

## The Dharma Sastras

The Dharma Sastras are texts in Hinduism that are concerned with the legal precedent or law that is in relation to *dharma* (Rodrigues, 535). *Dharma* as it relates to the Dharma Sastra's acts as a guide to what a Hindu must do in their life to fulfil their *dharma* duty. In relation to religious texts for Hindu's the Dharma Sastras are considered *smṛti* [all texts containing traditions] not *śruti* [divinely heard or from the gods] an example of these are the Vedas (Banerji, 1). As the Dharma Sastras are *smṛti* which are of human authorship they are not as revered as are the main *śruti* texts of the Hindu religion.

The exact origin of the Dharma Sastras is not known but it is believed that the Dharma Sastras can be traced back to Vedic times. The Dharma Sastras were believed to be written because the Dharma Sutras [texts that contained *dharma* law and were the basis for the Dharma Sastras] were antiquated and a new text was needed to address the increasingly complex needs of society. Therefore, the Dharma Sastras were needed to explain the more complex matters that were arising in this new era (Banerji, 4-5).

Just as the Dharma Sutras contains many works, the Dharma Sastras do as well, with the main works being of Manu, Yajñvalka, Parasara, Katyayana, and Narada, [these are all different Dharma Sastra writers however Manu was most extensive and all had similar teachings]; however, these are just a few of the works that are considered Dharma Sastras, and there are many more examples. This paper will mention the main two Dharma Sastras, which are regarded highly as important *smṛti* writings and legal codices of ancient India. The two works are the works of *Manu and Yajñvalka*. Where *Manu*'s works contains information on *acara*,

*prayascitta*, *vyavahara*, and *rajadharmā*. Where the Yajñavalkya only comments on three of these which are the *acara*, *prayascitta*, and, *vyavahara* (Banerji 30-35)

The *Manu Smṛti* is a name used for the *Laws of Manu*. It is considered the most important of the Dharma Sastras [the composition of Manu Smṛti according to B. C. Kane to fall somewhere in between second century BC and second century AD](Banerji, 31). The *Laws of Manu* are composed of a manuscript which is divided into twelve *adhyayas* [lessons or chapters]. According to Patrick Olivelle these twelve *adhyayas* is an “old version” as all of the commentaries on it *Manu’s* works follow that there is the twelve *adhyayas*. However, Olivelle suggests that it is not the original breakup of the *adhyayas* of the *Laws of Manu*, and further suggests that there was a possibility of more at one time before the commentaries were written (Olivelle, 7). This version is also considered to contain two thousand six hundred ninety four verses. However, it is not known who composed the work; there are several different opinions concerning authorship, such as those who believe that Manu was a mythical being; others believe that it arose from a school propounded by a sage named *Manu* (Banerji, 31). In P. V. Kane’s *History of the Dharmasastras*, he states that myth says *Manu* is possibly the father of the human race and a semi-divine sage that received the laws and regulations from God (Kane, 307 vol. 1). This causes confusion as to who was the actual author of the work. However, the work itself says “*Brahma* formulated this *sastra*, and taught it to *Manu*. (Banerji, 31)” This Dharma Sastra has some contradicting statements such as allowing *brahmins* to take a *sudra* wife in one *adhyaya* and forbidding it in another *adhyaya*. This brings forth an assumption that this Dharma Sastra was possibly brought through three different stages of its development in its writing. While, this is thought because of the contradictions may indicate the works could

have been written by more than one hand. Some scholars disagree that this is the case. It is said that the *Laws of Manu* is to the most commented on of all the *smṛti* literature composed (Banerji, 30-34). It is also considered to be the most authoritative work of all the Dharma Sastras and is commented in the *Yajñavalkya* by saying “that *smṛti* which runs counter to *Manu* is not commended (Banerji, 33)” and “whatever Manu said is medicine. (Banerji, 33)” Showing that this Dharma Sastra is the most influential work, it is even stated in other versions of the Dharma Sastras as other authors of the Dharma Sastras recognize it as the most .

The *Yajñavalkya Smṛti* [the second most important Dharma Sastra] which was composed by Yajñavalkya himself is also very important version of the Dharma Sastra. It is believed to have been written between first century BCE and third century CE. This version is important because it brings order to three of the subjects that are touched in the *Laws of Manu*. The three topics that Yajñavalkya brings order to is *acara*, *vyavahara*, and *prayascitta*. Yajñavalkya lays these out in an order so that they are to be easily understood. The most famous portion of this Dharma Sastra is its section on the *vyavahana* which concerns itself with secular law. A subsection in the *vyavahana* has actually given rise to two different schools of law, the *Mitaksara* which is law in all of India except Bengal, and the *Dayabhaga* which is the law in Bengal. There have been a few changes made to the *Yajñavalkya*, between eight hundred and eleven hundred CE and other than these few changes the text is believed to be intact since seven hundred CE (Banerji, 34-35)

I will now touch on the subjects that are talked about in the Dharma Sastras, these topics being *acara*, *vyavahara*, *prayascitta*, and *rajadharmā*. *Acara* [customary laws] in the Dharma Sastras is concerned with the practice of *dharma* in the everyday life of a Hindu and the ways in which they must live in order to be a *dharmic* Hindu (Davis, 814). This meaning that

*acara* was concerned with ensuring that you could have a good dharmic life. To ensure that a person has a good dharmic life they must follow the *samskaras* [life cycle rites that Hindus participate in (Rodrigues, 562)]. This is mostly for *brahmins* who are to lead a life devoted to the dharma. These *samskaras* are there to help these *brahmins* remove their taint and sin that they inherit from their parents. In the *acara* concerning *samskaras* there are certain rituals that are only reserved for the twice-born castes *brahmin, ksatriya, and vaisyas*. Within the twice-born casts, only the males are allowed to have *Vedic mantras* said, however, in the case of marriage *Vedic mantras* are uttered for the females of twice-born families. Sudras are only allowed to perform *samskaras* not reserved for the twice-born. However it is now thought that most of the *samskaras* are now considered obsolete. Marriage it is not seen as much as a *samskara* but more of a contract (Banerji, 77-81). An example of *acara* is its provisions in the *Laws of Manu* regarding bride's price, selection of a bride, and types of marriage, just to name a few that are concerned with the *acara*.

*Vyavahara* [civil and criminal law] is concerned with disputes of law in the sense that western society thinks of law. It contains both civil and criminal law that we in the western world (Banerji, 157). According to the *Laws of Manu* there are eighteen different disputes. To name a few there is: *rnadana* which is non-repayment of debt, *strisamgrahana* which is the molestation and unlawful sexual union of women, and *samahvaya* which is animal-betting. This is showing that *vyavahara* concerns itself with the actual laws of the Hindu society which is part of their *dharmic* responsibility. For a person to follow *dharma* they must follow these laws because if you break these laws you are not fulfilling your *dharmic* duty and therefore not fulfilling your responsibilities to *dharma*. When you look at Hindu laws it is shown that a similar

code covers similar topics as our own laws such as judicial proceedings, evidence, possession and ownership, and crime and punishment (Banerji, 157-167). The *Laws of Manu* shows examples of what to do with criminal code such as theft and thieves in chapter eight which includes others crimes such as violence and the code also includes how the justice system is to function and a range of different criminal charges (Olivelle, 167-189).

*Prayascitta* [penance or washing away ones sins] is concerned with the penance of a sinner. It is the washing off of their sin where they make amends for their crimes against *dharma*. *Prayascitta* is meant to be used to avert the sinners fall into hell and allows for the sinner to be acceptable for social interaction in that he can partake in social activities within the society. However, *prayascitta* only makes the sinner acceptable for social interaction within society if they did not intentionally sin. If the person intentionally commits a sinful deed they can avert from falling into hell but cannot gain back their right for social interaction within regular society (Banerji, 90-92). The *prayascitta* is the way that a Hindu is punished for their wrongdoing. Just as someone in western society is given a jail sentence for a crime to pay penance for his/her wrongdoing; *prayascitta* to a Hindu is in a sense there “jail sentence” to make amends for their wrongdoing as the jail sentence is to the westerner. Examples of this would be punishments for people who breach Hindu law such as punishments for thieves that is found in chapter eight of *Manu’s* code of law (Olivelle, 184)

In regards to the last section of *Laws of Manu*; the section *raja dharma* concerns itself with the kingly *dharma*. It is concerned with how a King must live and it contains information on where a king must live and how he must protect himself. It also includes information on how he

is to receive council from his ministers; who to have as ambassadors, political expedients', and other topics that are needed for a king to do their duty (Banerji, 92-100).

These four topics are what make up most of the Dharma Sastras. These are guides for the Hindus to follow in their life. Especially *brahmins* as they are expected to lead a *dharmic* life. With these codes they are able to sustain a society that is prosperous and cohesive.

The Dharma Sastras discuss issues from how to live *dharmically* to what will happen if the codes of your *dharma* are not followed. It teaches the Hindus about how they must live in their everyday life and shows what are expected of them in their life. It is seen that the Dharma Sastras are also connected to other aspects of the Hindu's life such as the Arthasastras as they are related in what they teach regarding one's life duties (Banerji, 6-7). We also see that the Dharma Sastras are related to the epics, in that the epics are seen as the "sources of *dharma* (Banerji, 7)." The *Mahabharata* contains many matters that are in the Dharma Sastras so one could think that it is a possibility that the epics are a way of teaching the Hindu's on how to live their life in an easily understandable way through the narrative. The Dharma Sastras are books that help with everyday life for every Hindu and are needed to ensure that their *dharmic* duties are fulfilled. These texts are needed for Hindu culture because they make up what a Hindu is and what a Hindu does, showing them how in their lives they can attain their ultimate *dharmic* goal eventually through living a life of *dharma* and attaining *moksa* [liberation from the worldly state].

References and Further Readings

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#### Related Topics:

- Dharma Sutras
- Laws of Manu
- Yajnavalka Smrti
- Mahabharata
- Acara
- Prayascitta
- Vyabahara
- Rajadharm
- Artha Sastras

#### Related websites:

- <http://hinduism.iskcon.com/tradition/1112.htm>
- [http://www.hinduwebsite.com/sacredscripts/hinduism/dharma/dharma\\_index.asp](http://www.hinduwebsite.com/sacredscripts/hinduism/dharma/dharma_index.asp)
- <http://www.sacred-texts.com/hin/manu.htm>
- <http://www.dlshq.org/saints/yajnavalkya.htm>

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