

# SOCIAL LIFE IN ANCIENT INDIA

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(in the background of the *Yajñavalkya-smṛiti*)

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**ACADEMIC PUBLISHERS**

11 Panchanan Ghosh Lane, Calcutta-9

1965

Chennai  
New Delhi  
MYSORE-1

First Edition 1965

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Price Rupees Twelve & Fifty Paise

PC

912.3403

CHA

B601

11/4/75

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## PREFACE

The scope, aim and plan of the book are explained in *Foreword*. The chapters dealing with caste-system (*Varṇa-jāī*) and marriage formed the subject of 'seminar extension lectures' delivered by me at the Government Sanskrit College, Calcutta, in March 1964. I pay my tribute of respect to *Ācārya* Gauri Nath Sastri, M.A., D.Lit., and express my thanks to my friend Prof. Dr. Sisir Kumar Mitra, M.A., Ll.B., D.Phil, Principal, and Head of the Department of Ancient Indian History and Culture, respectively, of that august seat of oriental learning. My thanks are also due to my colleague Sri Santosh Kumar Basu, M.A., *Adhyāpaka* in History, Viśva-bharati University, for helping me at every stage of my work. I am grateful to Prof. R. K. Choudhury, M.A., F.R.A.S. (Lond.), of Begusarai College, Bihar, for lending me an important book on the subject.

While the work was in press, I developed serious eye trouble and had to depend for proof-reading entirely on my wife and my sons, Sriman Dipankar and Bhaskar. I crave the indulgence of the readers for any printing mistake that has escaped their attention.

My thanks are due to the proprietor of Academic Publishers of Calcutta for bringing out the book within a short time.

S. Chattopadhyaya

Santiniketan  
December 6, 1964

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## ABBREVIATIONS

AIHT	<i>Ancient Indian Historical Tradition</i> : ed. F. E. Pargiter, London, 1922
AV	<i>Atharva Veda</i>
Āpas	<i>Āpastambhadharmasūtra</i> , ed. A. Mahadeva Sastri, Mysore 1898
AS	<i>Arthaśāstra of Kautilya</i> , ed. R. Sharma Sastry, Mysore, 1919
Baud	<i>Baudhāyanadharmasūtra-śāstra</i> , ed. E. Hultzroh, Leipzig, 1884
BG	<i>Bhḡavad-gītā</i>
DKA	<i>Dynasties of the Kali Age</i> , ed. F. E. Pargiter, London, 1913
EHNI	<i>Early History of North India</i> , by S. Chattopadhyaya, Calcutta 1958
Ep. Ind.	<i>Epigraphia Indica</i>
Gaut	<i>Gautamadharmasūtra</i> , ed. L. Srinivasacharya, Mysore, 1917
HD	<i>History of the Dharmasāstras</i> by P. V. Kane, 3 vols, Poona, 1930-46
IA	<i>Indian Antiquary</i>
JA	<i>Journal Asiatique</i>
JRAS	<i>Journal of the Royal Asiatic Society of Great Britain and Ireland</i>
Manu	<i>Manusmriti</i> , Calcutta, B.S. 1304
Mbh	<i>Mahābhārata</i> , Poona, 1929
MJ	<i>Manu &amp; Yajñavalkya</i> , by K. P. Jayaswal, Calcutta, 1930
PHAI	<i>Political History of Ancient India</i> , by H. C. Raychaudhuri, Calcutta, 1938

RV	<i>Ṛg Veda</i>
SBE	<i>Sacred Books of the East</i>
Select Ins.	<i>Select Inscriptions bearing on Indian History and Civilization, vol. I, by D. C. Sircar, Calcutta, 1942</i>
SLK	<i>Social Life in Ancient India, a study in Vātsāyana's Kāmasūtra by H.C. Chakladar, 1958</i>
Vas	<i>Vasiṣṭhadharmasūtra (-śāstra) es. A.A. Fuhrer, Bombay, 1914</i>
Yāj	<i>Yajñavalkyasmṛiti, Benares, 1930</i>

## ERRATA

Page	Line	Read	For
4	29	Śabara	Śavara
5	21	Bṛhaspati	Vṛhaspati
13	25	entrance	entrace
20	4	Brāhmanised.	Brahmanised,
32	10	people	peoplo
33	22	Vātsyāyana	Vatsāyana
45	21	Gṛhyasūtra	Grhyasūtra
63	10	legalised	lagalised
77	15	maiden	maidan
80	5	ordains	ordians
130	27	husband's	husband's
145	14	A	T

## FOREWORD

A critical study of the Indian *Dharmaśāstras* clearly reveals the fact that their aim is to standardize life against the background of some fixed values. The course of human life has never been static or stagnant. Hence different *dharma* writers appeared at different epochs to adjust the new elements that had crept in the different strata of the Indian society. The great poet Kālidāsa harps on the Indian maxim when he states that nothing is to be rejected simply because it is new and nothing is to be accepted because it is old. The *Dharmaśāstra* works reveal this spirit. Their comparative study can unfold before us many important aspects of Indian life prevalent in different epochs. Parāśara observes that the *dharma*s for men in the *satya-yuga* are other than those in the *tretā* and the *dvāpara*; and in the *kaliyuga* also they are different — the *dharma*s of each *yuga* being in keeping with the distinctive character of the age.<sup>1</sup> This shows that the different *Dharmaśāstras* are but pictures of different ages. So it is difficult to agree with the views of the later writers that they all sound the same tune or that there are no contradictions among them. Parāśara further maintains that the *dharma*s for the *satya-yuga* are those prescribed by Manu; for the *tretā* those prescribed by Gautama; for the *dvāpara* by Śaṅkha and Likhita and for the *kali* by Parāśara.<sup>2</sup>

The above observations of Parāśara raise the following interesting issues:

- (a) The set of laws for a particular age cannot be true for another.

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1 अन्ये कृतयुगे धर्मास्त्रे तायां द्वापरे परे ।

अन्ये कलियुगे नृणां युगरूपानुसारतः ॥ I. 21

2 कृते तु मानवो धर्मस्त्रे तायां गौतमः स्मृतः ।

द्वापरे शङ्खलिखितौ कलौ पाराशरः स्मृतः ॥ I. 23

- (b) Historically the *Gautamadharmasūtra* is certainly older than the extant *Manusmṛti* which has been assigned by Buhler to the beginning of the 3rd century (c.200 A.D.). So when Parāśara places Manu before Gautama either he is wrong or he is referring to an earlier *Mānavadharmasūtra*, now lost, on which the present *Manusmṛti* has been recast. Such a view is really held by Max Muller, Weber, Buhler and others, but Kane has pointed out that the existing materials are not sufficient to establish such a theory.<sup>3</sup>
- (c) The code of Śaṅkha-Likhita has been quoted in the different commentaries, but the work has as yet not been discovered. In the *Annals of the Bhandarkar Oriental Research Institute*, Kane has made an attempt at a reconstruction of the work (vol. vii-viii). Yājñavalkya refers to Śaṅkha-Likhita among the writers of the *Dharmaśāstras*. But till the full work is discovered it is difficult to say anything about the original text. Even a collection of the quotations cannot shed any light, for we know that different commentators often quote passages from earlier works not actually to be found in them. Further the commentators often have to rely on corrupt manuscripts and this diminishes the values of their statements.

In the *Parāśarasmṛti* we find a reference to Yājñavalkya's work<sup>4</sup>, while Yājñavalkya again refers to Parāśara as an early law-giver<sup>5</sup>. Indologists, therefore, think that there may have been an earlier work of Parāśara which is now lost. The extant work which goes by the name of *Parāśarasamhitā* cannot

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3 Kane, *HD.* i. pp. 79—85

4 *Parāśara*, याज्ञवल्क्यकृताश्च ॥ I. 14

5 *Yāj.*, I. 5

be earlier than Yājñavalkya's work and possibly not earlier than 500 A.D. It does not accord to Yājñavalkya a place of honour like Manu or Śaṅkha-Likhita evidently because it belonged to a different school or that Parāśara had only a particular restricted region in view.

Among the *Dharmaśāstra* writers Manu and Yājñavalkya stand, in fact, pre-eminent as giving different pictures of different phases of Indian life. Jolly remarks that "next to the code of Manu the *Yājñavalkyasmṛti* appears to have received the largest share of attention on the part of mediaeval law-writers. The *Mitākṣarā* has early become the standard work on law in the greater part of India and its influence in the administration of justice has been increased under the British rule."

The date of Yājñavalkya has been a moot question with the Indologists. There is no doubt about the fact that we can trace strong influence of Kauṭilya's *Arthasāstra* on the extant treatise, but the *Arthasāstra* has been assigned by different writers anywhere in the period ranging from the 4th century B.C. to 3rd century A.D. Jolly thinks that the work of Yājñavalkya was composed about c. 600 A.D. Kane controverts the view and places the same between 100 B.C. and 300 A.D. Yājñavalkya is certainly later than Manu. In the *Laṅkāvatāra Sūtra* (c. 300 A.D.) we meet with a reference to *Sūtra* works composed by Kātyāyana and Yājñavalkya<sup>6</sup>. As the present treatise is in verse it appears to be a recast of the old *sūtra* work left by the sage. So it is not unlikely that it was composed in the early days of the Gupta rule when there was a strong revival of the Brāhmanical culture.

K. P. Jayaswal has attempted a comparative study of the works of Manu, Kauṭilya and Yājñavalkya. He has tried to show that the *artha* laws that operated in the society during

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6 *Laṅkāvatāra Sūtra*, ed. B. Nanjio, Kyoto ; 1923, vv. 814—6. For further discussion about the date Kane, *l.c.* pp. 168 ff

the Mauryan age was changed by Manu, but Yājñavalkya tried to revive the same<sup>7</sup>. It will be shown in course of the following discussions that Yājñavalkya has no doubt differed from Manu but on some important aspects he has differed from Kauṭilya as well when he has favoured the views of the early *Dharmasūtra* writers. Max Muller has propounded the interesting theory that works in continuous *anuṣṭup* metre are generally later than the works in *sūtra* style. The view has rightly been rejected by later scholars who point out that many of the *sūtra* works, specially the *Viṣṇudharmasūtra*, must be later than not only the work of Manu but that of Yājñavalkya as well.

Besides the works of Kauṭilya and Manu, the law books that can definitely be assigned before Yājñavalkya are the following:

- (a) The *Gautamadharmasūtra* — Kane thinks that it is the earliest of the existing literature on *dharma*. Bodhāyana refers to Gautama as an authority on *dharma* and there is close correspondence between the two *ācāryas* on many crucial points. Vasiṣṭha also borrows from him. Gautama speaks of the *yavanas* and this cannot be the reason for assigning to him a late date, for the *yavanas* were already present in India at the time of Alexander's invasion. He may be placed c. 400 B.C.
- (b) The *Āpastambadharmasūtra* — It speaks of the ascetics without *vidhi* and who forsakes the sacred fire<sup>8</sup>. Evidently here we have reference to the Buddhist and Jain monks. Āpastamba was possibly a southerner. As he is quoted by Śavara, we can tentatively place him about 400 B.C.
- (c) The *Baudhāyanadharmasūtra* — Keith assigns it to c. 200 B.C. while Buhler places it a century or two

7 K. P. Jayaswal, *Manu and Yājñavalkya*, Calcutta, 1930

8 *Āpas.* अविधिना च प्रव्रजितः ॥ यथांमानपास्यति ॥ I. 18. 31—2

earlier than Āpastamba, who further thinks that Bodhāyana also was a southerner. It should be noted that Bodhāyana regards Kaliṅga as a very impure country,<sup>9</sup> but we learn from the *Edicts* of Aśoka that during the time of the great Mauryan emperor many Brāhmaṇas and Śramaṇas had been living in the country. This would indicate that his work is pre-Mauryan, but it is also probable at the same time that he was quoting merely a long-standing tradition.

- (d) The *Vasiṣṭhadharmasūtra* — It borrows from the works of Gautama and Bodhāyana and refers to the *Rāmakas* or the *Romakas* and further prohibits the learning of the language of the Mlecchas showing that the Mleccha rule had been established in India already in his time and their language had also been introduced, evidently as court language, in the country. This possibly points to the time of the early Greco-Scythian rule in India.

There are a few other *dharma* works e.g., by Nārada, Kātyāyana, Vṛhaspati etc. to which hardly any definite date can be assigned. Though their kernels may be old, many of them, in their present forms, appear to be posterior to the work of Yājñavalkya. Again, some are evidently of local importance and hence not very useful for our purpose.

In the following pages, while we shall concentrate our attention on Yājñavalkya's work, simultaneously we shall try to determine further how far he was influenced by, and how far he differed from his predecessors. In other words, our aim will be to show how far the society in Yājñavalkya's time agreed with, and differed from, the life prevalent in the earlier age.

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9 *Baud.*, पद्भ्यां स कुरुते पापं यः कलिङ्गान् प्रपद्यते ॥ I. 2. 15

## SECTION A

### CHAPTER ONE

#### Varṇa-Jāti (Caste-system)

Traditional Indian life is primarily based on a system of class division which is denoted by two terms, *varṇa* (*lit.* colour, whence character, nature and quality) (M. Williams) and *jāti* (the form of existence fixed by birth) (Apte). The Indian people are thus broadly divided into four groups, the Brāhmaṇas or the priestly class, the Kṣatriyas or the knightly order, the Vaiśyas or the husbandmen and traders, and the Śūdras or the class that served the others. The earliest reference to such a division is to be found in the famous *Puruṣa-sūkta* occurring in the Tenth Maṇḍala of the *R̥g-Veda* :

“The Brāhmaṇa was his mouth ; the Rājanya was made his arm ; the Vaiśyas constituted his thighs ; the Śūdras sprang from his feet”.

The Avesta shows that the ancient Iranian people were also divided into an analogous division, viz., the *Atharvas* (priest), *Rathestas* or charioteers (the chief of warrior), *Vastriya Fshouyanta* (agriculturists and artisans) and *Hiuti* (the serfs). This shows that the system of division of mankind into four groups developed among the different branches of the Indo-Iranians, and had there been direct evidence we could have inferred that the Aryans of India might have brought it from outside. The Tenth Maṇḍala of the *R̥g-Veda* however is considered to be somewhat later in date by scholars who further maintain that the account in question may be an interpolation. Thus it has been considered that the so-called fourfold caste system as we find it in India was invented in the later R̥g-Vedic age. In ancient Iran this fourfold division was not based on birth. Some scholars hold that though the second, third and fourth groups (*Rathestas*, *Vastria Fshouyanta* and

## CHAPTER TWO

### Āśramas

While caste system was the main plank of the Indian social life the latter chiefly worked in the framework of the *āśramas*. According to this theory the life of an ārya is divided into four stages, (*āśrams*)—*brahmacarya* or the period of celibacy and learning; *gārhasthya* or the stage of householder; *vānaprastha* or the life of forest-dweller; and the final one *yati* or the life of recluse. This *dharma* ideal is also upheld by the *artha* school and Kauṭilya enjoins upon the king to maintain the character of the four castes and the four *āśramas* at any cost<sup>1</sup>. He gives us the following description of the different stages:

“The duty of a house-holder is earning livelihood by his own profession, marriage among his equals of different ancestral ṛṣis, intercourse with his wedded wife after her monthly ablution, gifts to gods, ancestors, guests, and servants, and the eating of the remainder.

“That of a student (*brahmacārin*) is learning the Vedas, fire-worship, ablution, living by begging and devotion to his teacher even at the cost of his own life, or in the absence of his teacher, to the teacher’s son, or to an elder class-mate.

“That of a *vānaprastha* (*forest-recluse*) is observance of chastity, sleeping on the bare ground, keeping twisted locks, wearing deer-skin, fire-worship, ablution, worship of gods, ancestors, and guests and living upon food stuffs procurable in forests.

“That of an ascetic retired from the world (*parivrājaka-yati*) is complete control of the organs of sense, abstain-

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1 AS., ..... कृतवर्णाश्रमस्थितिः, p. 8

## SECTION B

### CHAPTER ONE

#### Education (*Brahmacarya*)

The first stage of life, the *brahmacarya* or the period of education, begins with the *upanayana* or the sacred thread ceremony of the twice-born. The term *upanayana* literally signifies bringing one to teacher's house. Yājñavalkya enunciates the following rules regarding the age of the *upanayana*:

"In the eighth of conception or in the eighth (year of) birth, the *upanayana* ceremony of the Brāhmaṇas, of the Kṣatriyas in the eleventh; of the Vaiśyas in the eleventh plus one. Some say according to family custom. "Upto sixteenth, twenty-second and twenty-fourth year is the maximum period of *upanayana* for the Brāhmaṇas, Kṣatriyas and the Vaiśyas respectively.

"Above that they fall, being excluded from all *dharma*. Having fallen from (Sāvitrī they become vrātyas or outcastes, so long as they do not perform the sacrifice called *Vrātyaṣṭoma*".<sup>1</sup>

The above account practically agrees with what the *Gṛhyasūtras*, the early *Dharmasūtras* and Manu say on the subject with the exception that the authority of the family custom is not emphasized in most of the earlier works. Evidently since Manu wrote, different customs had appeared in different regions,

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1 Yāj., गर्भाष्टमेऽष्टमे वाब्दे ब्राह्मणस्योपनायनम् ।

राज्ञामेकादशे सैके विशामेके यथाकुलम् ॥ I. 14

आषोडशादाद्वाविंशाच्चतुर्विंशाच्च वत्सरात् ।

ब्रह्मक्षत्रविशां काल औपनायनिकः परः ॥

अत ऊर्ध्वं पतन्त्येते सर्वघर्मवहिकृताः ।

सावित्रीपतिता ब्राह्म्या ब्राह्म्यष्टोमादते क्रतोः ॥ I. 37-8

## CHAPTER TWO

### Marriage

Marriage is the most important institution in human society for regulating sex relations and also for determining the relation of a child to the community. As it is thus primarily an affair working at the root of the social life, various laws have been formulated by different communities to reduce it to prescribed patterns so that the harmony of life may not be disturbed. As Kane points out, "the purpose of marriage according to *Rg-Veda*, was to enable a man, by becoming a householder to perform sacrifices to the gods and to procreate sons<sup>1</sup>". The Vedic ideal was followed by both the *Dharmaśāstra* and the *Arthasāstra* writers, but with one significant difference. With the *dharma* school generally it was a *sacrament*, while with the *Arthasāstrakāras* it was a *contract*. Hence while the latter allowed divorce the former was generally against it. As K. P. Jayaswal has observed: "The *Dharma* schools, it should be remembered, regarded marriage as a *sacrament*. But the *Artha* regarded it as a *contract* whether entered into by parties themselves or vicariously through guardians (mostly, guardians for the brides). The consequences which flowed from the contract view find expression in the *Artha* laws. There could be a divorce between the parties. There could be a forced dissolution by the state (Probably there could be a legal unity by the decree of the sovereign). There is a great opposition offered on the point in our *Dharma* codes<sup>2</sup>".

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1 Kane, *HD*, II. i. p. 428

2 Jayaswal, *MJ*, p. 221

## CHAPTER THREE

### The Householder

In describing the duties of a householder, Yājñavalkya makes the following interesting observation, the interpretation of which may cause some difficulty:

Children (*bāla*), the *svavāsinī* (a married daughter living in the house of her father), old, pregnant, the sick, (the unmarried) daughters, the guest and the servants are to be fed, the couple (husband and wife) eating last.”<sup>1</sup>

The above account seems to convey the idea that either the brothers or the mature sons of the householder lived separately, or that it is a special injunction meant for the above-mentioned persons only, or, in other words, that the couple would take food even before the mature sons or the brothers of the householder had been fed. If, however, by the term householder, Yājñavalkya means *kartā* of the family, which is usually of the joint type, then the second interpretation falls through. We may note in this connection the following injunction of Manu:

“After the Brāhmaṇas, the kinsmen and the servants have dined, the householder and his wife may afterwards eat what remains.”<sup>2</sup> (III. 116)

Manu’s account clearly shows that he has the Indian joint system in view, which has been described by H. Maine as ‘a group of natural or adoptive descendants held together by sub-

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1 *Yāj.*, बालस्ववासिनीवृद्धगर्भिण्यातुरकन्यकाः ।

संभोज्यातिथिमृत्योश्च दम्भत्योः शेषभोजनम् ॥ I. 105

2 *Manu.*, भुक्त्वस्वथ विप्रेषु स्वेषु मृत्येषु चैव हि ।

भुञ्जीयातां ततः पश्चादवशिष्टन्तु दम्पती ॥ III. 116

## CHAPTER FOUR

### Occupation

As occupation formed to a large extent the basis of the Indian caste system, the *Dharmaśāstra* writers have naturally furnished accounts of occupation caste-wise. Yājñavalkya was also no exception to it. Thus he states:

1. Sacrificing for himself, studying and giving alms (are the duties) of the Vaiśyas and Kṣatriyas; acceptance of gifts is an additional act for the learned Brāhmaṇa, so also sacrificing for others and teaching.<sup>1</sup>
2. The chief duty of the Kṣatriya is the protection of the subject. For the Vaiśya are ordained usury, agriculture, trade and tending of the cattle<sup>2</sup>.
3. For a Śūdra serving the twice-born; unable to live by that, he may become a trader, or may live by various arts promoting the good of the twice-born.<sup>3</sup>

In the above account we can clearly trace a combination of two aspects of occupations; first, *duty*; and secondly *the means of livelihood*. Looked at from this point of view, the chief duties of the twice-born, i.e. the Brāhmaṇas, the Kṣatriyas and the Vaiśyas would be sacrificing for himself, studying and giving alms, while for the Śūdras the chief duty would be to serve the upper three classes.

- 
- 1 *Yāj.*, इज्याध्ययनदानानि वैश्यस्य क्षत्रियस्य च ।  
प्रतिग्रहोऽधिके विप्रे याजनाध्यापने तथा ॥ I. 118
  - 2 *ibid.*, प्रधानं क्षत्रिये कर्म प्रजानां परिपालनम् ।  
कुसीदकृषिवाणिज्यपाशुपाल्यं विशः स्मृतम् ॥ I. 119
  - 3 *ibid.*, शूद्रस्य द्विजशुश्रूषा तथाऽजीवन् वणिग् भवेत् ।  
शिल्पैर्वा विविधैर्जीवेद्दिजातिहितमाचरन् ॥ I. 20

## CHAPTER V

### Position of Women

Unlike Manu, Yājñavalkya had a very high respect for the womenfolk. Manu holds that by their very nature women are wicked and casts a doubt regarding their sincerity, honesty and character:

“(When creating them) Manu allotted to women (a love of their) bed, (of their) seat and (of) ornament, impure desires, wrath, dishonesty, malice and bad conduct. “For women no (sacramental) rite (is performed) with sacred texts, thus the law is settled; women (who are) destitute of strength and destitute of (the knowledge of) Vedic texts, (are as impure as) falsehood (itself), that is a fixed rule<sup>1</sup>”.

In contrast to the above observations, Yājñavalkya maintains that “Soma gave them (women) purification; the Gandharva, sweet speech; Agni, perfect purity; therefore, verily women are always pure<sup>2</sup>”. An almost similar account is found in the Baudhāyana Dharmasūtra also<sup>3</sup>. Here Yājñavalkya evidently differs from the attitude of Manu, whom, he, however, follows in another respect when he holds that the women are never independent and “when a maiden, her father, when married her husband; and when old, her sons,

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- 1 *Manu*, शय्यासनमलङ्कारं कामं क्रोधमनाज्ज्वम् ।  
द्रोहभावं कुचर्याश्च स्त्रीभ्यो मनुरकल्पयत् ॥  
नास्ति स्त्रीणां क्रियामन्त्रैरिति धर्मो व्यवस्थितः ।  
निरिन्द्रिया ह्यमन्त्राश्च स्त्रियोऽनृतमिति स्थितिः ॥ IX. 17-18
- 2 *Yāj.*, I. 71
- 3 *Baud.*, सोमः शौचं ददत्तासां गन्धर्वः शिक्षितां गिरम् ।  
अग्निश्च सर्वभक्षत्वं तस्मान्निष्कल्मषाः स्त्रियः ॥ II. 4. 5

## CHAPTER SIX

### *Levirate (Niyoga)*

The system of levirate had been prevalent in the ancient period among many civilised nations (Iranian, Jewish etc.) of the world. It was also prevalent in India. When the Aryans came to this country, they found themselves outnumbered by the pre-Aryan inhabitants, and they naturally wanted to increase their own number by all means. They therefore followed the population increase policy. Religion enjoined the offering of oblations by some after death, and this was another reason why there was so much hankering for male issues. All these led to the system of adoption, raising sons by niyoga and various other methods. Levirate may appear to be somewhat barbaric in the modern eyes, but when we find that it was prevalent in different parts of the world, it must be admitted that the ancient civilised society looked at it from a different point of view. The *Mahābhārata* shows that any person could be appointed for raising a son for another man. But gradually the custom changed and the law-books enjoined that the man so employed should be the younger brother of the husband or anyone of the latter's blood relations. This system came into preference evidently because such a new-born baby would carry in his vein the blood of the family, and as he would grow in the family he will naturally get affection of its members.

Upholding this system Yājñavalkya lays down the following rules :

- (a) "The younger brother of the husband, a *sapiṇḍa* or a *sagotra*, being anointed with clarified butter, and with the permission of the guru, may go to a sonless widow, when in season, with the desire of raising a son. Let him go till conception is produced, otherwise he will become fallen. The child born

## CHAPTER SEVEN

### Slavery

The early classical writers maintain that the Indians did not use aliens as slaves, much less a countryman of their own<sup>1</sup>. Evidently these writers did not find in this country the characteristics of the system prevalent in their own land and hence came to the above conclusion. Literary and other evidences clearly disclose the existence of slavery in India since the time of the *Rg-Veda*. It is conceivable that after the Aryans settled in the land of the seven rivers they had to fight with the non-Aryans of the country and many of these non-Aryans became *dāsas* or slaves of the conquering white lords. The *Rg-Veda* refers to the gift of one hundred *dāsas*.<sup>2</sup> The *Aitareya Brāhmaṇa* records the gift of 10,000 *dāsīs* or slave girls made by king to his *purohita*<sup>3</sup>, while we read in the *Bṛhadāraṇyaka Upaniṣad* how king Janaka offered himself with all the subjects of his kingdom as slaves to the sage Yājñavalkya<sup>4</sup>. From the above discussions we can draw the following conclusions regarding slavery in India in the Vedic age :

- (a) The prisoners of war were often reduced to slavery
- (b) A person could be the slave of another man voluntarily
- (c) The slaves included both males and females
- (d) The slaves were like chattels of masters who could dispose them of e.g., by gift etc. according to will.

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1 McCrindle, *Ancient India as described by Megasthenes and Arrian*, p. 71 ; Ghosal, *The Beginnings of Indian Historiography and other Essays*, Calcutta, 1944, p. 85

2 *R.V.*, VIII, 56, 3

3 *Aitareya Brāhmaṇa*, XXXIX, 8

4 *Bṛhadāraṇyaka Upaniṣad*, IV, 4, 23

## CHAPTER EIGHT

### Untouchability

Untouchability is perhaps the greatest curse of Indian social life and it is eating at the very root of Indian unity. In the whole range of Vedic literature there is no mention of the system. The *Vedas* often condemn the un-Aryan people with no mild terms, but they are never described as untouchables nor their very shadow is supposed to pollute the Aryan life. In the early Pali literature, however, we find references to this system, and thus it can be assumed that the curse entered into the Indian social life possibly about 600 B.C. The exact causes that led to the rise of the system cannot be definitely determined in the present state of our knowledge. A critical study of the habits and the customs of the *ādivāsīs* or the aboriginals shows that such a system is prevalent in full vigour among them. Among these tribes a man following low profession, such as working in cremation grounds etc., or a woman in her period, or persons carrying dead bodies are regarded as untouchables, in the last two cases at least temporarily. Evidently, when these tribes entered into the Aryan society, they brought with them such customs in the Aryan world. Further, as we have already noted in the Indian society, which was based on *varna* and *jāti* system, occupational groups gradually became hereditary and formed distinct caste groups. Persons following despised professions thus assumed caste characters and under the influence of the aboriginal customs these gradually became untouchable groups. Untouchability was not thus perhaps the creation of the Brāhmanical class which however, utilised the system to its benefit.

Mm. Dr. P. V. Kane has pointed out that in the early *dharma* literature we find the following groups of untouchables besides the untouchable castes like the Caṇḍālas and others :

- (a) Persons become outcastes or untouchables by being

## CHAPTER NINE

### Public Women

The public women or the prostitutes have played an important role in every society since the dawn of history. Kane points out that there were women who were common to several men i.e., who were courtesans or prostitutes even in the Rg-Vedic age.<sup>1</sup> The *Dharmaśāstra* writers who were bent upon maintaining the moral of the society have naturally dismissed the class as belonging to the group of the *patitās* and say nothing of their merits which are often focussed in the pages of the *Kāmasūtra* of Vātsyāyana.

Yājñavalkya is perhaps the earliest of the *Dharmaśāstra* writers who throw light on the different classes of the public women of the age. If we critically analyse his account, we find that such women may be divided into three groups.<sup>2</sup>

- (a) *Veśyās* or public women who openly entertain the people.
- (b) Those slave women (*dāsī*) or the fallen (*svairiṇī*) who live in the house of a person as concubines.
- (c) *Gaṇikās* or the courtesans.

Yājñavalkya asserts that if a public woman, expressly called *veśyā* by him, refused to yield to a person after receiving the requisite amount of fees, she had to pay the double amount to the person; if on the other hand, the person after paying the fees be disinclined to her the fee would be forfeited.<sup>3</sup> Here we can clearly trace the influence of the *artha* laws on our

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1 Kane, *HD*, II. i. p. 637

2 *Yāj.*, II. 90-2; I. 161

3 *ibid.* गृहोत्वेतना वेश्या नेच्छन्ती द्विगुणं वहेत् ।

अगृहीते समं दाप्यः पुमानप्येवमेव च ॥ II. 292

## SECTION C

### Vānaprastha and Yati

As it has already been shown (supra. p.33), the two stages of *Vānaprastha* and *Yati* were gradually going out of vogue, and the life of the majority of the people ended with the stage of householder. About the time of Yājñavalkya, the sectarian Hinduism had become deep-rooted and hence most of the people following sectarianism and adopting the life of *vānaprastha* or *yati* naturally followed the laws enjoined by the sect in these stages of *sādhanā*, and it is doubtful if the *smārta* laws were strictly observed. Yājñavalkya enjoins that after putting his wife in the care of his son, or taking the wife along with him if she is willing to accompany him, a man would adopt the *vānaprastha* life and live in a cottage in the forest.<sup>1</sup> There he should prepare himself for the final stage of the hermits or *yati* which was the life of full renunciation. According to Yājñavalkya, a man could pass to the fourth stage from the second stage as well, i.e., without going through the life of *vānaprastha*.<sup>2</sup> Here he is clearly differing from Manu, according to whom a man must pass through the earlier three stages before becoming a *yati*.<sup>3</sup> We have already seen that the early *Dharmasūtra* writers maintain no definite view on the subject and a man could be a hermit or *sanyāsin* even after the first stage. (supra. p. 33). Yājñavalkya is perhaps the earliest writer who makes the first two *āśramas* compulsory and then recommends that one may either pass through the

- 
- 1 *Yāj.*, सुतविन्यस्तपस्वीकस्तया वानुगतो वनम् ।  
वानप्रस्थो ब्रह्मचारी साभिः सोपासनो व्रजेत् ॥ III. 45
  - 2 *ibid*, वनाद् गृहाद्वा... ॥ III. 56
  - 3 *Manu*, आश्रमादाश्रमं गत्वा हुतहोमो जितेन्द्रियः ।  
भिक्षाबलिपरिश्रान्तः प्रव्रजन् प्रेत्य वर्द्धते ॥ VI. 34

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