and legal system had full control over the people belonging to different groups, so that the functional requisites were guaranteed for the survival of the society.

### 6. Dharma as the Agent of Cohesion and Equilibrium

Manu knew very well that a common value-ideal was required to integrate different parts of his society and promote solidarity among the people. In other words, for a state as set by him in *Manusmṛiti* to operate without any conflicts and competition, a common agreement which everyone would share was needed. The concept of Dharma seems to have satisfied that need. Of course, this concept was not new to Manu, as it had its significant presence since the Vedic times. However, the meaning, nature and field of Dharma qualitatively changed in *Manusmṛiti*. Dharma which earlier meant primarily to cosmological realm was applied to social realm in *Manusmṛiti*.<sup>111</sup> In other words, Dharma which referred to the force that supported and sustained the cosmic order in the Vedic *Samhitās* started referring to rights and duties of an individual to support social order in *Manusmṛiti*. It should also be noted that this change in meaning was not radical, as we can see the emphasis on the social aspect of Dharma even in *Upaṇiṣads*, *Brāhmaṇas* and other *Smṛiti* texts.<sup>112</sup>

Manu devised the concept of Dharma in such a way that it can be treated as a practical law of conduct of any social group he/she belongs

<sup>107</sup> Bhargava, *Manu Smṛiti*, 89.

<sup>108</sup> Rao, “Manu’s Ideas on Administration,” 491.

<sup>109</sup> Rao, “Manu’s Ideas on Administration,” 492.

<sup>110</sup> Burnell, *The Ordinances of Manu*, 150.

<sup>111</sup> Meena Sohan Lal, “Relationship between State and Dharma in Manusmṛiti,” *The Indian Journal of Political Science* 65, 1 (January-March 2004), 30.

<sup>112</sup> Meena, “Relationship between State and Dharma in Manusmṛiti,” 31

to. It referred to psychological, social, moral and legal duty of a person in Manu’s state. It was a moral ideal that must be kept in mind and followed while exercising one’s duties individually and socially. It was supposed to be an ethical imperative for all the members of his state.<sup>113</sup>

Manu’s concept of Dharma manifested itself into types in order to apply to all the members belonging to different institutional units in the society for their interaction and organisation.<sup>114</sup> *Sva Dharma* referred to the individual imperatives that must be followed as duties to uphold one’s nature. *Kula Dharma* referred to the duties and laws that must be discharged by the individuals within the family. *Varna Dharma* referred to the responsibilities and obligations that must be worked out by person belonging to different *varṇas*. *Āśrama Dharma* referred to the duties of the individuals that must be discharged by individuals in different *āśramas*. *Jati Dharma* meant the set of duties that must be followed by individuals belonging to different *Jatis*. *Desa Dharma* referred to the duties of the citizens in a state. *Rāja Dharma* referred to the duties and conduct of a king. Thus, Manu made sure that people belonging to different groups lived according to Dharma so that their social life would be in order. These formulations and implementations prescribed in the name of Dharma were hierarchically organized to avoid power clashes and duty conflicts in the society.

These manifestations of Dharma make the individual parts of the society to be interrelated and interdependent on each other for their functions. For instance, the birth of a child, an important aspect of *Kula Dharma* served as a starting point for the other units to function in Manu’s society. To add on, the *Āśrama Dharma* of a householder had significant impact on the functioning of a family. Therefore, Dharma, as an ethical principle connects all the parts, and ultimately the state as a whole. It makes every part of the society to function in such a way that, it would directly have an effect on both other parts and the system as a whole.

In addition to the Dharma that applied to individual units of a society, Manu conceived of laws that applied to all. Abstention from injuring the creatures, abstention from unlawfully appropriating the goods of others, veracity, purity and control of the mind and body are applied to

<sup>113</sup> Das, *Manu’s Code of Life*, 50.

<sup>114</sup> Bhargava, *Manu Smṛiti*, 97.

members of all the *varṇas*.<sup>115</sup> The tenfold law which must be obeyed by members belonging to all the four *āśramas* are: Contentment, forgiveness, self-control, abstention from immorally appropriating anything, purification, coercion of the organs, wisdom, knowledge, truthfulness, and abstention from anger.<sup>116</sup> Since everyone in Manu’s state would fall under a *varṇa* and a *āśrama*, these laws could be considered as the universal aspects of Dharma (*Sāmānya Dharma*).

Keeping in mind the norms of action and living a life according to Dharma irrespective of the differences in social roles and statuses would lead to the perpetual righteousness (*Sanātana Dharma*) which was the supreme ethical goal to be attained.<sup>117</sup>

By clearly laying down the laws and duties of every individual and group in the name of Dharma, Manu developed an organized structure of society that, with well-defined institutional roles and norms, would make a smooth social life possible. Although Manu wanted to get rid of conflicts that would result in social change, he anticipated a gradual and evolutionary social change. This is the reason why he conceived of a concept of *Yuga Dharma* which referred to the change of laws by the passage of ages.<sup>118</sup>

Although the laws of Dharma applied to worldly affairs, the emphasis was given to the spiritual importance of Dharma.<sup>119</sup> This was because Manu understood that Dharma, as an end in itself, would not be held rigidly. So, he stressed that the purpose of carrying out Dharma was *mokṣa* (liberation). In other words, Dharma was considered as being instrumental in achieving the ultimate ethical aim, liberation. The universal self could be realized by means of right moral actions based on the correct discrimination of reality.

Thus, it can be seen from above that it was Dharma that regulated the other three *puruṣārthas*, *artha*, *kāma* and *mokṣa* in *Manusmṛiti*. In other words, Dharma was considered as the norm of other human values and goals (*puruṣārthas*).

Dharma, which was a set of ethical codes in *Manusmṛiti*, was a shared value that formed the basis for social unity and solidarity in Manu’s state, since individuals tended to identify a sort of bonding with others who shared the same value. In fact, living a life of Dharma was the common goal that Manu wanted his people to share. Again, since Dharma enabled a positive membership to a particular group, every individual would work for the good of the institution to which he/she belonged to, which would ultimately lead to a smooth functioning of the state, as intuitions which are interconnected make the society.

## 7. Conclusion

Thus, Manu’s state was structured. Various social institutions and systems designed in *Manusmṛiti* were major aspects of that social structure. These institutions had been made up in such a way that their Dharma would promote organized relationships between the members of the society by prescribing interconnected roles and norms.

Manu’s Dharma, thus, by setting standards and regulating the behavior of humankind, linked all the individuals in the society leading to social cohesion on an individual level.<sup>120</sup> At the same time, Dharma integrated all the parts of the state by making them interrelated and interdependent upon each other leading to cohesion on a group level. Again, it was Dharma which held the individual units together as one whole, and made sure that the equilibrium and order was maintained in Manu’s state.

Although Manu’s intention was to intricately develop unchanging institutions that would adapt themselves to meet the challenges of a variety of situations by fulfilling their complimentary functions in the society, such an ideal, as we have witnessed through histories, cannot turn out to be true in reality. Though authoritative, Manu’s position cannot simply avoid the dynamics of human beings that manifests through migration, mobility, conflicts and defiance. This does not mean we have completely freed ourselves from Manu’s established utopia. Nevertheless, it is impossible to accurately correspond and fit into Manu’s society as Manu had envisioned.

<sup>115</sup> Burnell, *The Ordinances of Manu*, 313.

<sup>116</sup> Burnell, *The Ordinances of Manu*, 146.

<sup>117</sup> Bhargava, *Manu Smṛiti*, xx.

<sup>118</sup> Burnell, *The Ordinances of Manu*, 12.

<sup>119</sup> Meena, “Relationship between State and Dharma in Manusmṛiti,” 32.

<sup>120</sup> Meena, “Relationship between State and Dharma in Manusmṛiti,” 32.