

Braja Kishore Swain
Sanskrit University, Orissa

SMARTA-VARNASRAMA AND THE LAW OF WELFARE

Attachment (*pravṛtti*) and detachment (*nivṛtti*) are two different aspects of Hinduism.¹ Among them, attachment leads to social prosperity (*abhyudaya*) and detachment to liberation (*nihśreyasa*).² Liberation is out of context of the Hindu social phenomenon. In this paper an attempt has been made to define the concept of *smārta-varṇāśrama* and its implication to the present society.

The aim of Hindu social life is to accomplish happiness and welfare of the masses that is expressed in a popular maxim *bahujanahitāya and bahujanasukhāya*.³ This is possible by the implication of *smārta-varṇāśrama* system.

At the out set, we have to define four terms such as *smārta*, *varṇa*, *āśrama* and *smārtavarṇāśrama*. As said above, the law of detachment (=LD, *nivṛtti-dharma*) has no obvious connection to society. But this determines the principles, on the basis of which, the society has to formulate the rules for its administration. This pertains to the law of attachment (=LA, *pravṛtti-dharma*). The law of detachment is based on the dictums of *āranyakas*, the arena of which is very far from the domestic world. So the subject matter of it is technically termed as *rahasya* (confidential).⁴ The original source of the LA is the *Brahmana-s* which have given birth to *kālpa*, one of the six auxiliaries of the Vedas.⁵ The LD i.e. *rahasya* formulates regulations to achieve ultimate pleasure (*nihśreyasa*) whereas the LA

1. Sukhābhyudayikaṁ caiva naiḥśreyasikameva ca/ Pravṛttāṁ ca nivṛttāṁ ca dvidvidhāṁ Karma vaidikam// Manu. XII. 88.
2. Yato'bhyudayaniḥśreyasasiddhiḥ sa dharmāḥ. Vaiśesikasūtra.
3. Singh, Karan. : 'Socialism in Ancient India' in *In Defence of Religion*. (1978-Delhi) p. 39.
4. Niḥśreyasamidaṁ Karma yathoditamāśesatah./ Mānavasyāsyā śāstrasya rahasyamupadisyate./Manu. XII. 107.
5. cf. Manu. II. 140.

i.e. *kalpa* codifies the law to make the man human. According to LA one can reasonably be capable of getting pleasure without detriment to other's interest in the society. To achieve this end, one can make use of different settings of means which are traditionally termed as *yāga*, the sacrifice, *kalpa*, in this connection, is obviously engaged in determining the rules for sacrifice which are connected to its different divisions viz: *śrauta*, *gr̥hya* and *dharma*. Basically the brahmanas point out the *prima facie* process of the sacrifice. Accordingly as, in a composite form of *kalpa* the divisions of *śrauta* and *gr̥hya* lay down rules for their respective divisions and keep coherence with each other.⁶ The division pertaining to *dharma* frames rules for society. Those who come to the fold of humanity are to abide by the rules, prescribed for any one of the *varṇa*-s. This is called *varṇa-dharma*. With regard to universality of *varṇa*, discussion would be made in due course. The life time of the four *varṇas* is also divided into four parts, precisely called as *āśrama*. They are *brahmacarya*, *gārhasthya*, *vānaprastha* and *sannyāsa*. Discussion with reference to *āśrama* would be made later on.

As indicated above, the division related to *dharma* is connected with society. Here *dharma* is law and the society is as like as the body of the cosmic agent (*virāt-puruṣa*, revealed in *puruṣasūkta* of *ṚV*).⁷ From the limbs of the agent, four *varṇas* are begotten. Laws, contemplated in this division, are kept in view of modification (*ūha*), cancellation (*bādha*) and adjudication (*abhyucaya*) in accordance with time, place and circumstances.⁸ This triple state of law pertaining to certain paraphernalia has to be reviewed in an alternative century.⁹ This is to be made to the extent that one generation should not come under twice review of LA. This is the basis of *Smārta-dharma* i.e. law of codification.

Before entering into the subject related to the life of a man of Hindu society, we have to keep it in mind that the Hindu society, according to the code of LA (*Dharmaśāstra*), is nothing but the effigy of the cosmic agent. The human body is the moving structure and model of the agent

6. Ram Gopal : "The Relationship Between the Śrauta and Gr̥hyasutras" in *India of Vedic Kalpasutras* (1983, Delhi) p. 4.

7. Gopalan, S. : Hindu Social Philosophy.

8. *Ūha*, *bādha*, and *abhyucaya* are three different terms, established in *Pūrvamimāṃsā* for codification and statute interpretation. These are discussed in Ch.

9. See, Prabhu, P.N. : 'The Family' in Hindu Social Organisation (1979, Bombay) 201-56.

and the society as well.¹⁰ This functions with the help of three immutable elements viz. desire, knowledge and action. On the whole, this comes under a psychological phenomenon.¹¹ The four *varnas* are begotten from the four vital limbs of the agent. Then this model is taken into account in view of the society, four principal responsibilities, in this connection, are required to be undertaken. In exercising these responsibilities, the *varnas* determine the principle of the law, enforce the codified law, produce and distribute the property (means) and utilise the own labour. When this set of responsibilities comes to be materialised, the society, at that time, resorts to fourfold divisions i.e. *brāhmana*, *kṣatriya*, *vaiśya* and *śudra*.¹² The man of the first division here, is quiet in his ways and is given to intellectual pursuits. He is a thinker, professor, priest, preacher and the philosopher-statesman. He determines the principle of law and codifies the law. He is brahmana. The man of the second type of energetic temperament is the ruler, the worker or the public servant. He enforces the law, gives protection and support to the people. He is ksatriya. The man of the third type is impelled by desire. He is a man of possessive instincts, a trader, financier husbandman. He produces and abides by the rules of distribution of the materials produced. He is vaisya. The man of the fourth type is the labourer. He impliments his own body and keeps coherence with these three responsibilities. He is sudra. Unless these four divisions are maintained properly and given utmost freedom to perform their respective duties the society would not survive. Their inter-action makes the path of their behaviour in accordance with the expectations and norms of his group (*varṇa*), he is said to be socialised.¹³ In this four-fold division, one's social merit is determined as superior to that of another in an inductive order, i.e. from sudra to brahmana.¹⁴ This order establishes the family discrimination. The individual, coming under this fold, earns efficiency in thought in pursuit of his inherent attributes and action. This idea is conceived in Hindu Dharmaśāstra with regard to *varṇa-dharma*.¹⁵ But this does not mean that an individual is inferior to another in toto.

10. cf. Piṇḍa-Brāhmāṇḍa theory of Upanisad-s (Taittiriya).

11. Motwani, K. : Manu-dharma-śāstra (1952. Madras) p. 37.

12. Ibid.

13. Çolemman, J.C. : Abnormal Psychology and Modern Life. (1975. Bombay) p. 97.

14. Prabhu, H.S.O., p. 284.

15. Manu. I. 96-7.

An individual of a certain varṇa seeks to specific environment to materialise his thought. The environment that determines his scope of function, is said as āśrama. In view of this, the āśrama is understood as a stage under the peripheral atmosphere of which the individual materialises his thought through labour (*śrama*).¹⁶ One stage, in a certain order, is conducive to individual's eligibility for entering into an immediate higher stage. These stages are four in number i.e. *brahmacarya*, *gārhasthya*, *vānaprastha* and *sannyāsa*. The first three are devoted exclusively to the continuity of group-life while the last is dedicated to the pursuit of the path of spiritual unfoldment (of the individual). Each institution provides scope for satisfaction and expression of one or more needs of the inner-self of the man. Social institutions are crystalized social forces.¹⁷ Hence, āśrama is a social force in which an individual should have to exercise his power in the form of particular behaviour. This system enables the individual to be equipped with his age-based fashion i.e. *āśrama-dharma*.

Now the composite concept of *smārta-varṇa-śrama dharma* is to be discussed.

Varṇas are altogether a creation under certain psychological genesis. Their functions are determined for a smooth adjustment of individuals in society. Āśrama is a stage of life. This provides different categories of ecology for different sections (varṇas) of society. The tenure of the *śmārta-dharma* is a century of years.¹⁸ So *smārta-varṇa-śrama-dharma* is that wherein the laws of society related to different psychological setups are to be reviewed and ordained for ecological ups and downs. The very line of *śāntiparva*¹⁹ in this connection, is to be adhered to: that laws and customs have to change with time, place and circumstances. There is no course of human action which benefits all equally and produces only good results. Therefore, when the evil consequences of any particular law begin to preponderate over its good results, then it has to be changed for another law. This new law, in turn, begins to fail, similarly, with the lapse of time and change of conditions has to be changed again. Hence,

16. Prabhu. p. 74.

17. Motwani. p. 58.

18. Prabhu. p. 254.

19. Deśa kāla nimittanām bhedairdharma vibhidiate./ Nahi sarvahitah kascidācarah sampravarttate.// Tasmādanyah prabhavati so'param bādhathe punaḥ./ Ācarāṇāman-aikāgryam tasmāt sarvatra laksaye.// Mbh, Śānti, (Bong) Ch. XXXV. 266, 314.

we see that there is no uniformity, no finality, no permanent fixity in law any where, but a great variety of changing customs and practices.²⁰

Apart to varṇa, it is evinced that, *jāti* is different in origin and character. It is roughly translated as caste. The castes, of course, are evolved from four varṇas. The orthodox Hindus are of opinion that the castes are developed due to *anuloma* and *pratiloma* marriages.²¹ But this is not the exclusive cause of it. A number of causes have been operating in later times in forming of new sub-divisions which also developed into castes:

1. by migration to different parts of the country;
2. by different sections being devoted to the practice of distinct professions;
3. by any section being elevated above or degraded below the level of others;
4. by quarrels between the different sections of the same caste as to their relative status;
5. by becoming the followers of one of the modern religious teachers (Bata or guru);
6. by the multiplication of illegitimate progeny of religious mendicants.²²

Since the man has his own taste, there must be an inherent tendency in him to visit one place to another to collect food and cloth. This was the status of the man in *prima facie* society. When he became civilised, he needed certain kind of situation and condition of food under which it is consumed.²³ This established the tendency of migration. At present, social equipments have occupied the place of food and cloth, in consequence of which migration from one place to another place has earned prevalency. In response to this state of situation, when an individual migrates to a certain place, there he searches for his favourable situations, his kins and the persons of his own taste. This, in that place, segregates the class (*jāti* or *caste*).

20. Das, B. : 'Elasticity of Manu's Hindu Law' in *The Science of Social Organisation*. (1948, Banaras) Vol. III. p. 772.

21. Kane, P.V. : *History of Dharmasāstra*, Vol. II (Poona, 1974) p. 451.

22. Mess, G. H. : *Dharma and Society*. (1935, London) p. 69.

23. Prabhu. p. 209.

Generally, the inhabitants of the place become divided into two sections; those who live in one place doing different professions are congregated in a group (*pūga*) and those who live in different places doing one profession are bound by the another group (*śrēṇi*) gradually.²⁴

In course of their livelihood, people become elevated and degraded. This takes place due to competition. In course of time, different classes, by dint of elevation and degradation, are sprang up.

Although people live in different castes, some times they persist to certain practice. This creates quarrels among themselves. In course of their dealings they become divided into groups and become different sub-castes.

Due to impact of Christian missionaries, the Hindu-monks are collecting a great deal of disciples. This nature develops in a mode of contest. Despite their aim of life is same their practices differ. So this creates caste in the soil.

Since remote past, illegitimate products have been coming under particular group. Their livelihood, dealings and even psychology are different, although their mode of approach is somewhat different from that of the legitimate products. They, by generation, create caste.

Hence, it is understood, that in whatever condition the society may run, there must be divisions in the people and in their stages of life. This would come under the principle of geography and history which normally constitute the life in accordance with time (*kāla*) and place (*deśa*).²⁵ This also considers the man as a social being with reference to his training and development in the natural and social environment. In order to achieve the final aim of his existence, this system generates his ability. At present this may not be termed as āśrama, but the current of it is still continuing in so far as the velocity pertaining to law of discrimination of humanity is concerned.

India is an agrarian country where every possibility of change of society is to be ascertained in conformity with pastoral products. Society studies man with reference to his natural endowments, dispositions and attitudes.²⁶

24. cf. Y.S. II. 30.

25. Motwani. *Supna*.

26. Prabhu. p. 75.

In this connection the characteristic of change in society relates to the term of *varṇa*. (Although this term has disappeared in law). The law of the society is to be codified according to the above said three elements without detriment to the state of production. By this, ecological balance is maintained.

In a full-fledged life of individual has to achieve four aims of his own. *Artha* and *Kāma* out of them are to be achieved as means of livelihood. *Dharma* and *mokṣa*, on the other hand, are to be obtained for upliftment and self-actualisation respectively.²⁷ So it is obvious that *kāma* and *artha* may be classed as deficit motives which help in survival. But *dharma* and *mokṣa* pertain to the development of the individual and the society. Keeping this view in mind, it is observed that the person in whom are seen truth, liberality, inoffensiveness, harmlessness, modesty, compassion and asceticism is to be said as a true citizen i.e. *brāhmaṇa*. He who practices the duty arising out of the act and statute of the section concerned and who delights in giving and receiving in accordance with the enforced law, is to be stated as a good administrator i.e. *kṣatriya*. He who readily occupies himself with trade and cattle-breeding, who is devoted to agriculture and acquisition, who is pure, is an efficient peasant or merchant i.e. *vaiśya*. He who is habitually addicted to all kinds of food and performs all kinds of work with a view to meet the need of the country is to be understood as a good *mojdoor* i.e. *śūdra*.²⁸ At the present context any one of these four classes should not feel or treat himself as superior or inferior to others. All are the citizens of the country and son of the soil. The country is as like as cosmic agent. Those who decide the principle, interpret the law and teach are to be understood as *brāhmaṇa*-s. Persons that enforce the law, protect the country and bring up the people with fatherly affection are as like as *kṣatriya*-s. Those who produce wealth, propagate trade and industry and till the land are subjected to the category of *vaiśya*-s. The persons who implement their own labour to help these three categories of persons in achieving their respective aims are as like as *śūdra*-s. In each direction of the country these sections function with co-operation. When any section intends to do the duty of the other section is subject to interference. The authority is to mitigate the interference and to maintain law and order in this position.

27. cf. Kuppaswamy, B.: Elements of Social Psychology, (1983, Delhi), p. 21.

28. Mess. p. 80.

In each portfolio, there are four stages. In the stage, where training is provided to the individual to earn competency, is as like as *brahmacary-āśrama*. The shadow of this āśrama is bestowed upon the probationaries. Then the whole tenure is devoted to perform the prescribed duties. This is *gṛhasthāśrama*. When the person becomes expert in his post he enters into *vānaprasthāśrama*. Then after retirement from the post, the whole period is to be understood as *sannyāsāśrama* (law of detachment). Each section and each stage is linked with the country which corresponds to that of the system of varṇa and āśrama.

In the family, the grand-father decides the principle and formulates the law of the family. In this connection the family law of the great grand-father is the source of law (precedent). The grand-father collects the ideas from it and determines the case law. At the time of formulation of law, the grand-father adheres to the customs of the family. On the basis of this, he lays down the customary law. In each case he honours the psychology of the members of the family. In accordance with the psychology of the family, he frames the enacted law. When necessity arises, he keeps coloboration with others and formulates conventional law. When law is required to be laid down to keep contact with others in the society, the grand-father determines specific law for it. This is as good as international law on part of the family. When any ambiguity or discrepancy arises, the grand-father interpretes the family law. He gives verdict in case of complaints, that arise in the family. So he performs the duty of the brahmaṇa-varṇa. This law is enforced by the father. He maintains law and order of the family. He gives punishment to them who infringe the law. So he is kṣatriya. The family transaction is made by the son. He earns and distributes the property according to their need. So he is vaiśya. The members of the family as well as the children help them. The women of the family also utilise their labour to enrich the family. They are maintained and brought up by the father. So they are śūdra. From grand-father to the grand-son, one law continues. This establishes the law of the generation. One generation continues for one hundred years i.e. *smārta-kāla*.

In this way the law of smarta-varṇāśrama is implicated in the present time.