

## The Manu Smṛti and Neo-Secularism

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### ABSTRACT

Neo-secularism disavows the possibility of any meaningful dialogue between secularism and religion, *a priori*. For the neo-secularists such as Christopher Hitchens (*Why Religion Poisons Everything*) and Richard Dawkins (*The God Delusion*), a text like the *Manu Smṛti* is a gift from heaven—proving the very point the neo-secularists wish to argue. Indeed, the *Manu Smṛti* does defend the ethical idea that certain human beings should be treated as less than human, as ‘subhumans,’ as mere defiling things, in spite of *the use* that can be made of them. On the other hand, the *Manu Smṛti* has been a highly contested text in the Indian tradition, and continues to be. To dismiss the *Manu Smṛti* on the grounds that it is a ‘religious’ text belies the fact that first and foremost a ‘human’ voice lies behind the text, as were all the Indian voices over the last two thousand years that have either defended or contested it. The neo-secular dichotomy between the ‘religious’ and the ‘secular’ does not fit with the history of the *Manu Smṛti* in India. The dark, dystopian ‘voice’ of the *Manu Smṛti* can only *nominally* be designated as ‘religious.’ Delusional the *Manu Smṛti* may be, but less or more delusional than the neo-secularists’ black-and-white dichotomous thinking regarding the distinction between the secular and the religious, is for the reader to decide. One thing is clear: refracted versions of the voice of the *Manu Smṛti* will always exist among us, however we ‘label’ them.

### 1) Neo-Secularist Fundamentalism and the Manu Smṛti

A new breed of self-professed ‘secular’ thinkers deny outright the social significance of religion in modern culture. These thinkers place the most serious social ills plaguing the human being squarely on the institution of ‘religion.’ Christopher Hitchens’ *God is Not Great: How Religion Poisons Everything* and Richard Dawkins’ *The God Delusion* are two of the more popular examples of this critique of the role that religion plays in modern culture. Hitchens, for instance, defends his position on the basis of a neo-secularism that disavows the possibility of any meaningful dialogue between secularism and religion, *a priori*. The Nobel Prize-winning physicist Steven Weinberg succinctly encapsulates the neo-secularist argument in a speech he gave in Washington in 1999: “Religion is an insult to human dignity. Without it you would have good people doing good things and evil people doing evil things. But for good people to do evil things, that takes religion.”<sup>1</sup>

Even the staunchest liberal defenders of the role of religion in modern culture would agree with the ‘neo-secularists’ in condemning the rise of *religious* fanaticism in the modern world. Nevertheless, the neo-secularists elide the fact that organized fanaticism comes in many flavours: the religious, secular, militaristic, ideological—and ‘the all and sundry’ forms of organized fanaticism the human mind can cook-up when left to its own devices. One thing is clear, however: the greatest horrors cast upon humans by humans in the last century, across the globe, were a result of what the neo-secularist thinkers would categorize as ‘secular’ ideologies. This is a fact that Dawkins and others like him pontifically dismiss with a mere wave of the gloved hand. For example, Dawkins claims that it “is not whether Hitler and Stalin were atheists [*gloss: secularists*], but whether atheism [*gloss: secularism*] systematically influences people to do bad things. There is not the smallest evidence that it does.”<sup>2</sup> He further argues that atheistic [*secularist*] individuals “may do evil things but they don’t do evil things in the name of atheism [again, *gloss: secularism*].”<sup>3</sup> Overlooking the irony of Dawkins’ use of traditional religious language in his employment of the word “evil,” and his fudging of his use of the word ‘atheist’ when ‘secularist’ is implied, his claim here is that *only* something called “religion” systematically influences people to do evil things.

By claiming that traditionally inherited ‘religions’ are, *a priori*, dystopically opposed to the project of a shared intellectual and ethical humanity, neo-secularists such as Hitchens, Dawkins and Weinberg are claiming that modern culture has two, and only two ways open to itself to evolve: either the secular, which they claim is democratic, rational and humanistic, or the religious, which they claim is tyrannical, delusional and misanthropic.

The *Manu Smṛti*, or as it is usually translated, the “*Laws of Manu*,” is an ancient Indian religious text that the likes of a Hitchens or Dawkins would no doubt view as one more example of the *religious* degradation of the human being. And they would be right on this account, as the *Manu Smṛti* does indeed defend the idea that certain human beings should be treated as less than human, as ‘subhumans,’ as mere defiling things, in spite of *the use* that can be made of them. In India today the *Manu Smṛti* has come to symbolize for a large majority of both Hindus and non-Hindus all that is wrong in the traditionally inherited morality of the caste-based aspect of Hinduism. There are those modern Indians, both ‘religious’ and ‘secular,’ who would agree with the likes of a Hitchens or a Dawkins when it comes to the *Manu Smṛti*, on account of its claims about the inferiority of the lower castes and outcastes, i.e., the untouchables—the Dalits and Shudras—who by recent estimates constitute more than half the population of modern India.

On a Christmas evening in 1927, when the British Raj establishment was celebrating its most precious family holiday, a large gathering of the followers of the Dalit leader B. R. Ambedkar met to ceremoniously ‘cremate’ the *Manu Smṛti*—and cremate it they did, to the appropriate prayers of Dalit sadhus. (This was also the same year, incidentally, the League of Nations Slavery Convention had voted to abolish all forms of slavery. And also, in the same year, Katherine Mayo’s pro-Women/Children, pro-Untouchable, yet *other*-Gandhi ‘*Mother India*,’ had already been publicly burned in New York City by upper caste Hindus.) An untouchable himself, Ambedkar considered Gandhi’s harijanization of the untouchables patronizing rather than revolutionizing. For Ambedkar, the *varṇa-dharma* teaching of the *Manu Smṛti* needed to be *annihilated*, whereas for Gandhi it needed to be *reappraised*, so that its ‘beneficial’ aspects could be *vindicated*.<sup>4</sup> The debate between Ambedkar and Gandhi over the merits of the *varṇa-dharma* system as defended in the *Manu Smṛti* brought into question the very idea of ‘Hinduism,’ and the type of Hinduism that ought to be considered prescriptive in a post-Raj India. In many respects, the *Manu Smṛti* lies at the very core of the debate and political activity that brought into being the Republic of India.

The *Manu Smṛti* has always been a highly contested text in India. The 20<sup>th</sup> century debate between Ambedkar and Gandhi over the moral status of the *Manu Smṛti* is an analogue of a debate that has existed in India since the inception of the ethical views propounded in the *Manu Smṛti*. Indian cultural history has always been a site for a rich contestation of various ‘*ideas*,’ such as the ‘*ideas*’ expressed in the *Manu Smṛti*. The neo-secular dichotomy between the ‘religious’ and the ‘secular’ does not fit with the history of the *Manu Smṛti* in India. The dark, dystopian ‘voice’ of the *Manu Smṛti* can only *nominally* be designated as ‘religious.’ The voice itself is ‘*human*,’ as were all the Indian voices that have historically either defended or contested it. The likes of Weinberg, Hitchens and Dawkins elide the rich intellectual history surrounding a text like the *Manu Smṛti* in the Indian tradition by dismissing it as ‘religious.’ Delusional the *Manu Smṛti* may be, but less or more delusional than the neo-secularists’ black-and-white dichotomous thinking regarding the distinction between the secular and the religious, is for the reader to decide.

## **II) The *Manu Smṛti*: Sublimation-Transmogrification Logic**

The *Manu Smṛti*, a high caste *Brāhmaṇical* text on ritual purity and contamination, was redacted and collated around the 2<sup>nd</sup> cent. CE<sup>5</sup> (although some scholars place it anywhere between 200 BCE and 100 CE<sup>6</sup>). Even though the *Manu Smṛti* appears to have been written by more than one hand over an extended period of time, it will be treated as a single unified work for the purposes of the present paper.<sup>7</sup> The *Manu Smṛti* is one of the better known and one of the most representative texts in the genre of Indian literature and learning categorized as “*Dharmaśāstra*,” or “Learned Teachings on *Dharma*”, in this case, *varṇa-dharma*, or *caste dharma*. The *Manu Smṛti* deals with priestly rules of cleanliness and purity that are similar to such rules that were in place in other patriarchal societies during this period of history.

“Sublimation-transmogrification logic” is a phrase I use to refer to the psychological state of mind whereby the human being sublimates the experience of ‘the ghastly’ in life by means of instantiating—transmogrifying—such ghastliness into other beings and things. In the case of the *Manu Smṛti*, and the *dharmaśāstric* tradition it represents, this experience of the ‘ghastly’ is, both literally and symbolically, embodied in the ontology of *death, blood and sex*—i.e., *life in all its visceral corporeality*. In this logic, the viscosity of life is first and foremost experienced as an ever-present *threat*: the threat of ‘self-contamination’ via death, blood or sex. On the other hand, visceral life is also narcissistically lusted after in a radically *displaced* manner—in a *transmogrified* manner—in the form of a ritualized, transcendental form of other-worldly, supra-*saṃsāric* purity. While ‘displacement’ is both a necessary and a good thing for the human being, too much of a good thing can also be a bad thing, as the saying goes. The *Manu Smṛti* is a ‘*tell-all*’ testament about a certain type of displacement, which can be described as ‘*displacement-addiction*,’ in this case, *the addiction to power*, the power of *being* high-caste male (*brāhmaṇical*) power. The modern street version of the *Manu Smṛti* is the crack pipe, and the *varṇa-dharma* ethic it defends, the crack.

This is the crack of pure power, a power that depends on the derealization of the ethical viscosity of life—that is, if one believes in any semblance of an ethical viscosity of life, as in the story of the thirsty concentration camp inmate who, on a warm sunny winter day, broke off an icicle to sip on its drops of water. The guard in charge yelled at the inmate, telling him that such a thing was *verboten!* The inmate asked “Why?” The guard responded, “There is no *Why* here!” Likewise, for the *śūdra*, *caṇḍāla*, and *woman* in the *Manu Smṛti*, there is no ‘*Why*.’ Certain manifestations of power contain no *why*. Even addiction is no longer an explanation. Hence, the concept of a ‘sublimation-transmogrification logic’ comes with a caveat: it offers only a *limited* heuristic framework to understand the ‘*why*’ of the *Manu Smṛti*.

As life itself is so richly bifurcated, so are the sublimation-transmogrifications in the *Manu Smṛti*, although five such ‘sublimation-transmogrifications’ stand out as core: the birth of a child, a corpse, a menstruating woman, heterosexual intercourse, and finally, the transmogrified fear that is the ‘*embodiment*,’ so to speak, of these four, the *śūdra*, the lowest caste member in the *varṇa* system.<sup>8</sup> I have purposely chosen these five as a metaphorical analogue to the *Manu Smṛti*’s own conception of “the five slaughterhouses” thought to exist in every household: the fireplace used for cooking, the grinding stone, the broom, the mortar and pestle, and the water jug (3.68)<sup>9</sup>, as through the use of these, small creatures are often inadvertently killed or injured. The five sublimation-transmogrifications to be discussed herein can be considered *moral* slaughterhouses of sorts.

Throughout the *Manu Smṛti* these five sublimation-transmogrifications are often clustered together as, for example, in the following verse:

If a high-caste male has touched (*spr̥ṣṭa*) an Untouchable, a menstruating woman, a woman who has just given birth to a child, a corpse—or if he has touched anyone who has touched any one of these polluted things—he can ritually purify himself through the proper sacred ablutions. (5.85)

‘Sublimation-transmogrification logic’ as found in the *Manu Smṛti* is based on a high-caste male distinction between inner-purity (*śuddhi*) and inner-impurity (*aśuddhi*), both of which are highly ritualized. The rational justification of such purity in the *Manu Smṛti* is construed in terms of the adherence of the high-caste male to his role in the *varṇa-dharma* system of ‘class’ qua ‘spiritual’ stratification.

### **The First Transmogrification: The Impurity of a Newborn Child.**

Sir James George Frazer in his *The Golden Bough* (1922) claims to have identified an almost universal fear among males in “primitive” cultures: the fear of a woman who has just given birth, as well as the fear of the newborn child itself. In all such cases, both the woman and the child are considered *ritually* impure/polluting.<sup>10</sup> Frazer’s view is corroborated by the *Manu Smṛti*: ‘human’ birth via the female birth canal is a ‘ghastly,’ ‘contaminating,’ and ‘reprehensible’ event. The whole event is just too ‘*alien*.’ the ‘*female*’ vagina is *de facto* the cosmogonic origin of human life as it emerges in the flood of the breaking of the amniotic waters, revealing the blood-pulsing umbilical cord, and the expulsion of the placenta. And the ‘pain’—a pain no man knows, claims Jocasta in Euripides’ *Medea*:

They say our life at home is free  
From danger, while they go off to war.  
The fools [*kakōs phronountes!*]! I would rather fight three times  
In war, than go through childbirth once!<sup>11</sup>

On the part of the *Manu Smṛti* male, the proper ritualistic activity (*saṃskāra*) must be carried out in order to ‘clean up’ or ‘wipe away’ (*apamāṛjana*) the “*doṣa*”—wrongness, guilt or evil—of this ‘*unmale*’ birth. (2.27) The actual *female* birth process is thence sublimated, only to be converted by means of a ritualized form of self-purification into a transcendental form of a *male* birth. Hence, argues the *Manu Smṛti*, a *dvija* male ought to consider his ‘real’ birth as occurring only through his father, i.e., his ‘real’ father—the sacred Veda. (2.101-103)

### **The Second Transmogrification: The Corpse.**

The *Manu Smṛti* considers the pollution (*āśauca*) associated with the corpse on par with the pollution associated with a newborn child, (5.61) or excrement (6.76-77). The ghastliness of the corpse symbolically represents the ghastliness of life itself, the complete ‘*other*’ in the logic of transcendental self-purity. The corpse is the drunk who fails to wake up in the morning, after having committed some ghastly act the night before, a fate with which the ideal *Manu Smṛti dvija* male does not want himself associated. By never inhabiting the fleshed body in the first place, such a transcendental *dvija* male rules out ever becoming a corpse in this *quid pro quo*.

### **The Third Transmogrification: The Menstruating Woman**

A menstruating woman has a contaminating effect on the *dvija* male, by weakening him spiritually, intellectually and physically.

Any man who has sex with a menstruating woman will completely lose his masculinity, as well as his wisdom, energy and, finally, his very eyesight. (4.41-42) A menstruating woman is so contaminating that she must be shunned to the point of avoiding all conversation with her, as the engagement in such 'speech' itself is contaminating. Above all, she should not be 'touched' in any manner (4.57;4.208) A menstruating woman is the epitomized embodiment of the blood taboo—blood considered as the essence of this-worldly life. For the heterosexual male of the *Manu Smṛti*, a menstruating woman is a slap in the face: even that which is most prized about her, her vagina, the object of complete male *dvija* ownership and pleasure—which is considered especially 'pure' when she is first taken possession of—emits, at times, the worst stain of all. Recoiling, the *Manu Smṛti* constructed *dvija* male transmogrifies.

#### **The Fourth Transmogrification: Heterosexual Copulation**

While heterosexual copulation is the origin of 'this-worldly' male *dvija* self-replication, heterosexuality poses the greatest threat to the logic of male *varṇa* purity in the *Manu Smṛti*. Physical contact of the male penis with the female vagina pollutes, for instance, the male for three days. [5.63] This may explain the *dharmaśāstrin*'s visceral disdain of the high-caste homosexual male, the *klība*, as the *klība* lies outside the logic of the *Manu Smṛti*, a logic that is intended to be male-universal.<sup>12</sup> As far as is possible, the *Manu Smṛti* attempts to conjure up a transcendental *asexual* version of *pure* male *dvijaness*. In this regard, a male *dvija* should only have sex with his wife twice a month (3.45)—as these are the only two days available in an otherwise overly populated calendar of heterosexual copulative pollutedness.

Sexual intercourse is the source of the dreaded "*varṇa-saṃkara*," the sexual mixing of castes, mainly the *dvijas* with the *śūdras*. While the *Manu Smṛti* begrudgingly acknowledges, for example, the legality of Brahmin-Śūdra marriages during this period (3.12-13), these marriages are considered disfigurements, forms of *varṇa-saṃkara*. (3.14-19/10.24) The fears the *Manu Smṛti* experiences at what he considers to be the horrors and terrors of sexuality are transmogrified into the figure of the female. It is the female who is considered to be the cause of *varṇa-saṃkara* when it occurs, as she unrestrictedly desires 'sex,' with any man, at any time, whether he be good looking, or ugly, husband or stranger, upper caste, low caste or outcaste. (9.14-15). As it is the very nature of females to (sexually) corrupt (*duṣaṇa*) males, males should view all contact with females with suspicion. The *Manu Smṛti*'s bleak 'birds and the bees' advice to the *dvija* male: he should never allow himself to be alone with his mother, sister or daughter, as they too may attempt to 'corrupt' him. (2.215)

#### **The Fifth and Final Transmogrification: The Śūdra**

The *varṇa-dharma* system as outlined in the *Manu Smṛti* is premised on the avoidance of being fully absorbed in the *samsāric* 'matrix,' so to speak, of contamination and degradation. The four transmogrifications discussed above belong to the 'filaments' of this matrix, while this fifth and final transmogrification is the this-worldly, publicly displayed willingness to acknowledge and instantiate the belief in the reality of the contaminating effect of this cosmic defilement: welcome to the life of the '*śūdra*,' as well as the '*caṇḍāla*!'

In a highly revealing passage of the *Manu Smṛti*, the act of 'eating' is identified with the very nature of 'the Breath of Life' (*prāṇa*) itself. (5.28-30) 'Life' is considered self-predatory, not in a urobolic, but 'dog eat dog' sense. All living/breathing beings feed off lower forms of being in a hierarchy of predatorship first established by the Lord of Creatures himself, Prajāpati: those without motion are eaten by those who possess motion; those without fangs are eaten by those with fangs; those without hands are eaten by those with hands; and those who are fearful (*bhīra*) are eaten by those who are ferocious (*śūraṇa*). (5.28) While this passage is specifically intended as a justification for the eating of meat that has been consecrated for ceremonial purposes, the passage also serves as a metaphorical 'statement of principles' of sorts: the same logic justifying this view of *prāṇa* justifies the view of *dharma* in the *Manu Smṛti*, insofar as the *dvijas* 'varnicly' feed off the *śūdras*. And more than this. It justifies the clean/dirty framework of the *dvija/śūdra* disjunction. It justifies the view that certain humans, for other humans, exist as 'scum.' A 'scum-human,' in this context, is a slave of sorts, but more than just a slave. The *scum-human* is the *sine qua non* in the ethical equation of the *Manu Smṛti*: '*scum-ja*' is the basis upon which the transcendental purity of '*dvi-ja*' is both justified and sanctified.

### **III) The Manu Smṛti: A Contested Textuality**

At every turn, the *Manu Smṛti*'s ethical doctrine of *dvija*-based, ritualized male self-purity self-implodes. An ancient Sri Lankan folk tale '*The Invisible Silk Robe*' best illustrates the self-imploding ethical teaching of the *Manu Smṛti*. A Raja, in spite of having a Brahmin advisor, is tricked by a group of street-level scammers into thinking that they can weave him a robe made out of *divinely* begotten silk, which only the 'high-caste,' he is told, will be able to see, as it will be invisible to all others.

When he thinks he is wearing this robe, he is, in fact, butt naked, as no such robe exists. But the ‘high caste’ in his court, out of self-interest, pretend to see his robe, and praise him so. The naked Raja then parades himself throughout his kingdom on the back of an elephant, believing he is wearing the robe, to the silent laughter and disdain of the low-caste masses.<sup>13</sup> This self-implosion is most conspicuous in the *Manu Smṛti*’s account of sexuality. While the *dharmasāstrin*’s utopian thinking depends on a concept of ‘*varna-saṃskāra*,’ caste purity, the reality of ‘*varna-saṃkara*,’ caste miscegenation/miscegenation, was no doubt commonplace, which may explain why the *Manu Smṛti* spends an inordinate amount of time denouncing it. As stated above, the *Manu Smṛti* had to accept, begrudgingly, the fact of inter-caste polygamy: male *dvijas*, for instance, could legally marry female *śūdras*. Although the *Manu Smṛti* and the tradition it represents considers the offspring of such marriages tabooed, such relationships existed.

The *Manu Smṛti*, in a myriad of ways, reveals the conflict between ‘*the ideal and the real*’ in passage after passage. For example, one passage advises *dvijas* not to live in a kingdom ruled by a *śūdra* (4.61), implying that such kingdoms existed (Chandragupta Maurya’s mother was said to be a *śūdra*, for instance).<sup>14</sup> A Brahmin may, when destitute (i.e., “in extremity” (*āpad*), employ himself in a position of servitude to a *caṇḍāla*. (10.10) At the conclusion of the *Manu Smṛti*, the bulk of what has already been argued in the text is itself self-contested: the reader is offered “the secret teaching (*rahasya*)” of the *Manu Smṛti*, which is a hybrid Advaitin-Bhakti view of the world, wherein a personal commitment to equanimity (*samatva*) is coupled with the view that all beings (*sarva-bhūta*) are equally part and parcel of the cosmic reality (*Brahman*). The *Manu Smṛti* as a text reveals a “state of mind” that was obviously shared by many, but not all *dvijas*. Even the various hands that appear to have come together to compose this text disagree with the more derealizing aspects of its *dharmic* teaching.

And, finally, one cannot rule out the fact that the hand or hands that composed the *Manu Smṛti* may have intended it as a sarcastic mockery of the *dharmasāstric* tradition itself—that it may have been written as a sophisticated, self-implosive attack on the *dharmasāstric* revivalism of the day, perhaps by a disgruntled Brahmin, snickering Buddhist, high caste woman, or Sanskrit speaking *śūdra*. The self-refuting passages may not be intended as ‘negotiations,’ but mockeries, and the moronic passages not as ‘pathos,’ but humour. Hence, there may be ‘two’ hermeneutically variant readings of the *Manu Smṛti*. While this present essay is premised on the first, i.e., a literal reading, it does not rule out the possibility of a self-refuting, self-sarcastic metaphorical reading.

### The *Manu Smṛti* and the *Ṛg Veda*

While the *Manu Smṛti* justifies its view of *varṇa-dharma* purity on the basis of the sanctity of the “Vedic” tradition, one finds no clear geneological connection between the two: the *g Vedic* sense of ritualized morality is a world apart from that found in the *Manu Smṛti*. The key, ethically logistical word in the *Manu Smṛti*, ‘*śūdra*’ for instance, only appears *once* in the *Ṛg Veda*. One of the most respected artisans in the *Ṛg Veda* was a chariot-maker (*rathakāra*), while in the *Manu Smṛti* chariot-making is considered a disgusting profession, fit only for the *caṇḍāla*. The term *dvija* for initiated *Āryas* is absent in Vedic vocabulary. “*Karma*” as the cornerstone for the justification of the *varṇa* system in the *Manu Smṛti*, simply refers to ritual action in the *Ṛg Veda*. “*Dharma*” as in *saṃsāric varṇa-dharma* is not a concept in Vedic literature, especially in the *Brāhmaṇas* and *Upaniṣads*. According to Patrick Olivelle, the concept of ‘*dharmā*’ “comes to prominence during the 5-4 centuries BCE, principally in the new religious movements such as Buddhism, and occupies a prominent place in the Aśokan inscriptions.”<sup>15</sup> The *Manu Smṛti* hermeneutically reverse engineers its particular *varṇa-dharma* ethic into the *Ṛg Veda*, thus forcing one to conclude that it itself is of ‘mixed birth,’ a ‘*dharmā-saṃkara*’ of sorts.

The *Rishi* of the *Ṛg Veda* is a very different figure than the *Brahmin* of the *Manu Smṛti*: the former is a *celebratory* meat-eater, a drinker of alcohol, one dedicated to the visionary experience brought on by the mind-altering Soma, a highly original and creative poet, and one who can accept women as fellow *Rishi* visionaries.<sup>16</sup> In many respects, comparing a *Ṛg Vedic Rishi* to a *Manu Smṛti Brahmin* is like comparing an ocean to a puddle, however much the puddle is interesting, in itself.

### The *Manu Smṛti* and *Cārvāka*

At the time that the *Manu Smṛti* was composed, a well developed critique of such a *dharmasāric* ethic already existed. For example, the *Cārvākas*, the ‘secularists’ of this period, many of whom may have been Brahmins themselves, lambasted the *brāhmaṇical* priesthood as a power-grabbing, greedy group of social parasites. Those who the *Manu Smṛti* describes as the evil nihilists (*nāstikas*) include, no doubt, these *Cārvākas*. As for the *Manu Smṛti*’s disdain of ‘life-in-the-flesh,’ the *Cārvākas* countered with an apt analogy: why complain about having to descale and debone a fish, when one gets to enjoy its succulent flesh?

For the Cārvākas, the *Manu Smṛti* represents an aberration of the human spirit. Long before the Indian-born George Orwell became a high ranking officer in the Indian Imperial Police, the Cārvākas had already voiced their opposition to ‘*Manu Think*.’

### **The Manu Smṛti and the Artha Śāstra**

The most succinct evidence that the *Manu Smṛti* is a normative rather than prescriptive text, comes from Kautilya’s *Artha Śāstra*, which is thought to have been composed around the 4<sup>th</sup> century ACE.<sup>17</sup> For Kautilya, the *catur-varṇa* system does not fall under a concept of a transcendental, displaced purity, as in the *Manu Smṛti*, but in a social concept—the harmonious functioning of the Ārya community. The *śūdra* in this social stratification has four stated “dharma:” servicing the *dvijas*, engaging in economic pursuits (*vārttā*), engaging in the profession of the artisan, and entertaining. The ‘*śūdra*’, although considered subservient, is still part and parcel of the harmonious functioning of a well-functioning state. ‘Servitude’ in itself is not a morally negative concept in the *Artha Śāstra*, as all members of the Ārya community are under some form of servitude of the one who yields the *daṇḍa*, i.e., power. The *Artha Śāstra* highly values the *śūdras* who are engaged in an important aspect of the economy and community. (4.1-7) In spite of some of its more Machiavellian aspects, the *Artha Śāstra* refutes the *terror* that the *Manu Smṛti* casts upon *śūdras* with its dog-eat-dog morality. In a well-functioning society, argues Kautilya, the head of state must ensure that the less powerful members of society must be protected from those who have more predatorial power: the *mātsya-nyāya* must never be the order of the day. (1.4. 5-15)<sup>18</sup>

While the *Manu Smṛti* cannot be described as philosophical, as it contains its own internal logic, however self-referential, the *Artha Śāstra* is open to a much wider world of philosophical, critical thinking, which appears to express a challenge to the philosophical likes of a/the *Manu Smṛti*? Kautilya claims that *ānvīśikī* (logic, or *hetu-śāstra*) is one of the three *vidyās* considered canonical for *kṣatriya dvijas* (the other two are the three Vedas and the treatises on *daṇḍa-nīti*, political economy). For Kautilya, *ānvīśikī* involves an original, self-reflective source of knowledge. Under *ānvīśikī*, Kautilya includes *Sāṃkhya*, *Yoga* and *Lokāyata* (i.e., Cārvāka). All three of these *darśanas* constitute a form of philosophical self-reflection that contest, in one way or another, the *varṇa-dharmic* social ethic as described in the *Manu Smṛti*. Philosophically, for the *Artha Śāstra*, self-contestation as well as social-contestation, appears to be a necessary condition of the ideal state he envisions, while, at the same time, he does not disavow the significance of the historicity of the intellectual project that provided the platform for *ānvīśikī*, i.e., the ‘Vedic’ tradition.

### **The Manu Smṛti and the Kāma Sūtra**

Vātsyāyana, the author of the *Kāma Sūtra* (2<sup>nd</sup> cent. CE), self-identifies himself as a Brahmin. Like the authors of the *Artha Śāstra* and *Manu Smṛti*, Vātsyāyana accepts the social stratification of society based on the four castes. However, he positions himself against everything that represents the extremism of the *Manu Smṛti*. Vātsyāyana describes an existing form of urban life in ancient India that would rank among one of the worst forms of ‘Hell’ if the *Manu Smṛti* had configured such a Hell: wealthy *śūdra* urbanites (*nāgarakas*) living alongside wealthy Brahmin urbanites, both enjoying all the benefits of a ‘cultured’ life! (4.1)<sup>19</sup> Women are educated! Sex is something life-embracing and enjoyable! Lived-life is something *possibly* exciting! Etc. The *Kama Sutra* is first and foremost a social/political text, as social/political as the *Manu Smṛti*. While the *Manu Smṛti* confuses *varṇa* with *mokṣa*, the *Kāma Sūtra* does not confuse *kāma* with *mokṣa*. However a hedonist Vātsyāyana is, he does not confuse the two. Contra the *Manu Smṛti*, Vātsyāyana argues that women should study the various *vidyās*, the higher forms of cultured knowledge, which includes the *Kāma Sūtra*. Although Vātsyāyana does not include Vedic *vidyā* for women, he does include all the existing forms of the arts and literature (all manner of texts and even dictionaries), including the *Artha Śāstra*. Most notably, the first three *vidyās* he recommends for women have to do with music: singing, playing an instrument and dancing—which are anathema for Manu, both for women and men.

### **The Manu Smṛti and Sāṃkhya-Yoga**

In a more metaphysical context, the authors of the *Yoga Sūtras* and *Sāṃkhya Kārikā*, for example, do not once mention the seminal concept of the *Manu Smṛti*: *varṇa*. The goal of yoga, the *citta-vṛtti-nirodhah*, for example, as an ideal state of a disciplined mindfulness/consciousness, is discussed by these texts as a purely intellectual and ethical quest. Although the *Manu Smṛti* at times appropriates this yogic ideal into its caste doctrine, the yogic philosophy does not frame itself in this context. Indeed, in the *Yoga Sūtras* (1.33) the most enlightened individual is the one who cultivates friendliness (*maitre*) to all other human beings, who shares a sense of compassion (*karuṇā*) with other humans, and who has an overall joyful disposition (*mudita*).

### **The Manu Smṛti and the Bhakti and Tantric Movements**

In terms of Indian culture, the ‘popular’ contestation of the *Manu Smṛti* was given voice in the *bhakti* movement, which projected a very different view of social stratification than that found in the *Manu Smṛti*.

The Bhakti movement advocated a radical egalitarianism, i.e., the view that all four castes are equal before the divine. As well, the Tantric movement, which reached its zenith between the 7<sup>th</sup> and 12 centuries ACE also appears as a protest movement with an agenda that is *profoundly* opposed to the puritanical *varṇa-dharma* teaching of the *Manu Smṛti*. For the Tantrikas *all acts* performed by humans are described as pure (*prauḍhanta-ullāsa*). Such a principle completely undermines the *Manu Smṛti*'s ritual distinction between those acts that are intrinsically pure and those acts that are intrinsically impure. An 18<sup>th</sup> century Tantric watercolour of the black goddess Kali sexually mounting the white god Śiva, in a cremation ground, is a 'visual' Tantric repudiation of all that is the text of the *Manu Smṛti*.<sup>20</sup> In terms of the *Manu Smṛti*, one of the strongest motifs in this watercolour is the fact that Kālī is menstruating while she is copulating with Śiva. Similar scenes of Kālī and Śiva copulating most often depict Śiva as a corpse (Śāva), although in this watercolour Śiva is still alive, even though he lies on a *śūdra/caṇḍāla* corpse. Female power, blood, a corpse, sex—what could be more 'other' to the ethical view of the *Manu Smṛti*?

### The Manu Smṛti and the Raj

As the above indicates, it certainly does not appear that the teaching of the *Manu Smṛti* was the prescriptive moral praxis in India prior to the establishment of the Raj. The assumed prominence of the *Manu Smṛti* in traditional Hindu society is something of a modern construction, according to some modern scholars, who argue that it was only during the period of British colonialism that the *Manu Smṛti* gained such importance, especially after it was translated into English by the jurist Sir William Jones in 1794.<sup>21</sup> The *Manu Smṛti* became the central reference book for James Mill's *A History of British India* (1818), which served as the *de facto* 'History of India' for the British colonial establishment. This book is intended to justify British forms of cultural 'self-improvement' in India, by attempting to prove that Indians are, in their very nature, dissolute, untrustworthy, superstitious, and backward. Although Mill based some of his so-called 'evidence' on first-hand accounts written by the British who were then in India (in the twelve years it took him to write this book, he never travelled to India), he mainly depended on the *Manu Smṛti* to outline 'the Hindu moral character' for his British readers, who then, according to some modern scholars, implanted these prejudices more deeply into India culture. For instance, it is argued that prior to the Raj, the *varṇa* system allowed much more upward social mobility than was possible, post-Raj.<sup>22</sup>

### IV) The Manu Smṛti and the Modern, Global World

We live in an age wherein the level of global warming is as stark as the level of global violence. Similar charts to the ones that Al Gore uses in his documentary *An Inconvenient Truth* to indicate the rise in the level of global warming could just as well be used to indicate the present level in the rise of global violence, and not just the incidence of actual violence on the planet, but the sheer amount of arms that presently exist, and the world-wide traffic in such arms. The world today, one could argue, contains a greater degree of human-on-human violence than at any other stage in human history. The type of claim that '*Religion Poisons Everything*' contributes to this level of global violence, but on an intellectual, 'life of the mind' level.

The *Manu Smṛti*, as a so-called 'religious' text, points out the degree to which 'religion' in India has always been a site for rich *intellectual* debate and *social* contestation, in spite of the darker aspects of this debate and contestation. Let us not be fooled: *śūdras* and *caṇḍālas*—these are categories, albeit renamed and reconfigured, that belong to modern global culture. In this sense, the neo-secularists simply self-replicate an unreflective 'Manu-think.' As George Santayana presciently said: "*those who cannot remember the past, are doomed to repeat it.*" Let us read the *Manu Smṛti*, and at the same time reflect on our existence in our modern, global world. And even though this world has unquestionably become more of a WorldMart than a Global Village, it nevertheless calls out for a deeper appreciation of our global cultural histories: refracted versions of the voice of the *Manu Smṛti* will always exist among us, whether *religiously or secularly*.

### FOOTNOTES

<sup>1</sup> Quoted in the *New York Times*, April 20, 1999.

<sup>2</sup> Richard Dawkins, *The God Delusion* (New York: Houghton Mifflin Company, 2006), p. 271

<sup>3</sup> *Ibid.*, 278

<sup>4</sup> See Gandhi's response (Appendix I, A Vindication of Caste) to Ambedkar's '*Annihilation of Caste.*' (<http://www.stopfundinghate.org/resources/AmbedkarAnnihilationofCastes.pdf>).

<sup>5</sup> Ariel Glucklich, *Religious Jurisprudence in the Dharmaśāstra* (New York: Macmillan, 1988), p. 2.

<sup>6</sup> J. Duncan M. Derret, *Dharmaśāstra and Juridical Literature, A History of Indian Literature*, ed. Jan Gonda, Vol. IV, Part I (Wiesbaden: Otto Harrassowitz, 1973), p. 31.

<sup>7</sup> Patrick Olivelle argues that the “exquisite structure” of the *Manu Smṛti* supports the theory that the text “is not an edition or version of a pre-existing text but an original composition. Cf., Patrick Olivelle, *Manu’s Code of Law: A Critical Edition and Translation of the Mānava-Dharmaśāstra* (Oxford: Oxford University Press, 2005), p. 19.

<sup>8</sup> Others have construed these fears differently. For example, Wendy Doniger in her essay preceding her translation of the *Manu Smṛti*, an essay that could stand as a separate philosophical tract in its own right, focuses on two essential fears: the fear of meat-eating, which is a way of breaking out of and hence transcending the dog-eat-dog chain of being, and secondly, the fear of violence, i.e., of killing animals as a coterminous means of avoiding meat eating. These are important fears, although not as significant, I argue, as the other five in the *Manu Smṛti*.

<sup>9</sup> Translations from the *Manu Smṛti* are my own; the chapter and verse numbering correspond to the chapter and verses in *The Manusmṛti with the Commentary of Manvarthamuktāvali of Kullūka*, ed. Nārāyaṇ Rām Āchārya Kāvyaīrtha (Bombay: Satyabhāmābhāi Pāṇḍurañg, 1946).

<sup>10</sup> See Chapter 20, Section 3 (“Women Tabooed at Menstruation and Childbirth”) in Sir James George Frazer, *The Golden Bough* (New York: Macmillan, 1922).

<sup>11</sup> Euripides, *Medea*, trans. John Harrison (Cambridge: Cambridge University Press, 2005), p. 17.

<sup>12</sup> In the context of the *Manu Smṛti*, translating a ‘*klība*’ as ‘an impotent male’ overlooks the fact that a *klība* is first and foremost thought of as an ‘effeminate’ man, or someone who is ‘heterosexually’ *kāmahīna*.

<sup>13</sup> Henry Parker, *Village Folk-Tales of Ceylon, volume 2* (London: Luzac and Company, 1914), pp. 66–69.

<sup>14</sup> Chandragupta Maurya’s mother, for instance, was thought to be a *śūdra*.

<sup>15</sup> Patrick Olivelle, *Dharmasūtras: The Law Codes of Āpastamba, Gautama, Baudhāyana, and Vasiṣṭha, Annotated Text and Translation, Sources of Ancient Indian Law*, ed. Patrick Olivelle (Delhi: Motilal Banarsidass, 2003), p. 14)

<sup>16</sup> *Rg Veda*, VIII, 91; X.39, and also Maitreyī in the *Br Up.* II.4.1.

<sup>17</sup> The *Artha Śāstra* is also known as the *Cāṇakyanīti*, the ‘*Political Treatise by Cāṇakya*. The Machiavellian aspects of the *Artha Śāstra*

<sup>18</sup> R. P. Kangle, *The Kauṭīlīya Arthaśāstra*, Part II (Delhi: Motilal Banarsidass, 1972), pp. 9-10.

<sup>19</sup> The *Manu Smṛti* appears to self-identify itself with the life of the village (*grāma*) (see 3.103 and 3.153). Āpastamba, for instance, councils Brahmins to avoid visiting cities (1.32.1)

<sup>20</sup> See Indra Sinha, *The Great Book of Tantra* (Rochester, Vermont: Destiny Books, 1993), p. 52:



<sup>21</sup> Burjor Avari, *India, the Ancient Past: a History of the Indian Subcontinent from c. 7000 BC to AD 1200* (New York: Routledge, 2007), p. 142.

<sup>22</sup> See Farid Majid, <http://www.siddha.com.my/ubb/Forum3/HTML/000038-2.html>. And one must not forget that it was the Raj that suppressed the more vocal opposition to the *Manu Smṛti* ethic: the Raj suppressed both the praxis and literature of the Tantrikas.