

# Dharamshastra Lesson-2

## The Dharmasāstras



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# The Dharmaśāstras



- **The Dharmaśāstras** written after the Dharmasūtras, these texts use a metered verse and are much more elaborate in their scope than Dharmasutras.
- The word *Dharmaśāstras* never appears in the Vedic texts, and the word *śāstra* itself appears for the first time in **Yaska's *Nirukta* text**.
- **Katyayana's** commentary on **Panini's work** (3rd century BCE), has the oldest known single mention of the word *Dharmaśāstras*.

# Four Dharmasāstras



- **Manusmṛiti**
- ***Yājñavalkya Smṛti***
- ***Nāradaśmṛti***
- ***Viṣṇuśmṛti***

# Manusmriti



- The *Manusmṛiti* is an ancient legal text among the many *Dharmaśāstras* of Hinduism. It was one of the first Sanskrit texts to have been translated into **English in 1776**, by **Sir William Jones**, and was used to formulate the Hindu law by the British colonial government.
- The metrical text is in Sanskrit, is variously dated to be from the 2nd century BCE to 3rd century CE, and it presents itself as a discourse given by **Manu** and **Bhrigu** on dharma topics such as duties, rights, laws, conduct, virtues and others.



- Manusmriti is also called the ***Mānava-Dharmaśāstra*** or ***Laws of Manu***.
- The modern version of the text has been subdivided into twelve *Adhyayas* (chapters), but the original text had no such division. The text covers different topics, and is unique among ancient Indian texts in using “**transitional verses**” to mark the end of one subject and the start of the next. The text can be broadly divided into four, each of different length. and each further divided into subsections.
  - 1) Creation of the world
  - 2) Source of dharma
  - 3) The dharma of the four social classes
  - 4) Law of karma, rebirth and final liberation
- The text is composed in metric *Shlokas* (verses), in the form of a dialogue between an exalted teacher and disciples who are eager to learn about the various aspects of **dharma**. The first 58 verses are attributed by the text to **Manu**, while the remaining more than two thousand verses are attributed to his student **Bhrigu**.

# *Yajnavalkya Smriti*



- It is one of the many Dharma-related texts of Hinduism composed in **Sanskrit**. It is dated to between the 3rd to 5th-century CE, and belongs to the Dharmasastras tradition.
- The text was composed after the **Manusmriti**, but like it and **Naradasmriti**, the text was composed in **shloka** (poetic meter) style.
- The legal theories within the *Yajnavalkya Smriti* are presented in three books, namely **achara-kanda** (customs), **vyavahara-kanda** (judicial process) and **prayascitta-kanda** (crime and punishment, penance).



- The text is the "best composed" and systematic specimen of this genre, with large sections on judicial process theories, one which had greater influence in medieval India's judiciary practice than Manusmriti.
- It later became influential in the studies of legal process in ancient and medieval India, during the colonial British India, with the first translation published in German in 1849.
- The text is notable for its differences in legal theories from Manusmriti, for being more liberal and humane, and for extensive discussions on evidence and judiciousness of legal documents.



- The text was likely composed in the Mithila region of historic India (in and around modern Bihar).
- The text is in classical Sanskrit, and is organized in three books. These are *achara-kanda* (368 verses), *vyavahara-kanda* (307 verses) and *prayascitta-kanda* (335 verses).
- The *Yājñavalkya Smṛti* consists of a cumulative total of 1,010 ślokas (verses), and its presentation is methodical, clear and concise instead of the poetic "literary beauty" found in Manusmriti according to **Robert Lingat**.
- **Ludo Rocher** states that this treatise, like others in Dharmasastras genre, is a scholarly tradition on Dharma rather than a Law book, as understood in the western languages. In contrast, **Robert Lingat** states that the text is closer to presenting legal philosophy and a transition from being Dharma speculations found in earlier Dharma-related texts.

# *Nāradaśmṛti*



- This is a part of the Dharmaśāstras, an Indian literary tradition that serves as a collection of legal maxims relating to the topic of dharma.
- This text is purely juridical in character in that it focuses solely on **procedural and substantive law**.
- Known as the "**juridical text par excellence**," the *Nāradaśmṛti* is the only Dharmaśāstra text to not cover areas such as **righteous conduct and penance**. Its focused nature has made the text highly valued by rulers and their governments, in **Indian subcontinent and southeast Asia**, likely as an aid of carrying out their dharma of justly ruling the country.



- In 1876 manuscript D of the *Nāradaśmṛti* was translated by the German scholar, **Julius Jolly**, making it available to legal scholars in Europe for the first time. The work was readily accepted in Europe due to its style, content, and structure which was similar enough to Roman legal texts of the time that the scholars felt comfortable dealing with it. **Karl Marx** even used this translation as a reference for his Asiatic Modes of Production.
- In 1879, **Jolly** translated manuscript P.
- In 1989, **Lariviere** revisited the text and produced a critical translation which includes evidence from the NWS manuscripts, as well as D and P, which **Jolly** used.

# Vishnu Smriti



- It is one of the latest books of the Dharmasāstra tradition in Hinduism and the only one which does not deal directly with the means of knowing **dharma**.
- The text has a **strong bhakti orientation**, requiring **daily puja to the god Vishnu**.
- It is also known for its handling of the controversial subject of the practice of **sati** (the burning of a widow on her husband's funeral pyre). A Banaras pandit, **Nadapandita**, was the first to write a commentary on the **Vishnu Smriti in 1622**, but the book was not translated into English until 1880 by **Julius Jolly**.



- The **Vishnu Smriti** is divided into one hundred chapters, consisting mostly of **prose text** but including one or more verses at the end of each chapter.
- The premise of the narration is a frame story dialogue between the **god Vishnu and the goddess Earth (Prithvi)**.
- This frame story remains present throughout the text, unlike many Dharmasāstras where the simple expounding of laws takes over for the majority of the books.



**Thank You**