

## Manu's Laws (Manu's Dharmaśāstra): A Review

ADI H. DOCTOR\*

### MANU PART MYTHOLOGY, PART HISTORY

Manu the man is part mythology and part history. In fact in ancient Sanskrit works we have references to two distinct Manus. One is the legendary Manu mentioned in the *Satpatha Brāhmaṇa*, who may be called the Manu of the legend of the deluge. The *Satpatha Brāhmaṇa* mentions the legend thus: In the hoary past (antiquity) a fish appeared to Manu (the Sanskrit word literally means simply 'man'), warning him of an impending flood and telling him to save himself by building a ship. Manu built the ship and when the flood came, the fish approached Manu, who tied his ship to the horn of the fish. The fish passed the Northern Mountain carrying Manu safely in it. This is described as Manu's Descent. This legend appears in isolation and is obviously speaking of a period of antiquity—a period of destruction and renewal of mankind.

This legendary Manu of the *Satpatha Brāhmaṇa* is distinct from Manu the Lawgiver whose text (the Code of Laws known as *Manusmṛti*) is available to us and is dated by most scholars as being between 200 BC and 100 AD. However, the available

Code or *Manusmṛti* itself, does not help us much in dating the work because it begins by referring to Brahmā himself creating seven great sages (named) who in turn created seven Manus or men of great brilliance, each a great lawgiver who prescribed the law for governing mankind for each age, known as 'manvantara' (a period of 4,320,000 years). The first Manu, called Svayambhuva, meaning the son of the self-existent or Brahma, dictated in remote antiquity the Laws, which according to the *Mahabharata*, ran into a hundred thousand verses. The last Manu is speculated to be the author of the existent Code, titled *Manusmṛti*. The *Manusmṛti* is of 2685 verses and as stated earlier is dated by most scholars as between 200 BC and 300 AD. The word *Smṛti* emphasizes traditional sacred law as distinct from Śruti, which stands for revealed law like the Veda.

### SCOPE OF THE *MANUSMṚTI*

In its scope the *Manusmṛti* or Manu's Code is encyclopaedic, encompassing all aspects of living life in this world. Thus it deals with such varied aspects of life as social obligations of different classes or varṇas known as 'varṇadharmas'. It speaks of man's

obligations during different stages of his life (youth to old age) known as 'āśramadharma'. It also speaks of 'sāmānyadharmas' or duties common to all begins like satya (truth) and ahimsa (non-violence). Since the varṇadharmas for Kṣatriya is to fight just battles, it follows that the sāmānyadharmas were largely meant to be observed by the lower varṇas of Vaisya (traders) and sudras (artisans and menial workers). In addition to these dharmas, the Code also deals with 'rajadharma' or the proper way for a righteous king to rule and dandanīti or punishing transgressors in the kingdom. Other variegated, though interrelated themes that are discussed in the Code include the following: taxes, settling traffic accidents, adjudicating disputes, attitudes to money and material possession, ritual practices, purification and pollution, appropriate relations between men and women in general, between men and women of different castes, between husband and wife in the privacy of their home, penance for sexual improprieties with one's teacher's wife, birth and death, world renunciation, and finally karma and re-birth.

---

\*Retired Professor, Department of Political Science, Goa University, Goa.

# SIGNIFICANT TO NOTE THAT FRIEDRICH NIETZSCHE SANG PRAISE OF MANU

Although *Manusmṛti* was the first Sanskrit work to be translated into any European language by Sir William Jones (one of the founding fathers of modern Indology) in 1794 and published in Calcutta, what is of significant interest for us to note is that the German 'Power' or 'Will to Power' theorist, Friedrich Nietzsche praised Manu for rule by the Superior and his contempt for the Candāla. Nietzsche is significant, when discussing Manu, because Nietzsche is deemed (by liberals) to be the forerunner of various fascist and totalitarian theories in Europe, one who inspired Mussolini and Hitler.

In his book *The Twilight of the Idols* (1889), one section deals with 'the improvers of mankind'. In this section, Nietzsche says, "How paltry is the New Testament when compared with Manu". Comparing Jesus with Manu, Nietzsche looks down on Jesus for his love for the meek and timid, who are described as inheriting the kingdom of God. One draws a breath of relief when, says Nietzsche, one comes out of "the Christian sick house and dungeon atmosphere" (New Testament) "into this (Manu) healthier, higher, wider world". In his other book *The Antichrist* Nietzsche says, "I read the law book of Manu, an incomparably superior and spiritual work, so much as to name which in the same breath as the Bible would be a sin against the spirit".

Nietzsche approves the treatment of the 'Candāla' and the 'hotchpotch human beings'. He considers the "untouchable as the opposite of the superman (higher breeds in Manu)

and approves of the idea of keeping the Candālas in place under control of the superior/upper castes. As some students of Nietzsche's thought have pointed out, he uses Manu as a stick with which to beat Christianity, which he characterizes as "the victory of the Candala values".

## NIETZSCHE ALSO APPRECIATES MANU'S VIEWS REGARDING WOMEN

Manu shows a complex attitude towards women. There are passages that show scant reverence, love and trust for women. Women are by nature prone to 'run after men'. He goes to the extent of saying that even good looks do not matter to them. All they care for is a man they can enjoy sex with, whether he is good looking or ugly. Women are described as being fickle minded and often unfaithful to their husbands, who guard them zealously. The love for the bed and the seat, jewellery, lust, anger, crookedness, a malicious nature and bad conduct are some of the other attributes Manu assigned to women. Manu also observed regarding women, that in their case all the openings of her body above the navel are pure while all below are impure. Only in the case of a girl is the whole body pure. In fact Manu has some very pleasing things to say about the baby girl. Thus Manu says in one passage that a girl's breath, is 'always pure'; while in another passage Manu states that there is nothing purer than 'a girl's breath'.

Nietzsche is aware that in Manu we also have some passages which show affection for women (particularly the baby and young girl) but dismisses them by saying (in *The Antichrist*) that these "old graybeards and saints have a way of being polite to women which has perhaps never been surpassed".

## THE ALLEGORY OF FOOD AND EATERS IN *MANUSMṚTI*

An interesting and intriguing feature of Manu is the frequent reference in his Laws to the allegory of 'Food and Eaters'. As Doniger and Smith in the Introduction to their book *The Laws of Manu* observe the leitmotif (principal theme) of 'food' and 'eaters', in fact runs throughout the Vedas. Manu reproduces the Vedic food and eaters metaphor, and not without social and political significance. In the description of the hierarchy of food and eaters at the very top are supernatural entities that feed on sacrificial oblations that were explicitly represented as substitutes for human sacrificers. Next come humans who eat animals. Below animals in the hierarchy come plants, which in turn eat rain or water from which all food is ultimately generated. This allegory portrays a natural social order of consumers and consumed, that is, rulers and ruled or exploiters and exploited in which the strong prey upon the weak. In the *Manusmṛti* it is reflected in the sentence, "Those that do not move are the food of those that move and those that do not have fangs are food for those with fangs; those that have no hands are food for those with hands; and coward are the food for the brave" (Manu 5.29). Eating sacrificial food thus represented the perpetual re-enactment of the defeat and subjugation of one's rival. This basic description of the world endlessly divided into food and eaters applied (figuratively) to the interrelations between the social classes. In the Vedas the priests repeatedly describe themselves as the highest class, the ultimate eaters. This monopoly (of being the ultimate eaters of sacrificial food) the

priests retained by claiming that they (priests) alone had the power 'to tame the sacrificial fire', by performing the yajña. Here we see Manu speaking for establishing the supremacy of the Brahmin varṇa over all other varṇas. The ground reality may have been different, and in fact we do know from non-Vedic and other sources that the dominance of the priests over the whole of ancient society was exaggerated.

### THE CHANGE TO VEGETARIANISM

When did the meat eating Vedic India become the India known as the land of vegetarianism and ahimsa, wonders Zimmermann. Doniger and Smith argue that vegetarianism (a Brahminic ideal and a social fact in India) is based on the same earlier Vedic idea of natural hierarchy of food and eaters in which strong or superior prey upon (eat) the weak or inferior. Only, a new type of notion as to who is strong or superior and weak or inferior was introduced. Abstention from meat eating became a criterion of purity or the superior being. The right of the superior/stronger to prey on (or exploit) the weaker continued; only the superior were now the vegetarian Brahmins. This new notion owed much to the growth of idea of bhakti or love/emotionalism with its emphasis on service and to the idea of world renunciation. The Dharmasūtras clearly place those who renounce on the highest pedestal. The *Gītā* too refers to the idea of renunciation being reserved for the highest class only. Thus in the *Gītā*, Arjun is told he cannot renounce his dharma and refuse to fight a just war because he does not belong to the highest class of a Brahmin or rishi (a stage

reached after proper performance of many correct duties in many past lives and after many rebirths). Arjun is clearly told that he is a Kshatriya whose innate nature and past karma dictate that he must fight an unjust enemy. Scholars speculate that even the ideologies like Buddhism and Jainism, which were widespread at about the same time, as the composition of Manu must have also helped in bringing about the change in food and social hierarchy values. Meat eating which was respectable in Vedic period now becomes a 'pagan' value. The old Vedic social ideology was fixed on food. It continued to be so in later period, but now vegetarianism became the focal value for reevaluating status. The highest (most powerful) abstained totally from meat-eating, the lower castes in descending order were permitted to eat what was forbidden to Brahmins, with the Candāla eating even flesh of the Brahminical sacred cow. A reorganization of the rules for social ranking thus seems to have taken place and this is reflected in Manu's laws. Manu thus did not change the rank or order of varṇas but the rationale for ranking them. At the same time, Manu in his Code tries to integrate renunciatory values with social/worldly concerns by laying down various dharmas like varṇa, āśrama etc. As Doniger and Smith note, "Vedism and the new Hinduism meet in Manu". Manu, as Doniger and Smith further observe, also tries to overcome the paradox of violent Vedic sacrifice with the subsequent doctrines of non-violence by shifting the emphasis to supremacy of the Brahmin as the sacrifice-maker to his being the highest among the twice born (brought forth from the mouth of the creator of Brahmā according

to Veda) and to the new idea of the Brahmin's purity based on his practice of non-violence, especially vegetarian dietary habits.

### THE PLACE OF RAJADHARMA IN MANUSMṚTI

Manu defines the duties of the king (rajadharma) as being divinely ordained. Rajadharma essentially implies protecting the people from exploitation by the powerful and at the same time preventing anarchy. To the extent Manu claims that God created the State/King for this purpose, he may be said to propound the theory of divine origin of the state/kingship. Manu claims that while creating the King, God embellished him with all the divine virtues—placing the essence of Indra, Sūrya, Agni, Varuṇa, Chandramā and Kuber in him. Manu defines the king as Dharma-Raat (Source of Dharma for people). Manu makes it clear that no individual should ever think of insulting the king, thinking that he has only world powers, because in fact he (king) is like a God who seems like a man in the world.

However the really important point in Manusmṛti regarding Rajadharma is Manu claiming that God created Dharma and State at the same time and made king responsible only to God for upholding Dharma. In Manusmṛti Dharma does not precede power (danda). Manu says, God created both at the same time and made the king responsible to God from the spiritual (heavenly) point of view, in the sense that the king's heavenly (spiritual) reward depended on his accountability to God for upholding Dharma. The king is not responsible to anybody in the world.

King uses danda to uphold dharma. Dharma in this sense is not possible without danda.

If the king is corrupt and misuses danda then this power can destroy the king himself, observes Manu (Ch. 7.27). Manu gives the example of kings like Ven, Nahu, Suda, Nemi etc. who did not have, nor practiced, politeness and were destroyed; while on the other hand, kings without means were successful because of their politeness.

In this regard it is important to note that *Manusmṛti* differs from *Arthaśāstra*: *Manusmṛti* indeed is a 'nitigrantha, a book on ethics/spiritual matters or dharma, which links the king doing his duties (rajadharma) and his subjects observing their respective dharmas (varnadharma) to their attaining moksha, that is the union of individual ātmā with parmātmā. Manu says, except Dharma all other attachments are detached at time of death and man carries only his dharma to parlok. Manu allows the king to make laws to regulate the behaviour of the people according to dharma. State laws (according to Manu) cannot be arbitrary and without limit because the limit is already established by Dharma.

This is unlike Kautilya's *Arthaśāstra*, which is indeed a book primarily on the polity. In the *Arthaśāstra* the base of Dharma is Artha, and the base of Artha is the State. The king's duties are not linked to moksha but more to realpolitik, thereby giving King greater freedom from the domination of the spiritual.

#### THE PLACE OF OTHER DHARMAS IN MANUSMṚTI

In addition to Rajadharma, Manu, whose work is concerned with

salvation of all beings, also speaks of Varṇa, Aśrama and Sāmānya (universal) dharma which the king must enforce and which he cannot arbitrarily change. Varnadharma prescribed specific duties for the four varṇas. The Brahmin's dharma is to teach and study Vedas, sacrifice for own and others' benefits, give and accept alms. The Kshatriya's dharma is to protect people, bestow gifts, study Vedas, offer sacrifices and abstain from sensual pleasure. The Vaisya's dharma is to trade, lend money, cultivate land, tend cattle, and bestow gifts. Finally for the Sudra Manu says, "One occupation only the Lord prescribed to the Sudras, to serve meekly even these other (three) castes".

In contrast to the Varnadharma which specifies the duties of each class that must be performed to attain moksha, the Sādharaṇadharma (or Sāmānyadharma) prescribes general duties for all men (such as abstention from injuring creatures, veracity, abstention from unlawfully appropriating goods of others, purity, and control of organs while the Aśramadharma deals with how we should live during each stage of our life—student, brahmachari, family-stage, and old age.

#### MANU EXALTED BRAHMINS

In *Manudharmaśāstra*, the Brahmins have supremacy in interpreting religious ritual, customs and traditions. But here too Manu put a limit on the Brahmin, by saying they interpret and do not make dharma since dharma is determined/given by God. Dharma, which is excellent, is prescribed in the Vedas (revealed) and Smṛtis. Yet the same Manu (in ch. 2.12) also speaks of pious people and conscience being a source of dharma. This is an apparent

contradiction, which perhaps was meant to introduce flexibility in a very rigid interpretation of dharma by Brahmins, alone.

The *Manusmṛti* was composed by the social class (varṇa) called Brahmins or priests. It is a text not only written by priests but for putting the priestly class on the highest pedestal. Manu assumes that the priestly class (and this is implicit through out the Laws) is the supreme class by virtue of their code of conduct, mainly, abstention from meat eating and their monopoly to tame the fire (perform yajna). Time and again Manu emphasizes that the power of the priest lay in his monopoly over the operation of varieties of sacrifices, beginning with the first cosmic and primordial sacrifice that created the universe (yajna) mentioned in the Veda. In Manu, the priest appears as the most perfect and complete representative of the human species, who knows the complexities of the entire cosmic system.

Manu endeavours to establish priestly authority by equating it with Vedic authority, that is, the authority of god (Brahmā who revealed the Veda). The priestly class is portrayed as created from the mouth of the Divine Being (Purushakata) and thus is the natural interpreter class of both smṛiti and śruti, revealed and traditional law. Manu's constant refrain is that the Veda authorizes the pride of place to the priestly class. To quote Manu, "By his very birth a priest is deity even for the gods and the only authority for the people in this world; for the Veda is the foundation in this matter" (11.85).

#### CRITIQUE OF MANUSMṚTI

A few critical comments on the *Manusmṛti* may not be out of place

in a review of this great and ancient Law Book.

Firstly, today we may disagree with Manu on the most important interpretation of his dharma viz. the king was divinely created along with dharma, and hence God alone can punish him for the violation of dharma, and, the people must put up even with a corrupt king who will self-destruct himself by not following dharma or be punished only by God. Today we cannot accept the view that the king and dharma are both divinely created and that the king is accountable to God alone who will punish him for violating his (god created) dharma. Such a view amounts to a negation of modern secular democracy.

Secondly, the scheme of *Manusmṛti* is not based upon true principles of division of labour. In Manu's scheme, function has no reference either to capacity (differences in talent) or specialization. Rather certain qualities are supposed to inhere in the soul (satwam, rajas, tamas) persisting through innumerable transmigrations, thanks to past karma. In other words, the idea of a dhārmic society, which rejects the idea of acquiring skills but instead makes them inborn or inhere

in the soul as satwam, rajas and tamas are today unacceptable to liberals and democrats alike. Critics like Dr BR Ambedkar, called the varṇadharmā as politically motivated religion.

Thirdly, there is an apparent contradiction in Manu prescribing violence as the varṇadharmā of the Kshtriya and at the same time prescribing non-violence as part of the sāmānya or sādharma. The implication of this contradiction can well be that since the Kshtriya's varṇa dharma, dictated by innate qualities and past karma, is to fight and die like a good soldier engaged in a just war (and even the Brahmin may under rare cases of emergency take up arms), it follows that the prescription of ahimsa (non-violence) as part of the sādharma is mainly to be observed by the two lower varṇas of Vaisya and Sudras. Thus the subordination of the two lower varṇas to the two upper varṇas is ensured by enjoining on them the principle of non-violence (non resistance by force of arms).

Finally, Manu's scheme of dharma cannot promote cooperation, nor result in functional harmony since any function must be grounded upon faith in equal dignity. One man

ought never to be treated as a means to another man's welfare. It is unacceptable to tell the Sudra to live his dharma and karma of serving the other classes in order to attain ultimate self-realization (mokṣa). Manu's scheme enables some men in society to live a better life, while some other are made to live subordinate lives. In *Manusmṛti* there is no discussion of equal opportunity. Manu flatly states that the quality of the lower castes is tamas and it is not possible, so long as they belong to the lower castes, to rise higher, in the present birth.

#### BIBLIOGRAPHY

- Altekar, A.S., *State and Government in Ancient India*, Motilal Banarasidass, Delhi, 1958, pp. 48-50, 259-61.
- Doniger, Wendy and Smith, Brian, *The Laws of Manu*, Penguin, 1991.
- Meena, Sohan Lal, "Concept of Dharma in Manu", in the *Indian Journal of Political Science*, Jan-March 2004, pp. 32-40.
- Saletore, B.A., *Ancient Indian Political Thought and Institutions*, Asia Publishing House, Bombay, 1963, Part 1, Ch 3.

#### DECLARATION

Title of the Newspaper  
Periodicity  
Name of the Publisher  
Nationality  
Editor's Name  
Nationality  
Address

Summerhill: IAS Review  
Biannual  
Ashok Sharma  
Indian  
A.V. Afonso  
Indian  
Indian Institute of Advanced Study  
Rashtrapati Nivas, Shimla-171005  
Pearl Offset Press Pvt. Ltd.  
5/33, Kirti Nagar Industrial Area, New Delhi.

Name of the Printing Press  
Where printing is conducted

I, Ashok Sharma, son of late Shri Harish Chandra Sharma, declare that I am the printer and publisher of newspaper entitled *Summerhill: IAS Review* and that the particulars given above are true to the best of my knowledge and belief.

Sd/-  
(Ashok Sharma)