

Government Oriental Series, Class B, No. 6

# HISTORY OF DHARMASTRA

( ANCIENT AND MEDIEVAL  
RELIGIOUS AND CIVIL LAW )

BY

PANDURANG VAMAN KANE, M.A. LL.M.

ADVOCATE, HIGH COURT, BOMBAY ; VICE-PRESIDENT AND  
FELLOW OF THE ROYAL ASIATIC SOCIETY, BOMBAY  
BRANCH ; SOMETIME PROFESSOR OF SANSKRIT,  
ELPHINSTON COLLEGE, BOMBAY ; AUTHOR  
OF 'A HISTORY OF SANSKRIT POETICS' ETC.

Vol. I



Bhandarkar Oriental Research Institute

1920

hy-etan-manurāha Prajāpatiḥ) there is nothing that contradicts our *Manu*; that half and the preceding verses bear a close correspondence to Baudhāyana Dh. S. I. 4. 2. Similarly Bühler's argument about Mānava śloka in the Triṣṭubh metre is not quite sound. The text of Vasiṣṭha is far from satisfactory. On the non-occurrence of that verse or a corresponding śloka in our *Manu* no superstructure can be built. Vasiṣṭha quotes ( 4. 37 ) a sūtra or opinion of Gautama which is not found in the extant Gautamadharmasūtra. Verses ascribed to Vasiṣṭha in the nibandhas are not found in the printed text of Vasiṣṭha ( vide n. 108 above. )

The analogy of the works of the schools of Āpastamba and others can furnish no proof. There are on the other hand weighty grounds for discarding that analogy altogether. It is a remarkable fact that excepting the three *caranas* ( of the Black Yajurveda ) of Āpastamba, Baudhāyana and Hiranyakeśin that arose and flourished in the southern portion of India, no *carana* of any of the other Vedas has an extant dharmasūtra ascribed to the founder of the *sūtra-carana*. An explanation is suggested in the following lines. The Brāhmaṇas in southern India were in the very early days of their colonisation surrounded by an alien culture and by alien customs. It was necessary therefore to formulate distinctly the rules of general conduct for the Aryan community in southern India, that studied the Black Yajurveda. The same necessity did not exist in northern India, where the members of the *sūtracaranas* knew their ordinary every day duties very well, and were more or less a homogeneous community with the same ideals and culture. Therefore in the beginning when manuals of śrauta and gr̥hya ceremonies were first composed, it was not thought necessary to compose set treatises on *dharma* for each *carana*. Some of the rules of conduct were embodied in the gr̥hya sūtras because they were germane to the subjects treated of in them ( such as the duties of Brahmacārins and householders, holidays etc. ). Works, however, dealing with the general usages prevalent among the Aryan community in various parts of northern India must have been composed early enough. When the knowledge of the existence of the complete set of the sūtra works in the Āpastamba and other *caranas* of the Yajurveda in southern India permeated to northern and central India, the leaders of the *caranas* cast about for works that would complete the works of their *caranas* and bring

them in a line with those of Āpastamba and others. Therefore the various *caranās* seized upon several dharmasūtras and adopted them in their schools for study. This must have occurred at a comparatively early date. For Kumārila, as we saw above, enlightens us as to what dharmasūtras were specially studied in which Vedic schools. The fact that, though Gautama and Vasiṣṭha are said to have been specially studied by the students of the Sāmaveda and the Ṛgveda respectively, there is hardly anything in these dharmasūtras that specially connects them with the two Vedas affords some corroboration of the above hypothesis. This assimilation of independent dharmasūtras into individual *satracaranās* probably took place before or in the first centuries of the Christian era. Śābara (on Jaimini I. 3.4) seems to make fun of the dharmasūtras when he says that the direction to observe *brahmacarya* for forty-eight years was a device of those who wanted to hide their impotence (Gautama 2. 52, Āp. Dh. S. I. 1. 2. 11-12, Baud. Dh. S. I. 2. 1. speak of *brahmacarya* for 48 years). This shows that these dharmasūtras could not have been regarded as very authoritative by all early writers. Jaimini I. 3. 11 (according to Śābara) denies the independent authority of Kalpasūtras. It appears that the Mānava school, which according to the *caranavyūha* was a subdivision of the Maitrāyaṇīya, dwindled in numbers very early. Kumārila, who was a most learned and profound student of the various branches of Sanskrit literature, nowhere mentioned the Mānavadharmasūtra as studied by followers of the Black Yajurveda, though he mentions Baudhāyana and Āpastamba as studied by them. He places the Manusmṛti even higher than the Gautamadharmasūtra and betrays no knowledge of the existence of the Mānavadharmasūtra. Viśvarūpa who is generally identified with Sureśvara, the pupil of Śaṅkara, remarks that the Mānavacarāṇa is not existent (or found).<sup>150</sup>

The foregoing discussion will, it is hoped, induce every impartial critic to endorse the conclusion that on the materials so far available the theory that the Mānavadharmasūtra once existed and that the extant Manusmṛti is a recast of that sūtra must be held not proved.

#### 14. The Arthasāstra of Kauṭilya

This epoch-making work was first published by Dr. Shamasastri in 1909 in the Mysore Sanskrit Series and was also translated by him. Pandit T. Ganapati Sastri of Trivandrum has published the work

<sup>150</sup> 'न च मानवादिचरणोपलब्धिर्स्ति' p. 18 of विश्वरूप's comment on आचार section.