

# MANUSMRITI: A Modern Perspective

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**Abstract:** *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 Dharmasastra', 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 access their appropriateness in the framework of modern times. The idea, then, is to preserve and practice the substantial laws which are applicable to our present day.*

**Key Words:** *Manusmriti, Hindu laws, Dharma, Caste, Women empowerment, Society, Education, Marriage.*

## 1. INTRODUCTION:

Since many generations, as Robert Lingat opines in 'The Classical Law of India', "the Hindu population of the Indian subcontinent has largely observed a legal system derived from the 'Dharmasastra' or 'science of righteousness', the indigenous holy law of land". It seeks to regulate human conduct from a religious, ethical perspective in order to maintain social order.

'Dharma' originates from the root word 'dhr' which implies, to maintain, support, sustain. However, it also offers a range of meanings such as duties and obligation, morality, religion, justice, ordinance etc. To follow 'dharma', in Hindu faith, is to comply with the perpetual laws of nature- "followed and assented to in the heart by learned men, good men who have neither hatred nor passion". One also notices this in Bhagavad-gita when Krishna tells Arjuna to follow 'svadharma', being a Kshatriya and give the command to initiate battle.

'Smritis', or 'memorized literature' "mirrored the beliefs and practices of people" as P.V Kane puts it in 'History of Dharmasastra'. They also advocate a set of rules for the conduct of 'dharma'.

'Manusmriti' or 'Manava Dharmasastra' "stands at the top of the Smriti literature" as the celebrated work of Manu, who was regarded as the 'father' of mankind, initiator of social, moral organization in the Hindu society, as per the Rig-veda. One might agree with R.N Sharma as he asserts in the Introduction to "Ancient India according to Manu", that, for centuries "Indian society has been developed and moulded on the lines laid down in the Manusmriti". It was believed that the laws were put forward by Manu but compiled by Bhrigu- "the descendent of Manu", who used to learn and utter them to the sages at the command of Manu.

There have been debates regarding the date of composition of 'Manusmriti' but a period between 200 B.C. and 200 A.D. has been assigned to it by scholars like George Buhler and P.V. Kane.

Indian society has experienced many changes since the laws of Manu were put down. The purpose of our study is to examine the basic principles stated in 'Manusmriti' and access their suitability in the framework of modern times. The idea, then, is to preserve and practice the significant laws which are relevant to our present day.

## 2. DISCUSSION AND ANALYSIS:

As "a work of encyclopedic scope", as per Wendy Doniger, 'Manusmriti' reveals the Hindu existence with regard to institutions like family, marriage, law and justice, education, status of women, social stratification, religious practices etc., emphasizing a "representation of life in the world-how it is, and how it should be lived".

The influence of the ideals of 'Manusmriti' on Indian society, as per R.N Sharma, can be "compared in regard to its extant and thoroughness to that of Confucius", a philosopher in China.

According to 'Manusmriti', the Society had its foundation in 'dharma' or 'virtue'. Along with 'dharma', 'artha' and 'kama' should also be in harmony, in order to attain the ultimate salvation – 'moksha' and thus the four aims of life. One should pursue 'kama' or 'desire' through the assistance of 'artha' or 'wealth', with the sole aim of satisfaction and fulfilling the necessities of life. However, in contemporary times, one wonders at the increasing insatiable desire for earning money even if it is through crooked means, thereby resulting in lack of contentment and peace. Hence, Manu's

concept of maintaining symmetry amid 'dharma', 'artha', 'kama' is highly recommended to get relieved of the stress borne out of materialistic mind-set.

It is still held true that man suffers for his sinful deeds and consequently should practice righteousness in the name of 'dharma'. Observing the rising criminal activities today like theft, murder, rape etc, one might say, that, where the laws of our nation are proving futile in preventing people from committing crimes, laws of Manu on 'dharma' must be followed to maintain a morally good society. As Friedrich Nietzsche affirms "to set up a law-book of the kind of Manu means to concede to a people the right henceforth to become masterly, to become perfect-to be ambitious for the highest art of living" (qtd.in Doniger)

As per the 'Code of Manu', the Varna system primarily comprising four hierarchical varnas- Brahmans (scholars, priests), Kshatriyas (warriors, nobility), Vaishyas (agriculturalists) and Shudras (labourers), was classified on the basis of 'division of labour' and suitable work to be done, capabilities. It was flexible in the sense that, for instance, good conduct of a man from a lower 'varna' may provide him a place in the higher 'varna'. Gradually this system became rigid and what we perceive today is the 'Caste' system taking hold of the Indian society. As the Caste system recognizes birth right as its basis, it hinders the development of society, leaving no scope for people to ascend the social ladder unlike the Varna system. Dr Radhakrishnan in 'The Philosophy of Sarvepalli Radhakrishnan' affirms by saying that "Caste divisions have prevented the development of homogeneity among the Hindus". So, Varna system, regarded as better, can be taken into consideration.

Likewise, Brahmans "born as the highest on earth" were regarded as superior, pious, intelligent of all, thus worshipped, consulted, and respected by others. A Brahman, as S.V Ketkar asserts in 'The History of Caste in India' may be "ignorant or learned, still he is a great deity. To Brahmana the three worlds and gods owe their existence". They were not liable to pay taxes, undergo severe punishments like the Shudras, who were mistreated, deprived of their rights in all these aspects. Untouchability prevailed in the earlier times, supported by the concept of purity and pollution, as the Sudras, considered impure were not allowed to touch a deceased Brahman who "defiled by the touch of a servant would not get to heaven". One agrees with B. R Ambedkar, that "Manusmriti insults the untouchables, creates walls in their progress, deprives them of their self-respect, existence and honour.... kills their natural rights and is, therefore, not acceptable".

Nonetheless, since India gained independence, untouchability is an illegal offence. Similarly, all people are regarded as equal before law. With no discrimination, justice is meted out to the backward or deprived classes by way of Reservations, Scholarships, accordingly encouraging them to learn, utilize equal opportunities to showcase their ability on the work front, thereby improving their position in society.

An article - 'Caste war', published in 2008 in 'The Times of India' mentions "we are witnessing slow but steady change towards greater social mobility....legal abolition of untouchability, spread of education, growing pace of urbanization..." .As a result, an "achievement oriented" society is being formed and the "ascriptive role of caste" is diminishing.

One's existence was split into four Ashramas(phases of life) namely Brahmcharya, Grihstha, Vanprastha and Sanyasa. While 'Brahmcharya' was given over to students residing in the 'gurukul' learning 'sanskaras' and personality development; staying away from comforts, lavish lifestyle of the cities and carrying out manual labor, "begging every day" was also practiced. Nowadays, apart from getting education for overall progress of the student, the above-mentioned practices are fading due to the advent of worldly comforts, facilities for them. In 'Grihastha' a person had to take on marital, domestic responsibilities, perform "daily" religious sacrifices, unlike today, when rituals like yagya, feeding Brahmans everyday are waning. Living a hectic lifestyle, people these days do not have a long and healthy lifespan, therefore there is no possibility of leaving worldly attachments and escaping into forests "as an ascetic hermit" for attaining 'moksha'- "highest ultimate reality", as practiced in the 'Vanaprastha' and 'Sanyasa' ashrama.

The education system which mainly comprised the study of Vedas, Upanishads, Smriti texts, Puranas, Mathematics, meant primarily for the upper classes, has observed new subjects in Arts, Science and is made accessible to everyone irrespective of their religion, caste, sex etc. The mode of learning, apart from listening, memorizing, narrating texts, has included new technology by means of computers, internet services.

Among many 'Sanskaras' stated in 'Manusmriti' some are still relevant at present such as 'Jatkarma'-putting "gold, honey and butter" in the mouth of a child at the time of birth, 'Namkaran'- "name-giving" ceremony of the child, 'Annaprashan'- providing food to the child for the first time, 'Mundan' (chudakarma)- "the ceremonial haircut" of the

child; marriage and lastly 'Antyeshthi'- funeral service. But superstitions like not stepping on the "shadow" of the gods, guru, king etc; not bathing "after eating", "when ill", or "in the middle of the night"; not to "linger at a crossroads" at midday, midnight; not to touch a corpse for fear of impurity are unacceptable today.

Although women were considered to occupy an inferior position of the "other" in the Indian society as compared to that of other developing nations, modern world has observed marked changes in their condition by altering the Hindu laws to advance their position in society, like abolition of sati and child marriage; sanctioning widow remarriage. Earlier, in a male dominated society, females were relegated to domestic duties, worshipping, obeying their husbands "like a god". Education, apart from learning the basic domestic work, was not meant for them, as it is well said by Simone de Beauvoir in 'The Second Sex' "One is not born, but rather becomes a woman".

Women had no independent right to decide the course of action of their lives, "In childhood a woman should be under her father's control, in youth under her husband's, and when her husband is dead, under her sons". One feels, that today this law might be useful for the safety of women. Marriage, as "destiny", "domestic ritual" was a crucial aspect of their lives, but having no choice in selecting a husband, they were bound to obey their parents' choice. A woman "should not do anything independently, even in her own house.". Besides, "it is not just an ignorant man, but even a learned man of the world, too, that a wanton woman can lead astray...." and the "nature of women to corrupt men" is also stated in 'Manusmriti'. As per the laws of Manu "if the wife is not radiant she does not stimulate the man...the making of children does not happen", which seems to be in line with Kautilya's view in 'Arthashastra'- "women are created for the sake of sons". In view of that, Ambedkar seems correct in the article 'The Rise and Fall of Hindu Women', that, Hindu religion through its religious texts like 'Manusmriti' always degraded women.

Widow remarriage was not approved, thereby directing women to be "self-restrained", "chaste", whereas a man was allowed to remarry if his wife dies, is "rebellious", "behaves dishonestly" and so on. Sacrifices performed by women "displeased the gods". The socio-economic position of women in 'Manusmriti' is different from that in 'Yajnavalkyasmriti', as Manjushree points out in the Introduction to 'The Position of Women in the Yajnavalkyasmriti'- "The code of Manu practically ignores women.... the code of Yajnavalkya treats her as a full legal persona".

But today, the scenario is such that the status of women has advanced to a stage where they are well-informed, learned and capable of independent decision making, thereby on the same pedestal as men. Divorce was not easily allowed in Manu's society, "a wife is not freed from her husband by sale or rejection". Although divorce cases have risen in our day, as also observed in a survey in 'Dainik Jagran', suggesting that about 80 percent of people between age group of 30-35 years plan for second marriage after their divorce. But before allowing complete separation the law court recommends living individually for some time or bringing about mutual harmony, for the betterment of the family and its social status. One might, then, construe that the laws of Manu still hold significance and cannot be disregarded completely.

The freedom and empowerment of women have lead them to take up positions in the Parliament, Judiciary and other such institutions, consequently engaging in managerial, legislative activities. This contradicts the earlier view of women having no role in the state assembly as "At the time of taking counsel", mainly 'women', who "disclose counsel" are removed, along with other despised persons like barbarians, idiots, ill, aged, blind.

. In this regard, G.S Gupta in the article 'Role of Women in Modern Society' states that "We must accept the complementary role of men and women in society. Women are different but not inferior. Modern educated women have to play their role in making of a new India....so that the idea of equality of men and women can become a reality".

Under the economic system, reasonable taxes were extorted from people. But Brahmans, as they were highly venerated, had the privilege of not paying taxes. Also, paying heed to the financial conditions of the lower castes, sometimes, as substitute for paying taxes, they were assigned tasks to be done, for the ruler. In contemporary world, equality persists as our constitution declares "equality of status and instead opportunity" to all and so individuals belonging to any caste can take up any profession, not constrained to work as per one's 'varna'.

Rules of division of property are justified according to the requirements of society. Previously, the equal division of property among the brothers took place after the demise of their parents. Furthermore, the eldest brother of the family got an "additional share", provided he does not "through greed act badly towards his younger brothers", an "adopted son" never inherited "the estate of his natural father". The "impotent or fallen, or blind or deaf...an idiot or a mute" did not receive any share. The "daughter alone" had a share in her mother's "separate property". But at present, all the children, including daughters have equal access to parental property.

For the welfare of women the concept of 'Stridhana', the "six sorts" of property of women – "what was given in front of the(marriage) fire, on the bridal procession, or as a token of affection, and what she got from her brother, mother or father", is still prevalent today.

The state was presided over by the king who “made from particles of these lords of the gods...surpasses all living beings in brilliant energy”. He was supposed to have a good disposition, dedication towards the state and its protection, which is a fine approach suitable in contemporary times. “Whatever the king does”, says Narada, “is justified: such is the rule”. He consulted the Brahmins regarding the laws of government. He made sure to practise justice and maintain order by punishing the crime doers or “thorns” of the state, as Manu believed that “when justice is destroyed, it destroys; when justice is protected, it protects. Therefore, justice must not be destroyed, or justice destroyed may kill us”. Political affairs were in the interests of the state and not for acquisition of power, materialistic gains, like today, where mishandling of community funds is being noticed. Moreover, democracy has replaced monarchy.

The legal system existing today can be said to be influenced by the one stated in the ‘Manusmriti’ or ‘Code of Manu’, as both are synonymous in their conduct. The belief and practise of righteousness and punishment - “dandniti” for immoral conduct which includes admonishment, condemnation, imposing fines and physical harm is thoroughly being applied in order to control the crimes and keep people on the right path. But he “who has done evil and felt remorse is set free from that evil” and is “purified by ceasing to do it”. Furthermore, the role of an unbiased, “trustworthy” eyewitness in settling a court case, the principle of taking oath and speaking the truth while believing in ‘dharma’ and ‘paramatma’ is observed.

### 3. CONCLUSION:

Thus, in the modern age, with changing social circumstances, technological advancements, the cultural and ethical values imbibed within our society through generations, are fading and one’s outlook towards life is also getting modified. Paul Brunton, in his book ‘The Spiritual Crisis of Man’ exhibits the common man today “Without inward peace, without outward security, modern man who for so long pitied his ancient and medieval fathers is now himself to be pitied” (qtd.in S. Narang). Consequently, the study of scriptures for a tranquil and regulated existence becomes necessary. ‘Manusmriti’ reflects upon all facets of one’s existence as we have seen above, but its need and application is bound to restrict itself as per the changing circumstances and standards of living, unlike ‘Mahabharata’, ‘Vedas’ and ‘Bhagavad-gita’ which have universal applicability at all times. Hence, one realizes that even though our society has undergone many changes and rules stated in the ‘Manusmriti’ may not be appropriate in the present-day, but a manifestation of its ideals is still visible today, though with slight variations, depending on the needs of society. Therefore, its importance cannot be denied entirely, as Hindu society is difficult to comprehend without its principles. However, the progress of our nation has been possible due to the modern-day laws which altered the situation of Hindu society by discarding the unsuitable and maintaining the rational laws of ‘Manusmriti’.

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