

PART

II

# CHAPTER

1

DHARMA AND THE DHARMSŪTRAS:  
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It is quite evident that Dharmasūtra means sūtras written pertaining to Dharma. The word Dharma is in itself a unique. It is used in different meanings right from the times of Vedas. If we note the usage of this word in different works we shall be able to get the real meaning of it.

Though the word occurs about fiftysix times in the hymns of <sup>RV</sup>Rgveda, P.V.Kane says " It is very difficult to say what the exact meaning of the word Dharma was in the most ancient period of the Vedic language".<sup>1</sup> The meanings <sup>are</sup> ~~are~~ like " Religious Ordinances ".<sup>2</sup> " The first ordinances ".<sup>3</sup> and " The fixed principles or the rules of conduct ".<sup>4</sup> In Atharvaveda<sup>5</sup>, it is used for " merit acquired by the performance of religious rites ". In the Aitareya Brāhmaṇa<sup>6</sup>, the word is used in an abstract sense " the whole body of the religious duties". In Chāndogya -upaniṣad<sup>7</sup> the word Dharma suggests " the peculiar duties of the Āśramas."

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1.Kane, P.V.Hist.of Dharma. (Vol.I) P.1.

2.Rgveda, I.22.18.

3.Ibid, I.164 .43.

4.Ibid.IV 53.3.

5.Atharvaveda, VI.51.3.

6.Aitareya Brāhmaṇa, VII.17.

7.Chāndogya Upaniṣad 2.23.

The above series of different meanings of the word Dharma shows the transition of meaning and how it has arrived at the meaning of "duties of a man, his conduct in the society and duties of a man of different varnas and in different Āśramas . Mabbett opines that " Dharma is difficult to translate but means something like the moral order and a Dharmaśāstra is thus a text on law or morals or religious duty".<sup>1</sup> The word is used in the same sense in Bhagwad-Gītā,<sup>2</sup> in the Manu Smṛti<sup>3</sup>, in the Yājñavalkya Smṛti<sup>4</sup> and in the Tantravārtika<sup>5</sup>.

Dharmasūtras are received in Kalpa tradition which is based on three components - Śrautya, Grhya and Dharmasūtra s. The Tantravārtika<sup>6</sup> of Kumāṇila gives an interesting information on this point. It says that Gautama and Gobhila were studied by the Sāmvedins, Vasiṣṭha by the R̥gvedins, the Śaṅkha-Likhita by the followers of Vājasaneyā Saṁhitā

1. Mabbett, Truth Myth and Politics in Ancient India . P.77.

2. Bhagvad-Gītā: 3.35.

3. Manu Smṛti: I.2.

4. Yāj. Smṛti ; I.1.

5. सर्वधर्मसूत्राणां वर्णश्रमधर्मोपदेशित्वान् । तन्त्रवार्तिकं  
→ वसिष्ठं बल्लचरेण शङ्खलिरितोक्तं च वाजसनेयिभिः । P. 237.

6. Tantravārtika, P.179.

while the sutras of Āpastamba and Baudhāyana by the followers of Taittiriya Śākhā. Thus the Dharma and Grhyasūtras are authoritative for all Aryan people.

Matsya Purāṇa<sup>1</sup> divides Dharma into Śrauta and Smārta-Śrauta Dharma comprising of rites and ceremonies concerning Vedas and Brāhmaṇas. The Smārta Dharma is covered by Smṛtis.

Earnest wood points out the highest contribution that Dharmasūtras have given, in the improvement of human beings. He says, " The Dharmasūtra was used as the Standard book of thought, understanding and systematisation- not passion and muddle - concerning the relationships of human beings for the maintenance (Dharma ) and growth of man as man, and not as either beast or fool, both of which he sometimes is " <sup>2</sup>.

Dharma laid down in Dharmasūtras and propounded in Smṛtis covers the human life with specific approach. Mm.Dr. P.V.Kane<sup>3</sup> enumerates the points of demarkation between two.

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1. दाराग्निहोत्रसंबद्धमिज्या श्रौतस्य लक्षणम् ।  
स्मार्तो वर्जश्रमाचारो यमैश्च नियमैर्युतः॥

Matsyapurāṇa : 145.30.31.

2. Wood Earnest; Mānava Dharmasūtra (Foreward ) P.8.

3. Kane, P.V., Hist. of Dharma. (Vol.I.) P.12.

- a) Many dharmasūtras are either parts of the Kalpa belonging to each sūtraçarana or are intimately connected with the ģrhyasūtras.
- b) The dharmasūtras sometimes betray some partiality in their Vedic quotations for the <sup>texts</sup> ~~texts~~ of that Veda to which they belong or in the Çaranas of which they are studied.
- c) The authors of the (older) dharmasūtras do not claim to be inspired seers or superhuman beings, while the other smrtis such as those of Manu and Yājñavalkya are ascribed to Gods like Brahmā.
- d) The dharmasūtras are in prose or in mixed prose and verse; the other smrtis are in verse.
- e) The language of the Dharmasūtras is generally more archaic than that of the other smrtis.
- f) The dharmasūtras do not proceed upon any orderly arrangement of topics, while the other smrtis (even the oldest of them viz. Manu smṛti) arrange their contents and treat of the subjects under their principle heads viz. Ācāra, Vyavahāra and Prāyaścitta.
- g) Most of the Dharmasūtras are older than most of the other smrtis.

It will be interesting to estimate the reconstructed text of Śaṅkha-Likhita in view of above points.

Looking to the first point no Kalpa or ģrhyasūtra is available to compare the continuity of thought. Many mantras of Yajurveda are quoted in the text.

Ś.L. refers to the Dharma told to seers by Manu.

Śaṅkha-Likhita smṛti is found in mixed form both in prose and in the verse.

The language is like the other smṛtis and not in archaic form.

The topics- as divided into three parts in the Reconstructed Text may or may not have been in existence.

The Reconstructed text can not be <sup>U</sup>part earlier than Manu Smṛti.

As the reconstructed text of Śaṅkha-Likhita does not fulfil the important aspects of dharmasūtra, it may be taken as Smṛti.

The present smṛtis ascribed to the names of Śaṅkha and Likhita are of the later forms. While the Reconstructed Text represent its earlier phase. The Text is accepted on the principle of Joint authorship.

See Appendix No. 2. for the authorwise detailing of the Quotations.