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MANU'S LAWS AND SOCIAL ORDER

Authored By - Pranshu Vats

ABSTRACT

One of the most significant and reputable legal scriptures used in Hinduism is the Manu-smriti. The Laws of Manu are other common names for it, along with Manav Dharma Shastra. Manu, the alleged first law-giver, is credited with penning the treatise in Sanskrit. Several respectable historians assert that Manu's beliefs are reflected in the book as a discourse on issues like laws, duties, behavior, and other essential parts of everyday life. It outlines a set of moral principles for human society. When the Manu-smriti was written, modern civilizations did not even have a fundamental grasp of rules, rights, and other concepts that have a stifling effect on society. In this respect, it is acknowledged that the Manu-smriti is largely progressive in most regards. For its opinions on women and the caste system at the same time, the text is attacked by a sizable segment of society. In spite of the fact that more than fifty of its manuscripts have been discovered, there are several conflicts and inconsistencies regarding the legitimacy of Manu-smriti. Each manuscript differs from the others, and over time, there have been numerous additions, deletions, and revisions that have changed the text's structure. It is also disputed if the text is the original creation of a single author or a collection of ideas from several intellectuals of the period. However, it is still possible for us to identify the text's essential components, which discuss laws, rules, and customs. The purpose of this research paper is to answer the following questions: firstly, how did the Manu-smriti divide society into castes? Secondly, how does the Manu-smriti handle the status of women in society? Thirdly, what was the concept of Rajdharma or the duties of the King given by Manu?

KEYWORDS

Hinduism, Manu-smriti, Society, Caste, Women, Rajdharma

INTRODUCTION

According to Indian mythology, Manu was the first man and the fabled author of the Manu-smriti, a significant body of Sanskrit law. The name shares etymological roots with the Sanskrit verb man-, which means "to ponder," and the Indo-European word "man." Hinduism's sacred text, the Vedas, describes Manu as the one who carried out the first sacrifice. He is also referred to as the first king, and the majority of the emperors of medieval India could be traced back to him through either his son or his daughter.

The Manusmriti, also known as "The Laws of Manu," which is regarded as one of the most authoritative scriptures in the tradition, is one of the most authoritative writings in the Brahminical tradition that outlines social and civil regulations and codes of conduct required for the maintenance of dharma. It establishes standards of behavior for both sexes belonging to the four social classes, or varnas—Brahman, Kshatriya, Vaishya, and Shudra—as well as guidelines for interactions among them. Additionally, it outlines behavior expectations for those in the four ashramas of life—brahmacharya, grihstashrama, vanprastha, and sanyasa. In addition, it establishes laws governing civil issues like business and contracts as well as the rajdharma, or duties and obligations, of the King. These strict social norms and restrictions help to protect dharma, the hierarchical varna system-based social order in which Brahmins and Shudras have different social standings and advantages.¹

MANUSMRITI AND CASTE SYSTEM

Nearly a thousand thirty-four verses of the Manu-smriti text are devoted to the laws for and expected virtues of the Brahmins. Manu-major smriti's section is this. The verse count for the Kshatriyas is somewhere between 971 and 972. In contrast, the laws and regulations for the two lower classes, the Vaishyas and Shudras, who represent the working class and merchant classes, respectively, are very brief in description. This proves that the Manu-smriti had a very judgmental viewpoint of the social groups that belonged to the lower castes. Manu preaches against Shudras and Vaishyas on multiple occasions in his verses, such as:²

1. According to one of the verses, Brahma, the "ultimate creator," gave birth to Brahmins from his mouth, Kshatriyas from his shoulders, Vaishyas from his thighs,

¹ Wendy Doniger and Brian K Smith, *The Laws of Manu* (New Delhi: Penguin Classics, 1991).

² Bhattacharya, P., *Conceptualization in the Manusmriti* (New Delhi: Manohar, 1996).

and Shudras from his feet. The idea of untouchability, a serious societal ill, can be extrapolated from this statement that Vaishyas and Shudras should not be handled because they are filthy creatures.³

2. In a different verse, Manu declares that according to what God commanded, a Shudra's responsibility was to serve the upper castes with dedication and without complaint.⁴
3. Manu believed Shudras were unsuitable to pursue education. The upper varnas, according to him, should not educate or give advice to Shudras. He believed that Shudras did not need to be aware of the laws and codes, hence they should not be taught about them.⁵

People from all walks of life have rightfully attacked Manu-smriti for encouraging social inequity and being a sign of hatred. These guidelines are still followed by dishonest religious individuals who also attempt to impose them on others. A well-known social reformer and advocate for equality, Dr. B.R. Ambedkar, burned the Manu-smriti in protest of such societal standards and claimed that it was to blame for the caste system's pervasiveness in India. He noted that the Manu-smriti impeded the development and advancement of the country.

Manu presents and defends the caste system in a very frightening and unsettling way. Manu has defended the caste system as the cornerstone of societal order and regularity. Vaishyas and Shudras are subjected to oppression and neglect while Brahmans and Kshatriyas are granted all the privileges a man could hope for. Members of the upper caste receive forgiveness for their transgressions. The harshest punishment was meted out to a Shudra for even the smallest transgression, but a Brahman who harms a Shudra gets off easy. Things have altered in the modern world as a result of the political prominence of the caste system. The book Manu-smriti is frequently burned in protest rallies because it is believed to be the root of India's inequity.⁶

³ Id

⁴ Id

⁵ Id

⁶ Ketkar, Shridhar V., *The History of Caste in India*. (Ithaca: Taylor and Carpenter Publishers, 1909)

MANUSMRITI AND WOMEN

The Manu-smriti also receives criticism most frequently for how it portrays women and their place in society. Its portrayal of women offers a picture of how women were seen as little more than objects of males in ancient India, and we may relate to it to some extent by looking at how women are treated today in Indian society. Let's start by looking at some passages from the Manu-smriti that are discriminatory, prejudiced, and insulting toward women in order to understand how women are depicted in the literature.⁷

According to him, the "smart" men are never unguarded in the presence of women because it is in a woman's nature to seduce a man. He also advised against marrying a woman with reddish hair, a woman who is frequently ill, a woman with no hair or excessive hair. Wise men should only marry women who are physically flawless, have lovely names, grace comparable to an elephant, moderate hair on the head, soft limbs, etc. Girls should remain in the care of their fathers as children, their husbands as adults, and further, their sons as widows. Under no circumstances should she be allowed to make independent claims.⁸

The Manu-smriti lays down in great detail the responsibilities that a woman has in the home, denying her any freedom or opportunity to leave the home. Women have always been portrayed as being unable to support themselves independently and reliant on their spouses for all of their needs. For this reason, the Quran advises that women should continue to be under the care of their son, husband, and father in that order. A woman is referred to as virtuous and a "good lady" if she submits to her husband and treats him like a slave; yet, this is not said of a woman who uses her intelligence to acquire things.⁹

In general, the Manu-smriti advises women to concentrate on the tasks at hand, such as caring for the home and having children to preserve the family name, since these are the things they are apparently skilled in. According to the Manu-smriti, a woman's existence consists of three stages: birth, marriage-related obligations, and death. Given this situation, women's status would inevitably decline, and this would be the cause of many of the issues we are presently dealing with, including dowries, child marriages, gender inequality, female feticide, and a host of other issues.¹⁰

⁷ Agrawal, V. *Women in Manusmriti*, (New Delhi: Indian Council of Cultural Relations, 2006)

⁸ Id

⁹ Ridhima Soin, *MANUSMRITI: A Modern Perspective*, 3 INTERNATIONAL JOURNAL OF RESEARCH CULTURE SOCIETY 37, 38-39(2019).

¹⁰ Id

Child marriage and female feticide are two serious issues that Indian society is currently facing. These issues have been brought on by people who still adhere to the principles of antiquated religious scriptures like the Manu-smriti and have a colonial mindset that fails to recognise their errors. We require a thorough educational programme that addresses these difficulties, informs people of the flaws in these antiquated books, and instructs them on how to approach all situations with a rational mind in order to completely eradicate these issues. There is no doubt that the future of society lies in education.¹¹

MANUSMRITI AND RAJDHARMA

Numerous facets of rajdharma, or statecraft, are covered in depth in the seventh chapter of Manusmriti. The Dharmashastras have given considerable thought and discussion to the idea of rajdharma since it has always been of essential importance. Who should reign as king? How should he be taught? What kind of training should a king receive? A king is chosen in what way? What obligations does he have to his family? What role in the public is he supposed to play? How will the social order be maintained and incorporated? These were the main issues it tried to solve. In addition to these, a number of additional items were a component of the rajdharma of the traditional Indic government. Manu was the first to organize the study of governance and administration, even though all facets of statecraft had previously been discussed.¹²

Manu was a staunch advocate for the "divine right doctrine" of the genesis of the state, which held that God created the state. According to K. P. Jayaswal, the doctrine of the king's divinity was developed by Manusmriti to defend the Puryamitra Brahmin empire and to refute the Buddhist theory of the state's formation by contract. God, who created the entire cosmic order, is in charge of ensuring both the well-being of the populace and the smooth operation of the entire system. He established the king as His representative on earth and the institution of kingship was born out of this idea. Even the Vedas and Upanishads have explanations of this. The notion that a king is a divine creation is one that Manusmriti shares.¹³

Manu emphasizes the ruler's moral and intellectual qualities because the monarch was the

¹¹ Id

¹² Sharma, R.N. *Ancient India according to Manu*. (Delhi: Nag Publishers, 1980)

¹³ Id

most significant component of the overall state administration. He is instructed to heed the advice of the Brahmins who are knowledgeable about the Vedas and are able to exert control over their senses. In order for a ruler to better govern his subjects, the Arthashastra also extols the virtues of self-discipline.

The king of Manu was the perfect man: intelligent, morally upright, efficient, well-educated, and a scholar. He was not a slave to his sexual inclinations and instincts, and he also lacked resentment and avarice. All of his subjects received the same treatment from him. Manu likens the character of this ideal ruler to the ocean, which is peaceful on the surface but deep and chaotic inside, harboring both pearl and trash. Additionally, Manu lays out the attributes that a ruler must possess. The king had to be devoid of corruption and faithful to dharma, artha, kama, and moksha—the four tenets of satvik existence. He should have attributes like sama, dama, danda, and bheda because he is the state's chief executive. Additionally, he needed to be modest, respectful, forceful, and driven.¹⁴

The science of government is referred to by the titles Arthashastra and dandaniti in two different contexts. The Arthashastra is described by Kamasutra as a system of learning, lands, gold, cattle, domestic utensils, and enhancing what has been acquired. It is known as dandaniti when it pertains to the people's government and penalizing offenders. The consensus among almost all authorities is that a state, or rajya, is made up of seven things (prakriti). The term "Saptanga Rajya," or "state of the seven elements," is used to describe it. They are as follows¹⁵:

1. Swami (ruler or sovereign)
2. Amatya (minister)
3. Janapada or rashtra (the territory of the state and its people)
4. Durga (fort, fortified city or capital)
5. Kosa (accumulated wealth in the ruler's treasury),
6. Danda (army) and
7. Mitra (friends or allies of the rajya).

Manu goes on to say that the punishment administered should be proportionate to the

¹⁴ Supra Note 1

¹⁵ Deshmukh Patel, *Manu: Social Laws*, 47 NULJ. 561, 575-576(2011)

seriousness of the offense committed. Kautilya and Manu had similar opinions on the king's coercive power, or danda. Along with the ideas of the earlier arthashastra philosophers, Manu expands on this idea. The Lord, according to Manu, invented danda in order to benefit kings and kingdoms, and then appointed his own son as the defender of all living things and dharma, or morality. Danda doesn't just rule over people; he also looks out for them. The danda's terror keeps everything in order across the planet. A ruler who possesses these qualities—truth, wisdom, virtue, efficiency, and impartiality—is entitled to utilize danda. On the other hand, the same danda that the corrupt and dishonest king inflicts is used to destroy him. Along with his tribe and realm, he is destroyed. One who is prepared to use danda inspires awe throughout the entire planet. No person is exempt from the king's danda if they fail to do their obligations, whether they be the father, mother, friend, or domestic priest.¹⁶

The purpose of the danda is to maintain social order stability as well as individual safety of life and property. The theory of the temporal ruler's creation and endowment by God is entirely consistent with this understanding of danda. Sometimes, the word "danda" is also associated with "dharma" or "law," signifying that one is necessary in order to carry out the other. Manu also establishes the notion of the king's unrestricted jurisdiction over all criminals and offenders, regardless of their social or political standing. This is consistent with the Arthashastra's application of the danda principle. He adds that God created retribution, or danda, so the king could carry out his responsibilities successfully. In addition, he has issued a warning that using force or power should only be done so when it is absolutely necessary to punish those who have been found guilty in order to both correct the offender and serve as a deterrent to others.¹⁷

The army and local governments are also examined by Manu, as they are tools for enforcing the territorial limits of the state or kingdom as well as the authority over its citizens. His system of local government consists of a number of officials at different levels in charge of smaller and larger groups of villages with a minister of the monarch to routinely inspect their work. The village, which is headed by a headman, is the main administrative unit in the area. Groups of ten, twenty, hundred, and thousand villages comprised the gradually higher tiers of local government. A supervisor of all affairs with an army of spies to help him "explore the

¹⁶ Buhler, G (Trans.) *The Laws of Manu in Muller*, Sacred Books of The East Vol. 25(Oxford: The Clarendon Press, 1896)

¹⁷ Id

behaviour of the people" was another requirement he insisted on. A minister should be assigned to oversee local government as a whole at the headquarters. For the kingdom's defense, a company of troops must be stationed in the middle of two, three, five, or hundreds of villages.¹⁸

MANU'S CODE OF LAW

Greater stress was placed on the concepts of justice and equity by Manu, who also felt that whomever breaks justice is always disgusting. The original court and the appellate tribunal are merged in the king, who administers justice. The monarch oversees the courts, and he is supported in this by Brahmins and seasoned councilors. Cases must be decided in line with the sacred law's institutions and the guiding principles of regional customs. The king shall appoint a learned Brahmin and three sabhyas (assessors) to decide the cases in the event that he is unable to administer justice himself for whatever cause. Following the defendant's denial of the allegations, the complainant should invite witnesses or present more evidence. If there is disagreement among the witness statements, the king must take the majority of the evidence as conclusive. Judges should use an investigative approach if there are no witnesses. Yajnavalkya categorizes the three types of proofs—documents, witnesses, and possessions—in a way that further organizes Manu's notions about evidence.¹⁹

The idea of social justice as it exists today is included in Manu's conception of justice. He referred to it as the "social purpose of justice," where the king had to stand out for the rights of people who couldn't stand up for themselves. A minor's inheritance and other property must be protected by the king until the minor returns from his teacher's house or reaches adulthood, he continues. Additionally, he had to look for orphans, barren women, males without kids, spouses, widows, and ladies afflicted with various ailments.²⁰

In Manu's day, this enormous subcontinent was home to diverse ethnic and linguistic groupings with a wide range of worldviews and moral principles. Manu could sense the necessity to preserve this diversity of culture and society as a one organic unit. Almost all facets of life are covered in Manusmriti, including political, economic, legal, social, etc. It is an omnibus that is of gigantic and epic proportions that is still relevant today. Manu works to

¹⁸ Supra Note 15

¹⁹ J. D. M. Derrett, *Manusastravivarana*, Vol II (Wiesbaden: Franz Steiner Verlag, 1975).

²⁰ Supra Note 17

modify human life in order to accomplish normatively stated goals by using law and politics as instruments of continuity. It is the moral realization of the ideas of that great thinker from ancient India who advocated both pragmatism and idealism. This is possibly the most outstanding aspect of the book, which has added a hint of universality while tempering it with particularities that cross the boundaries of time.²¹

CRITICISM

Manu frequently receives criticism for combining law and religion. Manu claimed that his rules were inspired by God, although this is more a reflection of the time he lived in and is not inherently flawed. In fact, the majority of ancient people believed that their rules were divinely inspired. In ancient Egypt, the Gods were said to be the source of law. The Hammurabi Code and the Manusmriti rules both professed to be founded on divine inspiration. The Ten Commandments of the Old Testament are claimed to have been spoken to Moses by Yahweh. Furthermore, it was claimed that Moses received all of the commandments recorded in Exodus, Leviticus, and Numbers directly from God.²²

In fact, Manu-smriti encourages and counsels the usage of the oppressive caste system in society to categorize people according to their line of work. Even more obscene seems to be the continued use of this system. How is it that society still adheres to a petty, misguided, and discriminatory caste system despite having learned so many lessons?

The fact that Manu-smriti, a book that Hindus hold in high favor and consider to be their law manual, portrays women in such a deplorable way. This shows us clearly how males frequently utilize and treat women as objects in today's culture. The only long-term answer to eliminating these social ills is to ensure that everyone has access to high-quality education so they are aware of the myths that society likes to perpetuate.²³

CONCLUSION

The Manusmriti, also known as "The Laws of Manu," is regarded as one of the most authoritative scriptures in the tradition and is one of the most authoritative writings in the Brahminical tradition that outlines social and civil regulations and codes of conduct required for the maintenance of dharma.

²¹ Id

²² Ritwik Tyagi, *An Analysis of Manusmriti*, 24 *Journal of Legal History* 86, 91(2020)

²³ Id

Manu wrote about how the society should be divided according to the different varnas as well as guidelines for interactions among them. Additionally, Manu had also outlined the behavior expectations for those in the four ashramas of life—brahmacharya, grihstashrama, vanprastha, and sanyasa. He also gave certain strict guidelines for women and women had no rights or independence, they were even not allowed to have property rights.

Manu was regarded as the first king and he was the one who gave certain duties for the king as to how he is supposed to govern(Rajdharma).

Manu also gave the code of law which is regarded as the first legal doctrine in the world. Though Manu's code has a lot of shortcomings but the fact that it was the first legal doctrine which served as a base for modern legal principles.

