

Manu and the Mahābhārata*

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A major event in the study of the Mānava Dharmaśāstra (a.k.a. Manu-smṛti) is the appearance of its critical edition and translation prepared by Patrick Olivelle along with his wife, Suman Olivelle (2005). This volume contains a long introduction, with various valuable observations on the authorship and historical position of this text.¹ Olivelle argues, for example, that the Mānava Dharmaśāstra has essentially one single author, whom he calls Manu for convenience. The reason for assuming unitary authorship is the structure of the text as a whole, a structure which so far has gone unnoticed. The presence of this structure in the text is convincingly demonstrated.²

Olivelle admits that this single author is not responsible for the whole of the Mānava Dharmaśāstra. A number of portions are, as he puts it, the work of redactors. These can be identified by using the overall plan for an organization as criterion. Sections that do not fit into this scheme can be recognized as additions inserted between the time of the composition of the text and the earliest manuscripts and other evidence we possess. Olivelle indicates such added passages as “Excursus” in his translation.

Olivelle’s procedure in this regard is plausible, and it seems likely that he has identified a number of passages that were indeed not part of the original text composed by “Manu”. It is less certain that this procedure is capable of identifying *all* later additions. Additions that *do* fit into the overall scheme of the work can evidently not be discovered with the help of a criterion that looks for ill-fitting passages. There is no *a priori* certainty that redactors should *only* add ill-fitting passages. On the contrary, one may assume that, given a choice, they would rather add passages that fit in the places assigned

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¹ An in many respects similar, but shorter, introduction occurs in Olivelle, 2004. Some of the same arguments had already been presented in Olivelle 2003.

² Some arguments plead in favor of the existence of a predecessor of the Mānava Dharmaśāstra that belonged to the Mānava school of the Maitrāyaṇī Saṃhitā (Bronkhorst, 1985; Jamison, 2000). The effect of this fact, if it is one, on the questions discussed in this article will not be considered here.

to them. This implies that it is possible to follow Olivelle in considering his “Excursus” passages as additions and interpolations, but less easy to conclude from this that what remains, all of it, constitutes the text originally composed by “Manu”.

However this may be, Olivelle adds a number of interesting and valuable reflections on the date and circumstances of the original Mānava Dharmaśāstra. Pointing out that Manu, according to at least one tradition, was considered the first king, he states (p. 20; 2004: xxi): “Historically, the rise of the Maurya empire and the overwhelming presence of Aśoka and his imperial reforms must have loomed large. That a treatise on dharma with universal application should be ascribed not just to any king but to the first king, therefore, should come as no surprise.” After considering a number of chronologically relevant factors, Olivelle proposes a lower limit of the 1st century BCE for the text (p. 22). For fixing its upper date, Olivelle starts from the observation that the parallel passages in the Mahābhārata “make a compelling case that the author(s) of the epic knew of and drew upon material from the [Mānava Dharmaśāstra]” (p. 23).³ The reference in some passages of the Mānava Dharmaśāstra to gold coins, combined with the scholarly consensus that the minting of gold currency did not take place until the Kushanas, leads Olivelle to pushing forward the date of his text to the 2nd–3rd centuries CE (p. 24–25).

Olivelle’s proposals create a dilemma, which he does not further discuss. The gold currency suggests a relatively late date for the Mānava Dharmaśāstra, its relationship to the Mahābhārata an earlier one. With regard to the date of the latter, Olivelle (p. 23) cites Hildebeitel (2001: 18): “I suggest, then, that the Mahābhārata was composed between the mid-second century BCE and the year zero.”⁴ If the Mānava Dharmaśāstra was composed before the Mahābhārata, as Olivelle maintains, and if we accept Hildebeitel’s view, it cannot be dated to the 2nd–3rd centuries CE, as is suggested by the references to gold coins.⁵

³ The introduction to Olivelle 2004, which is more condensed than the introduction to Olivelle 2005, does not discuss the relationship between Mahābhārata and Mānava Dharmaśāstra. Note in this connection that Bühler (1886: lxxx) has “succeeded in identifying upwards of 260 verses or portions of verses, not attributed to Manu, with ślokas of the Manu-smṛti. This number ... corresponds to about one-tenth of the bulk of the latter work ...”

⁴ Strictly speaking, there is of course no “year zero”; Richards, 1998: 10.

⁵ Hildebeitel himself (2006: 231) “leans toward the epic being likely earlier [than Manu]”.

Hiltebeitel's dating of the Mahābhārata is linked to his understanding of this text (i.e., the archetype underlying the Critical Edition) as having been composed (*written*) by a "committee" or "team", at most through a couple of generations (2001: 20). Given that the Critical Edition establishes a written archetype, he does not think that we need to assume prior written redactions. The established archetype, in his opinion, should include most of the passages and features of the established text, and indeed, may have included the epic's design of eighteen parvans and a hundred "little books" or *upaparvans* (2001: 24–26).⁶

Hiltebeitel's understanding of the composition of the Mahābhārata is not without appeal, but is not the only possible one. The Mānava Dharmaśāstra, as understood by Olivelle, provides us with an alternative model. Here, as we have seen, a single text subsequently suffered additions and insertions which yet found their way in all surviving manuscripts.⁷ How could this happen? Olivelle gives the following explanation (2005: 51; cp. 2003: 559–560):

I agree with Lariviere's (1989: xii) hypothesis that the Dharmaśāstras continued to expand with the addition of new materials "until a commentary on the collection was composed. A commentary would have served to fix the text, and the expansion of the text would have been more difficult after that." Because I consider the [Mānava Dharmaśāstra] to have a single author, I take these emendations as produced by redactors working on the original text. Such activities were made more difficult after the text was "fixed" by early commentators such as Bhārucci and Medhātithi, but they did not cease completely. Changes after that period, however, were limited to the addition of individual verses and minor changes in the wording of verses detectable through "lower criticism".

The composition of a first commentary is, indeed, an obvious way in which a text may be fixed in a shape different from its earliest written form. It is not necessarily the only possible one. With regard to the Mahābhārata another explanation for presumably the same (or a closely similar) phenomenon has been suggested, most notably by James Fitzgerald. Fitzgerald (2002:

⁶ Hiltebeitel does not refer in this book to Schlingloff 1969, which argues against this division into parvans and upaparvans as late as the Kuṣāṇa period. He finds fault with this position in a footnote in a more recent publication, which comes to the conclusion that "notions that the Virāṭa- and Anuśāsana-Parvans would not yet have been extant ... must be taken cum grano salis" (2005: 459 n. 15).

⁷ Hiltebeitel (2006: 231), perhaps not surprisingly, is of the opinion that some of Olivelle's "interpolations" "could be seriously challenged".

89 n. 1) states: “By ‘the epic as we have it’ and ‘text of the Mahābhārata’ I mean the written redaction of a Sanskrit text of the [Mahābhārata] that was composed and promulgated sometime around the time of the Gupta empire.⁸ This text was approximately recovered in the unsuccessful effort to arrive at a critical edition.” In other words, not a first commentary, but some initiative (perhaps political)⁹ “fixed” the text of the Mahābhārata which has been recovered, with an unknown degree of success, in its Critical Edition. This “Gupta version”, to be sure, was not the first written version of the Mahābhārata.¹⁰ About the first written version Fitzgerald has a number of things to say; we will turn to these below.¹¹

Olivelle knows this alternative way of understanding the textual history of the Mahābhārata (2005: 24): “Fitzgerald offers a more conservative view, ac-

⁸ As justification for a completed text around the time of the Gupta empire, a reference is often made to the characterization of the Mahābhārata as a *śatasāhasrikā samhitā* in a copper-plate inscription from 532–533 or 533–534 (so, e.g., Fitzgerald, 2006: 259). The text reconstructed in the critical edition has indeed about 100'000 ślokas. However, it is not usually stated that the inscription concerned, having indicated the length of the Mahābhārata, then attributes to it a number of verses that are *not* found in the critical edition (or its notes). See Fleet, 1887: 135–139, and below.

⁹ Cp. Fitzgerald 2001: 69: “The production and promulgation of this text would have required a major effort and significant expense, so we must imagine the support and financial backing of some prince or princes, or direct imperial support. It is conceivable that this postulated second major redaction of a written Sanskrit Mahābhārata was a response to the turmoil, invasions, and foreign imperial control of northwest and north central India in the early centuries of the Christian era.” It is not clear whether this theory of a “major effort and significant expense” lives up to its task, for it sheds no light on the question why the “Gupta version” should have become the archetype of all surviving versions. This fact is due to subsequent events, whose nature remains unknown so far.

¹⁰ Fitzgerald (2001: 68 n. 16) is aware of the speculative aspect of his reconstruction: “Those who would argue that this Gupta text pointed to by the Pune edition is the only written Sanskrit [Mahābhārata] text for which we have firm evidence would be correct. My argument for a Śuṅga or post-Śuṅga written redaction of the text is based on an interpretive reading of the [Mahābhārata] against the historical record. It is speculative, though it is, at the very least, plausible. My speculative sketch of a history of the written Sanskrit Mahābhārata tradition provides a reasonable way to account for systematic artistic changes that seem apparent to me between the postulated early text of the [Mahābhārata] and the approximately known Gupta text.”

¹¹ Note that the first written version, seen in this way, was not identical with the normative redaction, as proposed by Bigger (2002).

knowledging several redactions, the last taking place during the Gupta period.” Fitzgerald’s position is more to the liking of Olivelle, for it allows him to maintain his relatively late date for the Mānava Dharmaśāstra: “If we accept that the [Mānava Dharmaśāstra] was known to the writers of the Mahābhārata, then, even with a more conservative dating than Hildebeitel’s, the [Mānava Dharmaśāstra] must have been in existence by about the 2nd century CE.” This is a great deal closer in time to the date suggested by the references to gold coins.

It is clear that Olivelle implicitly opts for Fitzgerald’s dating of the Mahābhārata, against Hildebeitel’s, but he does not say so. Nor does he present Fitzgerald’s ideas in any detail. Had he done so, he would have seen that the solution which he offers for the relationship between Mahābhārata and Mānava Dharmaśāstra is less simple than his remarks suggest. Consider the following extracts from the introduction to the twelfth book of the Mahābhārata in Fitzgerald’s translation (2004: 120–122, my emphasis):

It seems **fair** to conjecture that the emergence of the Mauryan empire generally and Aśoka’s dharma campaign in particular were profound challenges to many pious brahmins, and that these events may well have been a strong stimulus to the creation, development, redaction, and spreading of the apocalyptic Mahābhārata narrative. This narrative depicted violent resistance to the kind of “illegitimate” political power that the Nandas, the Mauryans, and Aśoka must have represented to some, and it depicted a restoration of proper, *brāhmaṇya* kingship, which undertakes to use violence for the protection and support of brahmins. The last Mauryan emperor, Bṛhadratha, was overthrown by his brahmin general Puṣyamitra Śuṅga in 187 or 185 B.C. This deed established the Śuṅga dynasty at Pāṭaliputra over the already weakened Mauryan empire, and it saw ten rulers across 112 years. Puṣyamitra vigorously defended the empire against Mauryan loyalists and Greek invaders, and he was famous for centuries as a ruler who performed two Horse Sacrifices and reinstated and patronized brahmin sacrifices generally. ...

If one reads the Mahābhārata along the lines I have been suggesting, it may seem that the narrative of a divinely led purge of the *kṣatra* and the reinstatement of proper *brāhmaṇya* rule fits the tenor of the Śuṅga revolution very well; it might well have been a myth inspired by, or even chartering, these political events. I have no doubt that the Śuṅga revolution contributed a great deal to the development of our [Mahābhārata]; however, one very important trait of the [Mahābhārata] does not fit with the Śuṅga era and may be a reaction against it. I refer to the critically important insistence in the [Mahābhārata] upon rule being appropriate to *kṣatriyas* and not brahmins. The [Mahābhārata] is a Brahmanic text which, particularly in its repudiation of some aspects of the brahmin seer Rāma Jāmadagnya’s repeated avenging slaughter of *kṣatriyas*, calls for *kṣatriya* kingship oper-

ating under Brahmanic supervision to guarantee the preservation and welfare of brahmins. The ultimate credibility of brahmins as a religious elite depended upon their disassociating themselves from the direct cruelties of governing, and so the [Mahābhārata] works to correct this excess of the Śuṅgas and Kāṇvas. For these reasons, I have suggested that the **first major written Sanskrit redaction of the [Mahābhārata]** was post-Śuṅga and post-Kāṇva as well as post-Mauryan. For now, I see integral connections between the epic's narrative of apocalyptic purge and its demand for kṣatriya kingship, so I put **this redaction of the [Mahābhārata] sometime late in or shortly after the era of the post-Mauryan brahmin rulers of the empire and its dissolved elements.**

Note that the “first major written Sanskrit redaction of the Mahābhārata” does not, in Fitzgerald's opinion, cover the whole of the surviving Mahābhārata, nor for that matter the whole of the version constituted in its Critical Edition. Indeed, we have seen that Fitzgerald is of the opinion that a second redaction took place many centuries later (resulting in the “Gupta text”). As a matter of fact, Fitzgerald (2006) proposes a layering of Bhīṣma's instructions of Yudhiṣṭhira in the Mahābhārata. He there dates the first written redaction of the Mahābhārata to “sometime between 200 B.C. and 0 A.D.”, but also allows for “its continued growth and development until the written Sanskrit text was more or less fixed sometime shortly before or during the Gupta era”.

Fitzgerald's understanding of the redactional history of the Mahābhārata inevitably raises the question which parts of the text were included in the first written redaction, and which were added in and until the “Gupta text”. To answer this question, Fitzgerald suggests the following (2003: 811 n. 32):¹²

By this vague expression (viz., “the main Mahābhārata”, which is its first written redaction, JB) I mean to refer to the [Mahābhārata] with most of its familiar narrative elements, including the ‘Persuasion of Yudhiṣṭhira’ after the war, the incognito in Virāṭa's kingdom, the frame of the *tīrthayātrā*, etc. I believe some kernel of Bhīṣma's instruction of Yudhiṣṭhira (perhaps 12.67 through 12.90, or 12.59 through 12.108, or even 12.56 through 12.128) was likely present and the basic Vaiśampāyana frame with its *aṃśāvatarāṇa* listing. Most of the material in Bhīṣma's instructions probably came later, as did the Bhagavad Gītā, as did all episodes that elaborate some theme of devotion to Viṣṇu, Śiva, or Kṛṣṇa (such as, for example, the Śiśupālavadhā in Sabhā Parvan; Arjuna's and Duryodhana's attending upon Kṛṣṇa and choosing, respectively, for aid in the war, Kṛṣṇa and his Nārāyaṇa warriors at Udyoga Parvan 7, and several highly polished expressions of Kṛṣṇa bhakti in the narrative wake of Yudhiṣṭhira's abhiṣeka in 12.40 up through

¹² A similar enumeration is given in Fitzgerald, 2006: 270 ff.

the initiation of Bhīṣma's instruction of Yudhiṣṭhira in 12.56). How much and which elements of the Rāma Jāmadagnya material were in this "main Mahābhārata" is still a puzzling question ...

If we now return to the question raised by Olivelle, it will be clear that a statement to the extent that the Mānava Dharmaśāstra was known to the writers of the Mahābhārata is in need of specification if it is to make sense. Was this text known to the writers of the "main Mahābhārata", i.e., its first written redaction, or rather to those responsible for the "Gupta text", or perhaps to those who, in the intervening period, added material to the text? Judging by his chronological conclusions, Olivelle meant to say that the Mānava Dharmaśāstra was known to those responsible for the Gupta text. However, he does not clearly say so. What he does say rather suggests that he believes that all writers of the Mahābhārata, both early and late, knew the Mānava Dharmaśāstra. These are his words (2005: 23):

The relationship between the [Mānava Dharmaśāstra] and the Mahābhārata has been a topic of discussion ever since Hopkins's (1885) study. Hopkins (1885: 268) concluded that the [Mānava Dharmaśāstra] was put together "between the time when the bulk of the epic was composed and its final completion." Bühler, after a lengthy discussion of the parallel passages in the two works, concluded that the [Mānava Dharmaśāstra] has not drawn on the Mahābhārata and that both drew on the same stock of "floating proverbial wisdom." The references and citations collected by Hopkins, I think, make a compelling case that the author(s) of the epic knew of and drew upon material from the [Mānava Dharmaśāstra]. It is more likely, I think, that a narrative epic would draw on expert *śāstras* for its discussions of legal matters than the other way round.

Unfortunately Olivelle does not discuss in any detail the "references and citations collected by Hopkins", and indeed, he draws a different conclusion from them than Hopkins himself. Hopkins, as we can learn from the above citation, put the composition (he speaks rather of collation) of the Mānava Dharmaśāstra "between the time when the bulk of the epic was composed and its final completion". In terms of Fitzgerald's understanding, this can be interpreted to mean "between the first written version (the 'main Mahābhārata'), and the 'Gupta version'". As a matter of fact, Hopkins's evidence does *not* make a compelling case that all the authors of the epic knew the Mānava Dharmaśāstra, but *can* be interpreted to mean that later contributors to the epic knew it. As Hopkins observed (1885: 268): "Not more than half the remarks ascribed to Manu are found in the present Mānava-treatise which the

Hindus call the Manu-treatise; but, the further on we come toward modern times, the more often the quotations from Manu fit to our present Mānava-text.”

It will be interesting to consider the three passages which do not just mention Manu, but seem to actually refer to his treatise. One reference to the Śāstra of Manu occurs in the Anuśāsanaparvan (Mhbh 13.47.35: *manunābhihitam śāstram* ...); the following verse “is clearly a paraphrase of Manu IX, 87, and reproduces its second line to the letter” (Bühler 1886: lxxvi; Mhbh 13.47.36cd = Manu 9.87cd). The Anuśāsanaparvan may be looked upon as a later accretion to the text of the Mahābhārata.¹³ The two other passages are of more interest, because they occur in the Rājadharmaparvan, some of which must have already been part of the “main Mahābhārata”. Indeed, they occur in chapters (*adhyāya*) 56 and 57 respectively, part of the portion 56–58 which Tokunaga (2005) considers to be “the original lecture of Rājadharmā that Bhīṣma delivered as *śokāpanodana*” and as belonging “to the period earlier than the Manusmṛti” (p. 200). Chapter 56, which is the very first chapter of the Rājadharmaparvan, contains a reference to two verses sung by Manu in his Laws (Mhbh 12.56.23: *manunā ... gītau ślokau ... dharmeṣu sveṣu* ...). The first of these two has a verse corresponding to it in the surviving Mānava Dharmasāstra (Mhbh 12.56.24 = Manu 9.321), the second does not. There is another reference to two verses pronounced by Manu in the immediately following *adhyāya* 57 (Mhbh 12.57 43: *prācetasena manunā ślokau cemāv udāhṛtau rājadharmeṣu ... t[au] ... śṛṇu*); the two cited verses in this case (44–45) have no parallel in the Mānava Dharmasāstra (Bühler 1886: lxxvii). Most of these verses, then, cannot be found in the present text of the Mānava Dharmasāstra. It must here further be recalled that Fitzgerald has argued that *adhyāyas* 56–60 must be looked upon as an accretion to the original core of the Rājadharmā (this core presumably *follows* the accretion in the present text). All in all there remains little reason to think that the “main Mahābhārata” was acquainted with the Mānava Dharmasāstra as we know it.

Further caution is called for on account of some passages in the Vasiṣṭha Dharmasūtra. According to Olivelle (2005: 22), the Mānava Dharmasāstra “is clearly posterior to [...] Vasiṣṭha”. However, the Vasiṣṭha Dharmasūtra refers to the Mānava Dharmasāstra, and cites two identifiable verses from it. The reference occurs VasDhS 4.5, which may be translated: “The treatise of

¹³ The Spitzer manuscript gives us reasons to think that the Anuśāsanaparvan was not yet part of the Mahābhārata during the Kuṣāṇa period; see Schlingloff 1969. Hiltebeitel feels sceptical about this; see note 4 above.

Manu states that an animal may be killed only on the occasion of paying homage to ancestors, gods, or guests.”¹⁴ Immediately after this remark two ślokas follow (VasDhS 4.6–7) which are almost identical with Manu 5.41 and 5.48. Olivelle (2000: 646) considers the authenticity of these two ślokas somewhat doubtful,¹⁵ but admits that “they are found in all mss., including Ka, Kb, and Cal. ed., which represent somewhat independent manuscript traditions”. At four other occasions the Vasiṣṭha Dharmasūtra cites a verse which it calls a *mānava śloka*. Twice this cited śloka is identical, or almost identical, with a verse from the Mānava Dharmasāstra. VasDhS 20.18 announces a *mānava śloka*, then cites a verse that is almost identical with Manu 11.152. VasDhS 3.2 does the same, and then cites Manu 2.168.

Olivelle’s logic would compel him to conclude that the Vasiṣṭha Dharmasūtra is posterior rather than anterior to the Mānava Dharmasāstra. Indeed, he admits to being “inclined to place Vasiṣṭha closer to the beginning of the common era, or even in the first century CE close to the beginning of the Smṛti era. In the later chapters (25.1, 10; 28.10), for example, Vasiṣṭha uses the pronoun ‘I’, a practice unknown to the earlier writers and common in the later Smṛtis, which are presented as the personal teaching of a god or sage. In Vasiṣṭha (16.10, 14) we also encounter for the first time the use of written evidence in judicial proceedings.” Yet we have seen that he believes this text to be anterior to Manu.

Manu 5.41 also occurs in the Śāṅkhāyana Gṛhyasūtra (2.16.1),¹⁶ as do close parallels to Manu 3.100 (ŚāṅGS 2.17.1) and 3.103 (ŚāṅGS 2.16.3). Must we conclude from this that the Śāṅkhāyana Gṛhyasūtra is posterior to the Mānava Dharmasāstra? Or are these verses later additions to the Śāṅkhāyana Gṛhyasūtra, as Gonda (1977: 607) thinks?

The situation is further complicated by other facts. Whatever the precise date of the Mānava Dharmasāstra, we may be sure that it existed in the sixth century CE. Yet there are numerous inscriptions from that and the following

¹⁴ VasDhS 4.5: *pitṛdevatātipūjāyām eva paśuṃ hiṃsyād iti mānavam*. Olivelle assumes that this phrase contains a literal quotation, for he translates (2000: 371): “The treatise of Manu states: ‘An animal may be killed only on the occasion of paying homage to ancestors, gods, or guests.’” However, the “quoted” passage does not occur in the Mānava Dharmasāstra. See further Bronkhorst, 1985: 125 f.

¹⁵ Cp. also the following: “Vasiṣṭha has been less faithfully preserved than the other Dharmasūtras, probably because it lacked an early commentary.” (Olivelle, 2000: 632)

¹⁶ Manu 5.41: *madhuparke ca yajñe ca pitṛdaivatakarmaṇi / atraiva paśavo hiṃsyā nānyatrety abravīn manuḥ //*. ŚāṅGS 2.16.1 has *some* for *yajñe*.

centuries that explicitly ascribe a number of verses to a Mānava Dharma or Mānava Dharmasāstra that do not occur in it. They are several or all of the following four verses, very frequent in inscriptions:¹⁷

*uktañ ca Mānave dharmasāstre:
bahubhir vasudhā dattā bahubhiś cānupālītā /
yasya yasya yadā bhūmis tasya tasya tadā phalam //
mā bhūvad aphalaśaṅkā vaḥ paradatteti pārthivāḥ /
svadānāt phalam ānantyaṃ paradattānupālāne //
svadattāṃ paradattāṃ vā yo hareta vasundharāṃ /
sa viṣṭhāyāṃ kṛmīr bhūtvā pitr̥bhiḥ saha pacyate //
saṣṭim varṣa-sahasrāṇi svarge modati bhūmidāḥ /
ākṣeptā cānumantā ca tāny eva narake vaset //*

A South Indian inscription from the eighth century ascribes some of these verses to a “Vaiṣṇava Dharma”.¹⁸ Interestingly, several of these verses are in other inscriptions ascribed to the Ṛṣis,¹⁹ to Brahman,²⁰ or to the Mahābhārata, in one inscription from the first half of the sixth century CE even to “the Mahābhārata that consists of a hundred thousand verses” (*Mahābhārata śatasahasryāṃ saṃhitāyāṃ*).²¹ To top it all, these verses are not found in the extant Mahābhārata either.²²

What do we conclude from all this? Are the Vasiṣṭha Dharmasūtra and the Śāṅkhāyana Gṛhyasūtra more recent than the Mānava Dharmasāstra? Or do we have to be more circumspect in drawing chronological conclusions from references to Manu or his work that can actually be identified in the surviving Mānava Dharmasāstra? We may not be in a position to choose between these

¹⁷ Basak, 1940: 129 lines 36–41; Tripathy, 1997: 96, 221, 225, 229, 261 and *passim*.

¹⁸ Krishna Sastri, 1924: 304.

¹⁹ Tripathy, 1997: 213; Mahalingam, 1988: 69 ff. (fifth century).

²⁰ Mahalingam, 1988: 63 f. (sixth century).

²¹ Fleet, 1887: 135–139.

²² This last inscription is sometimes invoked by modern scholars to prove that the Mahābhārata had approximately its present size in the first half of the sixth century CE; the unreliability of the ascription of verses to that text in this inscription may conceivably put the information about the epic’s length in doubt as well. Note further that some of these verses are ascribed to a “Dharmānuśāsana” in a ninth century inscription of a Buddhist (!) king; Kielhorn, 1892; Barnett, 1926.

two options at the present state of our knowledge. One thing is certain. If it can be maintained that, in spite of the evidence just considered, the Vasiṣṭha Dharmasūtra is older than the Mānava Dharmasāstra, the same can be maintained with regard to at least some of the passages of the Mahābhārata that yet refer to identifiable verses of the Mānava Dharmasāstra.

In a more recent publication Olivelle (2007) draws attention to the sometimes close similarity between the Mānava Dharmasāstra and the Gautama Dharmasūtra. The Gautama Dharmasūtra, unlike the Vasiṣṭha Dharmasūtra, does not refer to the Mānava Dharmasāstra. Nothing therefore prevents Olivelle from concluding that “the author of *Manu* used *Gautama* as one of his primary sources” (p. 681). The borrowing that took place amounts “in several instances to the versification of the sūtras of Gautama” (ibid.). However, Olivelle also argues that “the prose of Gautama is probably dependent on verse originals” (p. 689). The Sūtra style of the Gautama Dharmasūtra was, according to Olivelle (2007: 689; 2000: 8), due to “the author’s deliberate attempt to produce an ideal sūtra work”. This, if true, leads to the following remarkable situation: an original verse text was, probably in part, made into a Sūtra work (the Gautama Dharmasūtra), which (or part of which) in its turn became the basis of a verse text (the Mānava Dharmasāstra). Continuing this line of speculation, one is free to ask with what name the original verse text was associated. Is it possible that some, or all, of the untraceable verses that are attributed to Manu originally belonged to this verse text, that has now disappeared? I am not willing to make any pronouncements on this matter, but the question may be worth our attention.²³

In an even more recent publication Olivelle (2008: xix f.) believes to find some similarities between the Mānava Dharmasāstra and the work of Aśvaghoṣa. Here too, there is no question of Aśvaghoṣa referring to the Mānava Dharmasāstra. He does refer to Manu in a general way, but we have seen that no conclusions can be drawn from this. Nor can conclusions be drawn from the supposed technical meaning given to the word *mokṣa* both by Aśvaghoṣa and by Manu; I have shown elsewhere that the Mānava Dharmasāstra does not use this word in the technical meaning assigned to it by Olivelle.²⁴ The one remaining argument is Aśvaghoṣa’s use of the theology of debt to defend the position that a man should take to asceticism only in old age, also found in the Mānava Dharmasāstra. I am not sure, however, whether this single ar-

²³ The question of a Mānava predecessor of the Mānava Dharmasāstra (see note 2, above) presents itself here again.

²⁴ Bronkhorst, 2010.

gument can bear the weight of drawing chronological conclusions (Aśvaghōṣa more recent than Manu), as proposed by Olivelle.

The unexciting result of the preceding reflections is that the Mānava Dharmaśāstra *may* have been composed during the early centuries of the Common Era, and that Olivelle's suggested date (2nd–3rd centuries CE) is conceivable, though not certain.²⁵ This may seem to be a disappointing conclusion, but I don't think it is. Olivelle's reflections add, perhaps unintentionally, an argument in support of Fitzgerald's understanding of the text history of the Mahābhārata. Moreover, they allow us to think of the Mānava Dharmaśāstra as a text which was composed, in its earliest form, at a time when the "main Mahābhārata" existed already, but the archetype underlying its Critical Edition not yet. In a certain way the Mānava Dharmaśāstra is therefore contemporaneous with the Mahābhārata, in the sense specified. This allows us to compare the two texts from the point of view of their shared interest, viz., establishing Brahmanical predominance in the confrontation of Brahmanism with the culture of the region of Pāṭaliputra, the culture that had produced various currents of thought, among them Buddhism, Jainism and Ājīvikism. The challenge, as I have argued in other publications, was not to *re*-establish Brahmanical predominance in that part of the Ganges valley, but rather to establish it *for the first time*. A portion of the Mahābhārata that must have been part of the "main Mahābhārata" shows a rather superficial acquaintance with the ideologies of the eastern Ganges valley, and criticizes them.²⁶ Later parts of the Mahābhārata incorporated into the "Gupta text", starting with the Mokṣadharmaparvan, have absorbed a substantial part of these ideologies and present them as Brahmanical thought. If, as seems possible, the Mānava Dharmaśāstra must be situated between the "main Mahābhārata" and the "Gupta text", it will be interesting to find out how much understanding of the alternative ideologies it contains. Here it must suffice to note that the Mānava Dharmaśāstra as a whole shows acquaintance with these ideologies, most notably the doctrine of rebirth and karmic retribution.

²⁵ In a presentation ("Cosmogony in the transition from Epic to Purāṇic literature") at the Fifth Dubrovnik International Conference on the Sanskrit Epics and Purāṇas (August 2008), Horst Brinkhaus has argued that the cosmogonic account in Manu 1 (including verses 5–31 which are original according to Olivelle) has borrowed from Harivaṃśa 1, which is presumably younger than the Mahābhārata. He adds in this way a further difficult piece to an already complicated puzzle.

²⁶ See Bronkhorst, 2007: chapter IIA.2.

The geographical horizons of the two texts appear to support their relationship as presented above. With regard to the Mahābhārata, Brockington (1998: 199) points out, “it is very noticeable that the whole of [Central and Eastern India] is seen as menacing and also as peripheral to the real action of the basic epic. By contrast, in some of the expansions to the basic narrative and in the didactic portions, definite efforts are being made to include the whole of India within the ambit of the epic.” The Mānava Dharmaśāstra, it could be argued, situates itself between these two extremes by expanding the definition of Āryāvarta so as to cover the land between the Himalaya and Vindhya ranges and “extending from the eastern to the western sea” (Manu 2.22).²⁷

Appendix: Manu’s twelfth chapter

A crucial element in the ideologies of the eastern Ganges valley was the belief in karmic retribution and the possibility of liberation from the resulting cycle of rebirths. A particularly striking feature of the Mānava Dharmaśāstra is that its final chapter, no. 12, deals with the law of karma. Olivelle looks upon verses 1–106 of this chapter as genuine, and presents the remaining verses 108–126 (verse 107 is a transitional verse) as “excursus”. However, even about the “genuine” part of chapter 12 he voices doubts (2005: 60):²⁸

Chapter 12 poses unique problems because it is so very different from the rest of the work. It begins with the seers making one final request of Bhṛgu to teach them the law of *karma*. One is tempted to see this entire chapter as deriving from the work of redactors. There is, however, no clear evidence that it did not belong to the original work of Manu; we cannot detect the breaks in the line of discussion that we detected in other interpolated passages or the violation of structure that Manu has laid out.

It was pointed out above that redactors do not see it as their task to introduce “breaks in the line of discussion” or “violation of structure”. Absence of

²⁷ Earlier sources (Baudhāyana, Vasiṣṭha, the grammarian Patañjali) defined Āryāvarta as extending eastward until a mysterious *kālakavana*, which may have been near Prayāga, at the confluence of the Ganges and the Yamunā; see Olivelle 2000: 10. It is tempting to see Manu’s expanded definition as embodying the new claim that the eastern Ganges valley was Brahmanical territory; see Bronkhorst, 2007.

²⁸ Similarly Olivelle 2003: 548–49, 569; 2004: xxxvii; 2005: 17–18

these shortcomings is therefore no proof of genuineness. As it is, it may be interesting to compare the contents of chapter 12 with those of the remainder of the “genuine” Mānava Dharmaśāstra.

At first sight the remarks about karmic retribution in chapter 12 are not fundamentally different from those in the preceding chapters. Both enumerate the results of various activities in future lives, chapter 12 systematically in one short chapter, the remainder of the Mānava Dharmaśāstra here and there, and less elaborately. These earlier chapters mention mainly negative karmic consequences, and they do not give the impression that karmic retribution preoccupied the mind of their author(s) to an excessive degree.²⁹ Heaven and hell are at least as often invoked, and not just as stages one passes through before a next rebirth.³⁰ A particularly striking example is verse 11.241, which promises heaven (*div*) to insects, snakes, moths, animals, birds, and immobile creatures “by the power of ascetic toil” (*tapobalāt*). Had the frame of reference here been rebirth as determined by karmic retribution, more variety might have been on offer for these unfortunate creatures, including, for example, birth as a Brahmin. Verse 8.75, to take another example, tells us that a false witness “after death will plunge headlong into hell and suffer the loss of heaven” (*avāñ narakam evaiti pretya svargāc ca hīyate*). Once again the impression is created that there is nothing in between these two extremes. Heaven, rather than a multiplicity of possibilities, is assumed as the normal outcome of human life in verse 8.103, which states that a man who, even though he knows the truth, gives evidence in lawsuits contrary to the facts for a reason relating to the Law, does not fall from the heavenly world.³¹ Unjust punishment, we learn from verse 8.127, is an obstacle to heaven for the king who inflicts it; the very next verse specifies what that implies: the king who punishes those who do not deserve to be punished and neglects to punish those who deserve it, will go to hell.³²

²⁹ The situation is further confused by the fact that Manu 9.8–9 maintains that a man is born again in his wife. According to Manu 9.107 it is through his eldest son that a man obtains immortality (*ānantya*); according to Manu 9.137 it is through his grandson that this happens.

³⁰ One gains a good first impression by looking up the references to “heaven” and “hell” in Olivelle’s index to his translation (2004: 302; 2005: 1119).

³¹ Manu 8.103a-c: *tad vadan dharmato ‘rtheṣu jānann apy anyathā naraḥ / na svargāc cyavate lokād*

³² Manu 8. 128ab & d: *adaṇḍyān daṇḍayan rājā daṇḍyāṁś caivāpy adaṇḍayan / ... narakam caiva gacchati //.*

It would yet be difficult to conclude on these grounds alone that chapter 12 must have a different author; this last chapter presents itself after all as offering the “determination with respect to engagement in action” (Manu 12.2: *karmayogasya nirṇayam*). There is however a difference between chapter 12 and the rest of the Mānava Dharmasāstra which may be significant. Unlike the remainder of the treatise, chapter 12 presents human life as the result of deeds performed in earlier lives. This idea is absent from the earlier chapters. And yet, this would have been a useful and perhaps convincing justification for the great differences between human beings that the Mānava Dharmasāstra proclaims. Brahmins, it may be recalled, are far superior to all other humans. It would be a fair question to ask why it is like this. Karmic retribution would provide an answer, but the Mānava Dharmasāstra (with the exception of chapter 12) does not offer it.³³

Consider first chapter 12. The very first verse that explains the fruits of action reads (Manu 12.3):³⁴

Action produces good and bad results and originates from the mind, speech, and the body. Action produces the human conditions — the highest, the middling, and the lowest.

Details about how to become a human being, and a Brahmin in particular, are found in the section on the three Attributes (*guṇa*), viz. Goodness (*sattva*), Vigour (*rajas*) and Darkness (*tamas*), i.e. Manu 12.24–53. We read there (Manu 12.40):³⁵

Those who possess Goodness become gods; those who possess Vigour become humans; and those who possess Darkness always become animals — that is the threefold course.

³³ The Buddhist canon does offer it. Majjhima Nikāya No. 129, for example, says, in the paraphrase of Schmithausen (1986: 209) “that the evil-doer, if perchance reborn as a human being, is reborn in a low caste (as a Caṇḍāla, etc.: MN III 169), whereas the person who has accumulated good karma is, after his return from heaven, reborn as a Kṣatriya or Brahmin, etc. (MN III 177).”

³⁴ Manu 12.3: *śubhāśubhaphalaṃ karma manovāgdehasaṃbhavam / karmajā gatayo nṛṇām uttamādhamamadhyamāḥ //*. Here and in what follows, I follow (unless otherwise indicated) the translation presented in Olivelle, 2004.

³⁵ Manu 12.40: *devatvaṃ sāttvikā yānti manuṣyatvaṃ tu rājasāḥ / tiryaktvaṃ tāmasā nityam ity eṣā trividhā gatiḥ //*.

And lest there be confusion as to the category to which Brahmins and their likes belong, verse 48 specifies that they are associated with Goodness, the Attribute of gods.³⁶

Hermits, ascetics, Brahmins, divine hosts in celestial chariots, asterisms, and Daityas — these constitute the first course related to Goodness.

Turning now to the other chapters of the Mānava Dharmasāstra, what justification does it offer for the social inequalities it preaches? An answer is provided by the following passage (Manu 1.28–30):³⁷

As they are brought forth again and again, each creature follows on its own the very activity (*karman*) assigned to it in the beginning by the Lord. Violence or non-violence, gentleness or cruelty, righteousness (*dharma*) or unrighteousness (*adharmā*), truthfulness or untruthfulness — whichever he assigned to each at the time of creation, it stuck automatically to that creature. As at the change of seasons each season automatically adopts its own distinctive marks, so do embodied beings adopt their own distinctive acts (*karman*).

The status of Brahmins, which is associated with the activity assigned to them, is due to a decision of the creator. It is in this way that the status of a Brahmin is never described as due to previous deeds, and indeed, unless something goes seriously wrong, a Brahmin will remain a Brahmin forever:

a Brahmin's birth in the Veda is everlasting, both here and in the hereafter.³⁸

and

the birth that a teacher who has fathomed the Veda brings about according to rule by means of the Sāvitrī verse — that is his true birth, that is not subject to old age and death.³⁹

³⁶ Manu 12.48: *tāpasā yatayo viprā ye ca vaimānikā gaṇāḥ / nakṣatrāṇi ca daityās ca prathamā sāttvikī gatiḥ //*.

³⁷ Manu 1.28–30: *yaṃ tu karmaṇi yasmin sa nyayunīkta prathamam prabhuḥ / sa tad eva svayam bheje sṛjyamānaḥ punaḥ punaḥ // hiṃsrāhiṃsre mṛdukrūre dharmādharmāv ṛtānṛte / yad yasya so 'dadhāt sarge tat tasya svayam āviśat // yathartuliṅgāny ṛtavaḥ svayam evartuparyaye / svāni svāny abhipadyante tathā karmāṇi dehinaḥ //*.

³⁸ Manu 2.146cd: *brahmajanna hi viprasya pretya ceḥ ca śāśvatam*.

To the general rule according to which the Mānava Dharmaśāstra in its first eleven chapters does not invoke the doctrine of karmic retribution to explain the present state of human beings, there are some possible exceptions.⁴⁰ The text occasionally uses the expression *pūrvakṛta*, either in contrast with *daiva* “fate” (7.166; 11.47) or with *duṣcarita* “bad deeds committed in this world” (11.48). This suggests that *pūrvakṛta* here means “deeds performed in a previous life”. These past deeds (they are always sins, it seems) are invoked to explain some otherwise inexplicable negative features of a person. This is summed up in 11.54cd: “for individuals whose sins have not been expiated are born with detestable characteristics” (*nindyair hi lakṣanair yuktā jāyante niṣkṛtainasaḥ*). Immediately preceding this line are the words “Therefore, one should always do penances to purify oneself” (*caritavyam ato nityam prāyaścittam viśuddhaye*). This shows that the threat of the negative consequences of one’s deeds in a next life (a “foreign” belief) was used to encourage the properly Vedic penances, some of which might end in death. Nowhere in the Mānava Dharmaśāstra (with the exception of chapter 12) are the positive consequences of one’s deeds used to explain the superior status of Brahmins and other twice-born. This is all the more remarkable in view of the fact that a text such as the Chāndogya Upaniṣad had explicitly linked the status of Brahmins to good deeds done in an earlier life.⁴¹

³⁹ Manu 2.148: *ācāryas tv asya yāṃ jātiṃ vidhivad vedapāragaḥ / utpādayati sāvitryā sā satyā sājarāmarā //*

⁴⁰ Note also Manu 1.49–50: *tamasā bahurūpeṇa veṣṭitāḥ karmahetunā / antaḥsamjñā bhavanty ete sukhaduḥkhasamanvitāḥ // etadantās tu gatayo brahmādyāḥ samudāhṛtāḥ / ghore ‘smin bhūtasamsāre nityam satatayāyini //* “Wrapped in a manifold darkness caused by their past deeds, these [plants and animals?] come into being with inner awareness, able to feel pleasure and pain. In this dreadful transmigratory cycle of beings, a cycle that rolls on inexorably for ever, these are said to represent the lowest condition, and Brahmā the highest.” These verses occur in a passage which Olivelle has identified as an “excursus”, i.e., a later addition; moreover, they do not directly concern the present state of human beings.

Manu 11.47 (*prāyaścittiyatām prāpya daivāt pūrvakṛtena vā / na saṃsargaṃ vrajet sadbhiḥ prāyaścitte ‘krte dvijaḥ*) is translated by Olivelle “When a twice-born, either by fate or by what he did in a previous life ...”. The compound *pūrvakṛta* does not however have to mean “what he did in a previous life”, and can carry the simple (and more literal) meaning “previously done”.

⁴¹ ChānUp 5.10.7: *tad ya iha ramaṇīyacaraṇā abhyāśo ha yat te ramaṇīyāṃ yonim āpadyeran brāhmaṇayoniṃ vā kṣatriyayoniṃ vā vaiśyayoniṃ vā*. “Now, people here whose behavior is pleasant can expect to enter a pleasant womb, like that of a woman of the Brahmin, the Kṣatriya, or the Vaiśya class.” Ed. tr. Olivelle.

Manu 10.42 makes the following statement about human beings belonging to low castes:⁴²

By the power of austerity and semen, in each succeeding generation they attain here among men a higher or a lower station by birth.

This verse is enigmatic, in that it does not state in so many words that it deals with karmic consequences of deeds. Assuming that it does, it is interesting, and no doubt significant, to observe that this one exception (if it is one) concerns humans of low and mixed castes, people far removed from the high positions which the Brahmins claimed for themselves.

The following verses, too, might be thought of as an exception to the general rule:⁴³

He should reflect on the diverse paths humans take as a result of their evil deeds; on how they fall into hell; on the tortures they endure in the abode of Yama; on how they are separated from the ones they love and united with the ones they hate; on how they are overcome by old age and tormented by diseases; on how the inner self departs from this body, takes births again in a womb, and migrates through tens of billions of wombs; and on how embodied beings become linked with pain as a result of pursuing what is against the Law and with imperishable happiness as a result of pursuing the Law as one's goal.

This passage, too, does not explicitly attribute the present state of human beings to their past deeds. Indeed, its beginning presents the usual threats of hell and the abode of Yama, and its end the usual promise of imperishable happiness. However, the tens of billions of wombs in between do suggest that at least some of these will be human wombs, perhaps even Brahmanical wombs. The theme is not elaborated, and as a matter of fact not even explicitly introduced, but it seems to be present, if only below the surface.

It would not be justified to draw far-reaching conclusions from this passage. The part of it which suggests that human conditions are determined by

⁴² Manu 10.42: *tapobījaprabhāvaiś ca te gacchanti yuge yuge / utkarṣaṃ cāpakarṣaṃ ca manuṣyeshv iha janmataḥ //*.

⁴³ Manu 6.61–64: *avekṣeta gatīm ṛñām karmadoṣasamudbhavāḥ / niraye caiva patanaṃ yātanāś ca yamakṣaye // viprayogaṃ priyaiś caiva saṃprayogaṃ tathāpriyaiḥ / jarayā cābhibhavanaṃ vyādhībhiś copapīdanam // dehād utkramaṇaṃ cāsmāt punar garbhe ca saṃbhavam / yonikoṭisahasreṣu sṛtīś cāsyāntarātmanaḥ // adharmaprabhavaṃ caiva duḥkhayogaṃ śarīriṇām / dharmārthaprabhavaṃ caiva sukhasaṃyogaṃ akṣayam //*

acts carried out in earlier lives are so close to some fundamental Buddhist notions that they can be looked upon as a slightly adapted, and versified, version of them. Being separated from those one loves, being united with those one hates, old age and disease, are standard elements in the explanation of the first Noble Truth of Buddhism, the Noble Truth of suffering. “Tens of billions of wombs” were remembered by the Buddha at the moment of his enlightenment, and with it the truth of the unending continuation of suffering which also this passage emphasizes. All this entitles us to see in this passage (or in the relevant parts of it), a reflection of most probably Buddhist ideas, which Manu somehow incorporated in his text. We should not conclude from this that Manu agreed with all its implications, such as the fact that the present state of human beings is determined by their past deeds. It seems more likely that Manu included these elements to show that the meditative way which he prescribed for the Brahmanical wanderer was in no way inferior to the way of the Buddhists, and was not less concerned with the issue of ending suffering in all its forms. He did *not* do so because he had **supposedly** changed his mind about the ultimate justification of the superiority of the Brahmins.

The idea that Manu, there where he describes the wandering Brahmanical ascetic, makes implicit comparisons with the ascetics who did not belong to the Brahmanical tradition, is confirmed by two verses which specify how the ascetic should avoid killing living creatures:⁴⁴

To protect living creatures, he should walk always — whether at night or during the day — only after inspecting the ground even at the cost of bodily comfort. To purify himself of killing living creatures unintentionally during the day or at night, an ascetic should bathe and control his breath six times.

The concern with avoiding harm to living beings is a well known feature of Jainism, and perhaps of other similar religious movements of the time. Manu here makes a point of showing that the Brahmanical ascetics are in no way inferior to those others.

⁴⁴ Manu 6.68–69: *saṃrakṣaṇārthaṃ jantūnāṃ rātrāv ahaṇi vā sadā / śarīrasyāt-yaye caiva samīkṣya vasudhāṃ caret // ahnā rātryā ca yāñ jantūn hinasty ajñānato yatiḥ / teṣāṃ snātvā viśuddhyartham prāṇāyāmān ṣaḍ ācaret //*

Abbreviations

CII Corpus Inscriptionum Indicarum

Manu Mānava Dharma Śāstra, ed. Olivelle, 2005

Mhbh Mahābhārata, crit. ed. V.S. Sukthankar a.o., Poona 1933–41 (BORI)

ŚānGS Śāṅkhāyana Gṛhya Sūtra

VasDhS Vasiṣṭha Dharma Sūtra

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