The Āryas' *Dharma* and the Other

A *His*tory of Inclusion and Exclusion

Founded on the Brāhmaṇas' Revelation and Law

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Abbreviations

Dharmasūtra	-	*Dhs*
Dharmaśāstra	-	*Dhś*
Āpastambha dharmasūtra	-	*ĀpDh*
Baudhāyana dharmasūtra	-	*BDh*
Gautama dharmasūtra	-	*GDh*
Kauṭilya's / Kauṭalya's Arthaśāstra	-	*AŚ*
Mānava Dharmaśāstra	-	*MDh*
Nārada Dharmaśāstra	-	*NDh*
Parāśara Dharmaśāstra	-	*PDh*
Rāmāyaṇa	-	*Rām*
Ṛgveda	-	*ṚV*
Sanskrit	-	*Skt*
Vasiṣṭha dharmasūtra	-	*VaDh*
Viṣṇu Dharma – sūtra/śāstra	-	*ViDh*
Yājñavalkya Dharmaśāstra	-	*YDh*

Acknowledgements

This text is dedicated to Birthe, Sindre, and Julie, the foundations of my own life. May you always see yourself in the "other"!

In order to compose this Master thesis I have definitively been standing on the shoulders of giants. Every reference and name in my list of literatures, both primary and secondary sources, are a tribute to the people who have been the "foundation" for my own text. From the brilliant poets of the Ṛgveda to the Brāhmaṇas who composed the Arthaśāstra, the Dharmasūtras, and the Dharmaśāstras, while I do not share their view of the "other" in most cases, I know for sure they were all intellectual geniuses who made an impact on society few men in world history has ever accomplished. Nevertheless, in contrast to how these sources present their messages as the only "Truth", my own text as well as the secondary sources I depend on, can only present few facts and mostly assumptions, probabilities, and indications of how things really were in ancient India.

First, I want to thank Professor of Sanskrit and Indian Religions, Patrick Olivelle, for giving me inspiration to write this Master thesis, as well as an ocean of information for accomplishing the task. In fact, this text could not have been written without the extensive works, commentaries, and translations made by Olivelle. In addition to having translated the majority of my own primary sources, such as the *Dharmasūtras* (1999), *The Law Code of Manu* (2004), and *The Arthaśāstra* (2012), Olivelle has also influenced/convinced Stephanie W. Jamison and Joel P. Brereton to translate the *Ṛgveda* (2014).[1]

In order to study the Āryas' Dharma in a historical context, I have chosen to include the Jains', Buddhists', and Aśoka's *Dhamma* to get some perspective on the different discourses. To accomplish this task I have collected information from three sources, all edited by Olivelle: *Between the Empires – Society in India 300 BCE to 400 CE* (2006), *Dharma – Studies in its Semantic, Cultural and Religious History* (2009), and *Reimagining Aśoka – Memory and History* (2012). Clearly, my own presentation of Dharma, as well as my own assumptions, are all deeply indebted to the works of Olivelle.

Since I have chosen to study the concept of Dharma in relation to the Sanskrit term *Ārya*, I am grateful for all the information included in *Aryan and Non-Aryan in South Asia –*

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[1] "This translation exists because of Patrick Olivelle". Cited in: Jamison, S. W. & Brereton, J. P. trs. (2014) *The Rigveda – The Earliest Religious Poetry of India*. New York: Oxford University Press, p. ix.

Evidence, Interpretation and Ideology (2012), edited by Johannes Bronkhorst, who is Professor of Sanskrit and Indian Studies, and Madhav M. Deshpande, Professor of Sanskrit and Linguistics. I would also like to thank Hans Heinrich Hock (Professor of Sanskrit and Linguistics), Aloka Parasher-Sen (Professor of History) and Michael Witzel (Professor of Sanskrit), and every other reference in my literature list for contributing to this text.

Further, I want to thank Knut A. Jacobsen for distracting me away from the Roman religion. While I had decided to concentrate on Caesar Augustus, also known as Imperator, Pontifex Maximus, and Pater Patriae, and a man who became a God/Divus when he died, Jacobsen's presentations of India's religions would in the end make me change my mind. The enthusiasm and wealth of information presented in his lectures convinced me to turn my attention to sphere of politics and religion in India. When I read about Aśoka, Kauṭilya, the Sacred Laws of Manu, and their fusion of political and religious power in the concept of Dharma, they surely remind me of what my old friend Cicero once told me:

> Among the many divinely inspired institutions established by our ancestors, nothing is more outstanding than their desire to have *the same individuals in control over worship of the gods and the vital interests of the state*. Their objective was to ensure that the most eminent and illustrious citizens maintain religion by their good government of the state, and maintain the state by their wise interpretation of religion. [2]

This reference is dedicated to my nephew, Alexander Larsen, and my best friend, Kristian Andreas Kvalvåg, who have both been an inspiration and an indirect contributor to my own works for more than a decade.

In the end, I would like to thanks Michael Hertzberg for his moral support and all the information about South Asia he has shared with me. As we both have a common interest in the sphere called "Religion and Politics," I hope you, and everyone else who reads this text, will enjoy my contribution to this field of study.

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[2] Cicero (*On His House* 1.1.). Cited in: Warrior, V. M. (2006) *Roman Religion*. New York: Cambridge University Press, p. 42. My italics.

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Summary in Norwegian

Denne masteroppgaven fokuserer på hvordan tekster komponert av *brāhmaṇa paṇḍita*er forholder seg til autoriteter og den «andre». Jeg har valgt å dele kategorien de «andre» i to deler, de «eksterne andre» og de «interne andre». Den sist nevnte gruppen henviser til mennesker som må følge Ariernes' Lov/Dharma og er i daglig kontakt med dem, men allikevel ikke blir regnet som Ariere i det de ikke kan gjennomgå en vedisk initiasjon og bli født på ny som *dvija*s. Siden både Ariske kvinner, slaver og tjenere, også kalt *Dāsa*s og *Śūdra*s i litteraturen, er uten mulighet for å oppnå *dvija* status, og dermed ukvalifisert for å lære Vedaen, har jeg valgt å inkludere dem som de «interne andre». Med hensyn til den «eksterne andre» har jeg fokusert på andre religioner, men siden ingen blir direkte beskrevet i tekstene utenom henvisninger til uortodokse asketer med en falsk lære, har jeg også valgt å inkludere grupper av mennesker som befinner på utsiden av det Ariske samfunnet, slik som utlendinger/barbarer (*mleccha*s) eller andre som ikke er inkludert i *brāhmaṇa*enes *varṇa*-hierarki (f.eks. *Caṇḍāla*s eller andre som er så er så «uren» at de ikke kan berøres). Siden det er religiøse tekster jeg presenterer har jeg også inkludert andre guder og demoner i kategorien de «eksterne andre».

For å studere denne diskursen relatert til den andre har jeg fokusert på historien til begrepene *Ārya* og deres *Dharma*, i perioden fra ca. 1500 f.v.t. til 200 e.v.t. Ved å begynne min historie i den eldste poesien fra oldtidens India, Ṛgvedaen, vil begge begrepenes opphav og betydning bli presentert før jeg ser på hvordan de forholder seg til og beskriver den andre. Jeg vil deretter følge begrepenes historie frem til de blir en del av Manu's Lov ved vår tidsregnings begynnelse (komponert ca. 200 f.v.t. – 200 e.v.t.). Selv om Ṛgvedaen og Manu's Dharmaśāstra er de tekstene som får mest oppmerksomhet i denne masteroppgaven vil jeg også studere den samme diskursen i flere forskjellige Sanskrit tekster som *Upaniṣad*ene, *Brāhmaṇa*ene, *Arthaśāstra*en, *Dharmasūtra*ene og andre *Dharmaśāstra*er. For å studere konteksten til disse tekstene har jeg også valgt å presentere Jainenes' *Āriya Dhamma*, Buddhistenes' *Ariya Dhamma*, keiser Aśoka's *Dhamma*, og deres forhold til den «andre».

Siden Orientalistenes' oversettelser av Vedaen og Manu's Dharmaśāstra har hatt stor betydning for hvordan Hindu nasjonalister har presentert sin egen diskurs relatert til den andre, har jeg valgt å inkludere en del av deres diskurser før jeg begynner med Ṛgvedaen. Har Orientalistene overført sin egen rasetenkning til tekstene, eller var de vediske Arierne et rasistisk folkeslag opprinnelig? Med hensyn til at jeg bruker den historiske metode for å studere diskurser fra fortiden, kan det være hensiktsmessig å begynne med en lignende diskurs fra moderne tid. God lesning!

Preface: Hindus, Hinduism, Hindutva and the Other

As my original plan was to present a history of how the Brāhmaṇas' discourses had related to the "other", using sources as different as the Ṛgveda, the Dharmaśāstras, Supreme Court judgments, and discourses presented by the Hindunationalist movement, I have finally come to realise my own text cannot cover all those areas. Nevertheless, while I have chosen to focus on the period ranging from 1500 BCE to about 200 CE, I will also present how the Orientalists and the Ārya Samāj has interpreted the texts produced in this period. While my own text focuses on the terms Ārya and Dharma, which are both of Indian origin, the term Hindu and Hinduism are both created by the *mlecchas* or foreigners. In order to give the reader some sense of how the Brāhmaṇical discourses in the modern era has related to the "other", I will begin with a compact story of how the terms Hindu, Hinduism and Hindutva has related to the "other".

While we are told by statistics[3] that Hinduism is the third largest religion in the world with more than 900 million Hindus, covering more than 14% of the world's population, the vast majority lives in the sacred land of India. If I would define Hinduism as the Hindu nationalists, The Indian Constitution, or as the Indian Supreme Court judges has done, Hinduism would include all the religions originating from India, including Jainism, Buddhism and Sikhism, (900 + 376 + 23 + 4 = 1.303), thereby becoming the second largest religion in the world.[4] This massive religion called "Hinduism" has indeed the potential for "uniting" large parts of the Indian population, hopefully not in opposition to the "other". Well, this is exactly what the Hindu nationalist movement has as their primary agenda, causing some Western scholars to trash this Western construct called "Hinduism".

Since the term "Hindu" is the Persian variant of the Sanskrit *sindhu*, an early word for "river" and "stream", which in particular refers to the Indus River, the "others" who created the term were Persians Muslims, who used it to denote the area and the people of that region.[5] As concerns the Indians' descriptions of the other, the term "Muslim" does not occur in the early contacts between them. The terms they used were either ethnic as in *turuska*, referring to the Turks, or geographical and cultural, as in *mleccha* (barbarians, foreigners). Likewise, the Greek

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[3] http://www.adherents.com/Religions_By_Adherents.html Sizes shown are approximate numbers, and are there mainly for the purpose of ordering the groups, not providing a definitive number. The data is based on current estimates of the number of people who have at least a minimal level of self-identification as adherents of the religion. The same criteria are used for all groups.

[4] Stietencron, H. von (2009) Hinduism. In: Joas, H. & Wiegandt, K. (eds.) *Secularization and the World Religions*. Liverpool University Press: Liverpool, pp. 123.

[5] King, R. (1999) "Orientalism and the Modern Myth of 'Hinduism'". In: *Numen*, Vol. 46, 1999, p. 162.

Indikoi and the Arabic *Al-Hind* were both terms denoting the geographical area and its inhabitants, around and to the East of the Indus River.

> Although indigenous use of the term by Hindus themselves can be found as early as the fifteenth and sixteenth centuries, its usage was derivative of Persian Muslim influences and did not represent anything more than a distinction between 'indigenous' or 'native' and foreign (*mleccha*).[6]

In other words, the term "Hindu" was based on geography and the people who lived there. This is quite similar to how the modern term "Indian" links people with geography, the "other" clarifying its borders. Even in the eighteenth century, when references to "Hindoo" Christians or "Hindoo" Muslims were not uncommon, the term Hindu "did not have the specifically religious connotations, which it subsequently developed under orientalist influences" later on in the nineteenth century.[7] With a predominant Christian perspective, the Orientalists classified the Indian religions under the all-inclusive rubric of "Heathenism," in contrast to the Christians, Jews, and "Mahometans" (Muslims). Considered children of the Devil, "the Indian Heathens were but one particular sect alongside the Africans and the Americans (who even today are referred to as American 'Indians' in an attempt to draw a parallel between the indigenous populations)."[8] The Indians were also called *Banians*, "a term which derives from the merchant populations of Northern India, and 'Gentoos', which functioned as an alternative to 'Heathen'."[9] However, while the term "Gentoo" was still being used in Nathaniel Brassey Halhed's *A Code of Gentoo Laws* (1776), in the nineteenth century the term were gradually supplanted by references to "the religion of the Hindoos".

The term "Hinduism" is itself a Western-inspired abstraction, which until the eighteenth century bore little or no resemblance to the diversity of Indian religious beliefs and practices. While "The Oxford English Dictionary traces 'Hindooism' to an 1829 reference in the *Bengalee*, (Vol 45), and also refers to an 1858 usage by the German Indologist Max Müller", Rammohun Roy has been credited with being "the first Hindu to use the word Hinduism".[10]

Based on "Hinduism" being a foreign term that has been used by the Brāhmaṇas and Western scholars as "a label for the indigenous religion of India that orients itself toward the Veda," in the process including religious traditions that are not "Vedic in either its myth or

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[6] King, 1999, p. 162-163.
[7] King, 1999, p. 163.
[8] King, 1999, p. 164.
[9] *Ibid*.
[10] King, 1999, p. 165. My italics.

ritual", a great variety of Western scholars has either replaced it with a another term, or discarded it altogether. Without any founder or central authority to define what is orthodoxy, no common set of sacred texts, and no "big-bang" at the beginning of Creation, "it is clear that generalizations about 'what is a Hindu?' can be fraught with problems."[11]

While Frank Whaling "prefer the phrase '*the* Hindu tradition' rather than Hinduism", as a description of its "many strands and groups within its outstretched branches", [12] Heinrich von Stietencron claims "Hinduism as a whole can scarcely be termed a 'religion'", but "is more of a 'civilization'- and indeed an extraordinarily tolerant civilization".[13] As concerns the Hindu attitude towards other religions, which are also the focus of my own text, the Indian Supreme Court has in fact verified this extraordinary tolerant aspect of Hinduism: "Hinduism is so tolerant and Hindu religious practices so varied and eclectic that one would find it difficult to say whether one is practising or professing Hindu religion or not."[14]

In Donald Eugene Smith's influential text from 1963, he describes Hinduism as "extremely tolerant philosophically, and generally so in practice", while Islam is presented as "theologically intolerant, and often so in practise".[15] This representation of these two largest religions of India has indeed become a slogan among as diverse groups as Western scholars, the Hindu nationalist movement, and the Indian Supreme Court.

As my own text is dedicated to the Āryas' Dharma and their discourses related to the "other", in the period ranging from about 1500 BCE to 200 CE, when the term "Hindu" did not inhabit a religious connotation, I assume Paul Hacker is correct when he suggests "it would be more correct historically to speak of the Ārya religion or the group of Ārya religions."[16] Since the two main sources I have used to from the ancient period, the Ṛgveda and the Law Code of Manu, both advocates "the Āryan way of life" and neither of them mention the term "Hindu", I have chosen to refer to their teachings and texts as the "Ārya's Dharma".

In Article 25-30 of the Indian Constitution, also termed as the "Articles of Faith,"[17] the Right to Freedom of Religion (article 25) are put between paragraphs that guarantees the right

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[11] Whaling, 2010, p. 2.
[12] Whaling, F. (2010) *Understanding Hinduism*. Edinburgh: Dunedin Academic Press Ltd, p. 2.
[13] Stietencron, H. von (2009) "Hinduism". In: Joas, H. & Wiegandt, K. (eds.) *Secularization and the World Religions*. Liverpool: Liverpool University Press, p. 125.
[14] Ganpat v. Returning officer, p. 7.
[15] Smith, D. E. (1963) "India as a Secular State". In: Bhargava, R. ed. (1998) *Secularism and its Critics.* New Delhi: Oxford University Press, p.187.
[16] Hacker, 1978, p. 475.
[17] Sen, R. (2010) *Articles of Faith – Religion, Secularism, and the Indian Supreme Court*. New Delhi: Oxford University Press, p. xiii.

of the State to restrict and regulate "any economic, financial, political or other secular activity which may be associated with" "Hindu" institutions.[18] In addition, what is special with this article is that "the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly."[19] However, the Hindu Marriage Act (1955), section 2 (1), defines a "Hindu" as including not only all Buddhists, Jains and Sikhs, but also anyone who is *not* a Muslim, Christian, Parsee or Jew. Whether one describe this discourse as inclusive or exclusive, even in the modern era the terms "Hindu" and "Hinduism" are "essentially negative appellations, functioning as an all-inclusive rubric" for those who are not considered part of the "other".[20] While the Indian Constitution proudly presents the Indian state as a "SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC",[21] the Rashtriya Swayamsevak Sangh (RSS) seriously challenges this secularism by claiming "Democracy and secularism can be saved in India *only* if the Hindus retain their majority in all parts of India".[22]

This process of inclusion and exclusion, which led to the modern construction of Hinduism, has led Frits Staal to argue that "Hinduism does not merely fail to be a religion; it is not even a meaningful unit of discourse. There is no way to abstract a meaningful unitary notion of Hinduism from the Indian phenomena, unless it is done by exclusion".[23] This discourse of inclusion and exclusion are indeed similar to how a Brāhmaṇa from Maharashtra, Vinayak Damodar Savarkar, would describe a Hindu in his influential book called *Hindutva – Who is a Hindu?*

Savarkar's Hindu nationalism is much more inclusive than Dāyānanda's Ārya nationalism, which will be treated later in my text, and the territory or fatherland is emphasised in relation to race. In fact, "the pre-Aryan tribes are automatically recognised as Hindus, independently of their race".[24] While Savarkar considered the term Ārya to have been appropriate to define the Hindus in the glorious Vedic past, "as long as our nation does not

[18] The Indian Constitution, Article 25. See: http://lawmin.nic.in/olwing/coi/coi-english/Const.Pock%202Pg.Rom8Fsss(6).pdf. (Downloaded 22.05.2015).
[19] Article 25, Explanation II.—In sub-clause (b) of clause (2).
[20] King, 1999, p. 164.
[21] The Indian Constitution is available at: http://indiacode.nic.in/coiweb/welcome.html. (Downloaded 22.05.2015).
[22] Extract from an RSS Publication: Eshwar, R. (1999) *Paravartan (Back to Hinduism): Why and How*. New Delhi: Suruchi Prakashan, pp. 9-19. Cited in: Jaffrelot, C. (2007) *Hindu Nationalism: A Reader*. Princeton, New Jersey: Princeton University Press, p. 250. My italics.
[23] Staal, F. (1989) *Ritual Without Meaning*, p. 397. Cited in: King, 1999, p 164.
[24] Jaffrelot, 1995, p. 341.

attain to the heights of greatness and of strength as in the days of yore",[25] he does his best to reinterpret the term Hindu into a Vedic self-description. The Hindus should not be "victim to the wide-spread lie that we were first called Hindus by the Persian Mohammedans out of their contempt – that the word meant a thief or a black man."[26] According to Savarkar, the term Hindu denotes a people that were originally white and fair skinned:

> some of us keep constantly harping on the fact that this word Hindu is not found in Sanskrit. … In fact it is ridiculous to expect a Prakrit word in classical Sanskrit. … The fact is that the word Hindu dates in origin not from the Mohammedanized Persian but from the ancient language of Iran, the Zend, and then the Saptasindhu meant Saptasindhu alone. It *could not* have been applied to us because we were black *literally*, for the simple reason that the ancient Saptasindhu i.e. Hindus in Avestic period were as fair as the Iranians and lived practically side by side and even at times together with them. Even so late as the dawn of the Christian era the Parthians used to call our frontier province as Shvetabharat or White India. Thus originally Hindu simply could not have literally meant a black man.[27]

As concerns his attitude to the concept of Hinduism, even Savarkar admits it is a Western construct. However, while Savarkar prefer the term "civilization" instead of religion, in much the same manner as Stietencron, his claim that no matter how striking their mutual differences might be, "they are too much more like each other than unlike, to be denied the right of being recognised as a cultural unit";[28] are clearly different from how Stietencron divides "Hinduism" into several different religions.[29] Anyway, by describing Hinduism as "only a derivative, a fraction, a part of Hindutva",[30]Savarkar suggests that "'Hinduness' would have certainly been a better word than Hinduism as a near parallel to Hindutva. Hindutva embraces all the departments of thought and activity of the whole Being of our Hindu race."[31] Savarkar's Hindutva consists of four "essentials".

The first essential is its geographical dimension: "Hindusthan meaning the land of the Hindus, the first essential of Hindutva must necessarily be this geographical one. A Hindu is primarily a citizen either in himself or through his forefathers of 'Hindusthan' and claims the

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[25] Savarkar, 2009, p. 76.
[26] *Ibid*.
[27] Savarkar, 2009, p. 73.
[28] Savarkar, 2009, p. 93.
[29] Stietencron, 2009 p. 122-125.
[30] Savarkar, V. D. (2009) *Hindutva*. New Delhi: Hindi Sahitya Sadan, p. 3.
[31] Savarkar, 2009, p. 4.

land as his motherland."[32] However, the "only geographical limits of Hindutva are the limits of our earth!"[33]

The second essential of Hindutva is a common blood or *jati*. While the racial and territorial dimension is emphasised, the cultural and religious aspects are only described as derivatives from them. A true Hindu are descended from the Vedic fathers, and whatever that person might believe is irrelevant for being termed as a Hindu by Savarkar: "Are you a monist – a monotheist – a pantheist – an atheist – an agnostic? Here is ample room, O soul!"[34] Nevertheless, even if he argues for "the ties of a common blood" to be "the dearest of ties",[35] a tie the *varṇa*s has tried to preserve, if Savarkar had stopped his argumentation at this point the consequence would of course have been that everyone born in India could be classified as Hindus. To clarify this confusion, Savarkar argues it is a question for the heart, only resolved by relying on *feelings*:

> We are not only a nation but a Jati, a born brotherhood. Nothing else counts, it is after all a question of heart. We *feel* that the same ancient blood that coursed through the veins of Ram and Krishna, Buddha and Mahavir, Nanak and Chaitanya, Basava and Madhava, of Rohidas and Tiruvelluvar courses throughout Hindudom from vein to vein, pulsates from heart to heart. We *feel* we are a JATI, a race bound together by the dearest ties of blood and therefore it must be so.[36]

Nevertheless, his two last essentials of Hindutva would definitively exclude a large part of the Indian population. The third essential is a common culture, identified as Sanskrit:

> Sanskrit … - the tongue in which the mothers of our race spoke and which has given birth to all our present tongues. Our Gods spoke in Sanskrit, our sages thought in Sanskrit, our poets wrote in Sanskrit. All that is best in us – the best thoughts, the best ideas, the best lines – seeks instinctively to clothe itself in Sanskrit.[37]

The other Indian languages were also included in his Hindutva, though at a subordinate rank. The fourth essential of Hindutva is the identification of Fatherland *Pitribhu* with Holyland *Punyabhu*.[38] Certainly, this essential has made the deepest impact on the Hindus' relation to other "foreign" religions. While Muslims and Christians born in India could have been included

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[32] Savarkar, 2009, p. 82.
[33] Savarkar, 2009, p. 119.
[34] Savarkar, 2009, p. 114.
[35] Savarkar, 2009, p. 86.
[36] Savarkar, 2009, p. 89-90. *Italics* and capital letters in the original.
[37] Savarkar, 2009, p. 95-96.
[38] Savarkar, 2009, p. 121.

into Savarkar's first three essentials of Hindutva, by claiming that only Indians who have India as their holyland could be reckoned as trustworthy citizens, he certainly excludes them from his land of Hindus:

> That is why in the case of our Mohammedan or Christian countrymen who had originally been forcibly converted to a non-Hindu religion and who consequently have inherited along with Hindus, a common Fatherland and a greater part of the wealth of a common culture – language, law, custom, folklore and history – are not and cannot be recognized as Hindus. For though Hindusthan to them is Fatherland as to any other Hindu yet it is not to them a Holyland too. Their holyland is far off in Arabia or Palestine.[39]

Even though article 17 of the Indian Constitution proudly declares that "'Untouchability' is abolished and its practice in any form is forbidden", in reality, the discrimination lives on and "Muslims are considered as untouchables in many Indian localities."[40] According to Savarkar, the "achievements [of Hindu victory over the Muslims] are not limited to the acquisition of territory and regaining of our kingdom, but include the preservation of Vedas and Shastras, rehabilitation of religion, protection cows and Brahmins."[41] A foreigner can only become a Hindu if he has "adopted our culture and our history, inherited our blood and has come to look upon our land not only as the land of his love but even of his worship".[42] Savarkar even threatens the Indian minorities with breaking out of this holy bond: "Let our minorities remember that if strength lies in union, then in Hindutva lies the firmest and yet the dearest bond that can effect a real, lasting and powerful union of our people".[43] "Those of you in a fit suicidal try to cut off the most vital of those ties and dare to disown the name Hindu will find to their cost that in doing so they have cut themselves off from the very source of our racial life and strength."[44]

Hindutva "has been recognized as a treatise of Hindu identity by many followers; published in Nagpur in 1923, it was one of the influences that prompted Hedgewar to create the Rashtriya Swayamsevak Sangh (RSS) in 1925."[45] As this organization was to become "the principal standard-bearer of Hindu-nationalist ideology",[46] the RSS would develop to become one of India's largest organizations, with their political wing, the BJP in government in today's

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[39] Savarkar, 2009, p. 113.
[40] Jaffrelot, 1995, p. 348.
[41] Savarkar, 2009, p. 71.
[42] Savarkar, 2009, p. 84.
[43] Savarkar, 2009, p. 127.
[44] Savarkar, 2009, p. 141.
[45] Jaffrelot, 1995, p. 333.
[46] Jaffrelot, 1996, p. 33.

India (2015). However, their discourses related to the other has not been included in my text, but has been saved for a book I will present in the near future.

In a case from 1966, the Indian Supreme Court attempted to define this inclusive Hinduism for the first time. Even though the Court admitted it was "difficult, if not impossible, to define Hindu religion or even adequately describe" it, they concluded it "may broadly be described as *a way of life* and nothing more."[47] While this description would be used in several later court rulings, the most controversial judgment identified Hinduism with Hindutva:

> Thus, it cannot be doubted, thus particularly in view of the Constitution Bench decisions of this Court that the words 'Hinduism' and 'Hindutva' are not necessarily to be understood and constructed narrowly, confined only to the strict Hindu religious practices unrelated to the culture and ethos of the people of India, depicting the *way of life* of the Indian people. Unless the context of a speech indicates a contrary meaning or use, in the abstract these terms are indicative more of a *way of life* of the Indian people and are not confined merely to describe persons practicing the Hindu religion as a faith.[48]

By describing both Hinduism and Hindutva as and Indian way of life, the Supreme Court judges ignored the fourth essential of Savarkar's Hindutva, the identification of Fatherland with Holyland. Nevertheless, this judgment would be used by later Hindu nationalists as an evidence for their own claims. However, this identification of Hinduism and Hindutva with a *way of life*, can also be found in the Ṛgveda and Manu's Dharmaśāstra, though in these scriptures the references are to the *Āryas' way of life*.

1.0 Introduction to the Āryas' Dharma and the Other – Discourses seen from a Historical Perspective

I would like to introduce this chapter about discourse and the "other" with a citation from Savarkar's *Hindutva*: "Nothing can weld peoples into a nation and nations into a state as the pressure of a common foe. Hatred separates as well as unites."[49] The battle for the "truth", or what … has called the ancient "politics of knowledge", were fought in both ancient and modern India with the *word* as primary weapon. Nevertheless, as "Hinduism" has become the third largest religion in the world, with conversions only being allowed in the modern era, the use of

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[47] *Sastri Yagnapurushdasji v. Muldas Bhundardas*, AIR 1966 SC 1113, cited in: Sen, 2010, p. xxxii.
[48] *R. Y. Praboo v. P. K. Kunte*, AIR 1996 SC 1129, cited in: Sen, 2010, p. 23. My italics.
[49] *Hindutva*, p. 43.

swords were surely an option when the Āryas' Dharma, or the "foundation" for Hinduism, were spread throughout the Indian subcontinent.

This text will look at how the "other" has been described in Brāhmaṇical texts such as the Vedas, the Arthaśāstra, the Dharmasūtras, and the Dharmaśāstras, spanning a period of approximately in 1700 years, beginning with the Ṛgveda in ca.1500 BCE, and ending with Manu's Law being composed between 200 BCE and 200 CE. In order to get a better overview of the historical contexts in which these discourses were created, I have chosen to dedicate three chapters to how the Jains' *Āriya Dhamma*, the Buddhist's *Ariya Dhamma*, and Aśoka's *Dhamma* described and related to the "other". By comparing these discourses about the "other" in my final chapter, following a methodological agnosticism where all discourses and religions are treated the same; I hope this text can bring some new nuances into this field of study.

The category I call the "other" refers to two distinct groups of people: the "internal other" and the "external other". While I have chosen to include people who is regulated by the Āryas' Law, and in daily contact with the Āryas into the group of internal others, such as wives, servants, and slaves, also called Dāsas and Śūdras in the Brāhmaṇas' *varṇa*-hierarchy, the external other refer to everyone on the outside of the Āryas' society, *varṇa*s, and Dharma. However, though I mostly refer to the external other as *human* outsiders, such as foreigners (*Skt*: *mlecchas*) or people not included in the *varṇa*s, for instance the Caṇḍālas or other Untouchables, and people professing other religions than "Hinduism", I have also included other gods and demons into this category. Since my method is *History* and *Religion* the object study,[50] often presented as two different versions of what actually happened, I will do my best to document every step I take into this "darkness."

In my search for the "truth", I will use the Brāhmaṇas' own texts as my primary weapon to pierce through the darkness that surrounds them: "There was darkness [*táma*] in the beginning, hidden by darkness [*támasā*]. … Who is the overseer of this world in highest heaven, he knows – unless he does not know."[51] I have chosen these two passages from the Ṛgveda to give a warning about what kind of "truth" a student might find in this ancient text. However, to see through this darkness that clouds even the view of the Overseer in the highest heaven, is of another kind then the darkness connected to the Anāryas (see chapter 2.3), though they both blur the "truth" and what is presented as facts.

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[50] See: Lincoln, 2012, p. 1.
[51] *ṚV* 10.129.3a and 10.129.7cd, cited in: Hock, 2012, p. 170.

Discourse theory refers to a unique theoretical construct that throws both the object of study (primarily the poets' Ṛgveda and Manu's Dharmaśāstra) and the analytical activity itself into question in the same process. In other words, an analysis of this discourse questions the very "foundations" of its own enterprise.[52] To study the discourses of inclusion and exclusion found in these Brāhmaṇical, and other texts from this period (ca.1500 BCE- 200 CE), I will not only look at the texts themselves, but also include the first western attempts made by the Orientalists. As they have influenced both members of the Hindu nationalist movement, as well as modern scholars in their approach to these same texts, I assume their discourses are needed to get a better overview. As my own work is mainly founded on the works of Patrick Olivelle and his translations, his claim that the influence of Buddhism on the Brāhmaṇical "textual production during this period has long been underestimated"[53] has indeed influenced how I have chosen to compose my own story.

While the Brāhmaṇical texts from the Vedas to the epics, and especially the Dharmaśāstras who were produced under the influence of Mīmāṃsā, "deliberately exclude all references to the lived reality of their authors, to the social, religious, political, and economic conditions in which they lived and wrote",[54] my use of history as method does not allow me treat any text as being created in a political or social vacuum. Whether the text is Brāhmaṇical, Jain, Buddhist, Aśokan, or any other path to Dharma, the "task of the historian is to raise this theological veil to see under and behind it and to uncover the real historical conditions in which these texts were produced."[55]

Even though religious texts like the Ṛgveda and the Dharmaśāstras are definitively human products, their claims for a "more-than-human origin, status, and authority"[56] are surely different from how "secular" institutions like the Indian Constitution, the Indian Supreme Court, and the BJP, claim their authority based on the democratic principle of majority status. As a student of the History of Religions, I am not studying "the sphere permeated by gods, demons, or spirits of whatever kinds", but "the sphere of people who discuss and ponder such matters and try to live their lives consistent with the kind of world they describe and imagine."[57]

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[52] For an informative introduction to discourse as theory and method, see: Murphy, T. (200) "Discourse". In: Braun, W. & McCutcheon, R. T. eds. (2000) *Guide to the Study of Religion*. London: Continuum, T&T Clark, pp. 396-408. The link between "discourse" and "foundation" can be found on p. 396.

[53] Olivelle, 2006, p. 188.

[54] Olivelle, 2006, p. 188.

[55] Olivelle, 2006, p. 188.

[56] Lincoln, B. (2012) *Gods and Demons, Priests and Scholars – Critical Explorations in the History of Religions*. Chicago: The University of Chicago Press, p. 5.

[57] Lincoln, 2012, p. xi.

Like all scholars in the social sciences, my object of study is the human being. However, those who speak on behalf of their religion often do so with a special kind of authority. While they "speak of thing eternal and transcendent", they do so "with an authority equally transcendent and eternal."[58]

Since my preferred method is history, and religion is the object of my study, the Truths or Laws presented in these texts will of course only be presented as "truth claims." The following sentences by Bruce Lincoln, where he separates the historical method from theology and other approaches, are also the "foundation" for my own approach to these discourses:

> When one permits those whom one studies to define the terms in which they will be understood, suspends one's interest in the temporal and contingent, or fails to distinguish between 'truths,' 'truth claims,' and 'regimes of truth,' one has ceased to function as historian or scholar. In that moment, a variety of roles are available: some perfectly respectable (amanuensis, collector, friend and advocate), and some less appealing (cheerleader, voyeur, retailer of imported goods). None, however, should be confused with scholarship.[59]

While some scholars predicted an end to the power and influence religions has had on societies and their laws about forty years ago, the "secular liberal idea that religions are dying out is simply wrong in the global context."[60] With the rise of Hindu nationalism and political movements who claim their discourses represents the one and only "Truth", secularists who might have thought of religion as nonsense some decades ago, "is now considered by many to be *dangerous* nonsense."[61]

Even though my own studies concentrates on texts and authorities, just as the Orientalist did, this selection of sources have been chosen primarily to give myself a suitable "foundation" when I make my own observations of how they describe and relate to the "other". Coming from a different social background than the Orientalists, and used to perceive society from a much "lower" perspective than them, the questions I will try to get answered are clearly different from how they presented these same discourses. The selection of texts itself and what I have chosen to include or exclude, certainly makes me a participant in this politics of knowledge.

As my headline indicates, this text deals with two different concepts, the *Āryas* and *Dharma*, and their relation to the "other". As my first task is to find out who the Āryas were

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[58] Lincoln, 2012, p. 1.
[59] Lincoln, 2012, p. 3.
[60] Flood, 2012, p. 189.
[61] Flood, 2012, p. 10. Italics made by the author.

originally, and how they evolved as a category for peoples into the Classical period, I will study how they used the concept of Dharma in their discourses related to the "other". Since the Orientalist would relate these discourses to their own "racial" worldview, I will also have this in mind when look into the discourses of ancient India. Did the ancient Āryas discriminate against the "other" in terms of skin colour, or were their discourses only related to political, religious, and social discrimination? How did they claim authority and in which way did they connect their messages to political or royal power?

Just like the modern concepts of *Hindutva* and *Hinduism*, the concept of *Dharma* is based on the Veda; the sacred language is Sanskrit, and the *varṇa*s considered the ideal social hierarchy for any society. It is therefore legitimate to ask whether Dharma, Hindutva, and Hinduism are only different terms for the same religion/culture/ideology. Are any of the terms an umbrella term for the two others? Were the Āryas' Dharma all-inclusive qualities an inspiration when the Brāhmaṇas defined their Hindutva and Hinduism? Who benefits the most from putting as many people as possible into the religious, political, legal, and geographical category called "Hindu"? "Are you fit for political power even though you do not allow a large class of your own countrymen like the untouchables to use public school?"[62] Is "Hinduism", which in India is "demanding recognition as a legal and political category, compatible with modern democracy?"[63]

In order to answer all these questions I will begin my history with the first religious poetry of ancient India, the Ṛgveda. Their terms, concepts, definitions, and how the authors present themselves and their relation to power and authority, and most important, how they describe the "other". I will do my best to present a new and updated version of this "politics of knowledge".

In his influential book, *India and Europe – an essay in understanding*, Wilhelm Halbfass has emphasised that in ancient India the foreigners, or "the *mleccha*s are nothing but a faint and distant phenomenon at the horizon of the indigenous tradition. They do not possess an 'otherness' against which one's own identity could be asserted or in which it could be reflected."[64] The ancient worldview of the Āryas gave pride of place to territory, language and social structure, but an inability to recognize the "other as persons and not just categories of

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[62] Chandra, R. & Mittra, S. (2003), p. 69.
[63] Sullivan, W. F. (2004) "Beyond 'Church and State.'" In: Antes, P., Geertz, A. W. & Warne, R. R. eds. (2004) *New Approaches to the Study of Religion*, Volume 2. Berlin: Walter de Gruyter, p. 322.
[64] Halbfass, W. (1988) *India and Europe – an essay in understanding*. New York, p. 187. Cited in Jaffrelot, 1995, p. 327.

ethnic, religious, social, and political origin. For instance, in the *Dhs* and the *Dhś* there is not even a single reference to the Jains, the Buddhists, or any other religious tradition existing when they were composed. As they focus on the Āryan "way of life", the only references to the external "other" are negative stereotypes of "heretical sects" and "the law of beasts". The development of a collective "Hindu" consciousness in ancient and medieval India were prevented, not only by the extreme social and religious differentiation already existing within the different religious traditions of the Āryas, but also by an inability to recognize the "other" as people worth listening to. "The Indocentrism developed in 'orthodox' Hindu thought transcends by far what is ordinarily called 'ethnocentrism'. It is not simple an unquestioned perspective or bias, but a sophisticated theoretical structure of self-universalization and self-isolation."[65] This *indifference* to the "other" has been described in similar words by another expert on the subject, Gavin Flood:

> There is a history of insularity in the Brahmanical case – not so much a hostility to the other but simply an indifference to modes of discourse outside those of the Brahmanical, Sanskrit tradition. The Brahmanical tradition engaged in rigorous internal debate between rival traditions but shows no interest in intellectual engagement with other, external systems of the 'foreigners' or *mleccha*s, especially the Moslems. [66]

While the different Brāhmaṇical traditions engaged in rigorous internal debate between rival traditions who followed another variant of the Āryas' way of life, they had "no interest in intellectual engagement with other, external systems of the "foreigners" or *mlecchas*, especially the Moslems."[67] Since my own story ends in about 200 CE, more than four hundred years before the birth of Muhammad, Muslims as the external "other" will not be treated in this text.[68]

In his fascinating book about the anthropological study of religion, Morton Klass[69] distinguishes between the three terms: *assumptions*, *beliefs*, and *facts*. While an *assumption* is something so fundamental that it is usually taken for granted; and "rarely even rises to the surface of awareness, let alone discourse",[70] *belief* is only "an opinion about what is true or

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[65] Halbfass, W (1988) *India and Europe: An Essay in Understanding.* New York: SUNY Press, p. 187. Cited in: Jaffrelot, 1996, p. 3.
[66] Flood, G. (2012) *The Importance of Religion – Meaning and Action in Our Strange World.* West Sussex: Wiley-Blackwell Publishing, pp. 196-197. Also see: Halbfass, W (1988) *India and Europe: An Essay in Understanding.* New York: SUNY Press, pp. 172-196.
[67] Flood, 2012, p. 197.
[68] Muslims as the "other" will be treated in a forthcoming book where I will continue my story into the modern era.
[69] Klass, M. (1995) *Ordered Universes – Approaches to the Anthropology of Religion*. Colorado: Westview Press Inc., p. 49-55.
[70] Klass, 1995, p. 49.

real." However, when an *assumption* is starting to being questioned by those who hold them, "the assumptions are in the process of being transformed into beliefs – opinions, views, interpretations, conclusions that are (potentially) subject to challenge or at least discussion."[71] In contrast, *facts* are neutral observations of reality, or are they? As every scholar who studies the history of religions will soon realise, different cultures present different versions of the same *facts*. Klass has therefore chosen to divide the term *fact* into an "etic" and "emic" category: In an etic sense it refers to the true, objective or "scientific" reality, while facts from an emic perspective refers to what any given human society understands to be reality.

What is interesting about Klass' text, apart from giving me categories I can put my information into, is how he describes the Indian discourses about the fundamental nature of the universe and reincarnation. As far as I know, Klass is correct when he claims that despite all disputes, the Buddhists, the Jains, the Ājīvikists, and the Brāhmaṇas all "adhered to a common set of unchallenged, *unstated* assumptions. Among these assumptions, we may particularly distinguish the following:"

- Humans are mortal, but their souls are immortal and thus condemned to continuing, perhaps endless, rebirth.
- The word *condemned* is appropriate because such rebirth inescapably constitutes misfortune whatever form it takes, and the only good fortune consists of somehow ending the cycle of rebirth.
- The universe exhibits a *law of karma* that prescribes what awaits the souls of humans in their next lives.
- The gods, whether they exists or not, cannot interfere with the law of karma.[72]

A relevant question to ask is whether Klass' own assumptions are based on etic or emic facts? While the memory of Aśoka's *Dhamma* were almost erased from the Indian subcontinent when the British colonised this part of the world, his "civil-religion," which did not include the concepts of reincarnation and rebirth (see chapter ?) has not been properly studied until the present. I will therefore do my best to present a short but informative chapter devoted solely to his *Dhamma*. Since the Āryas' Dharma "is arguably more like ethnicity, something that for most people is transmitted to them rather than being chosen by them",[73] the internal "other", including women, servants and slaves, even though they were excluded from any ritual

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[71] Klass, 1995, p. 49.
[72] Klass, 1995, p. 54.
[73] Voas, D. (2007) "Surveys of behaviour, beliefs and affiliation. Micro-quantitative". In: Beckford, J. A. & Demerath, N. J. III, eds. (2007) *The SAGE handbook of the sociology of religion*. London: SAGE, p. 145.

containing Vedic formulas, still had to follow the Āryas' Law. Clearly, "religion is still capable of being an aspect of personal identity that does not depend on active participation, official membership, or even agreement with basic doctrine."[74]

More than two thousand years after Manu's Law were introduced reality has forced most scholars to admit the Ārya's assumptions about *varṇa* has indeed become a fact in modern India. Alternatively, a belief has to become an assumption before it can be manifested as facts on the ground. However, the unity of the Āryas' Dharma can often be "predicated on the dubious – not to say fetishistic – construction of 'cultures' as if they were stable and discrete groups of people defined by the stable and discrete values, symbols, and practises they share."[75] In contrast to how the Brāhmaṇas deliberately exclude all references to the social, religious, political, and economic conditions in which these authors lived and wrote,[76] scholars should not mistake the ideological positions favoured and propagated by the dominant fraction, the Brāhmaṇas, as if they spoke for the Āryas' society as a whole. In order to introduce the concept of Dharma for the reader, I have chosen to begin with a short overview of its history in South Asia.

1.1 Dharma as Foundation, Law, and Religion – A Historical Discourse of Inclusion and Exclusion

The concept of Dharma inhabits a "central – if not to say the most comprehensive and most fundamental – position in India's intellectual history".[77] While the Brāhmaṇas' Dharma and the modern concept of Hinduism are both extremely hard to define and translate, if not impossible, their place of origin complicates the question even more:

> India is a country of people with the largest number of religions and languages living together and forming a Nation. Such diversity of religions, culture and way of life is not to be found in any part of the world. John Stuart Mill described India as 'a world placed at closed quarters'. India is a world in miniature.[78]

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[74] Voas, 2007, p. 147.
[75] Lincoln, 2012, p. 2.
[76] Olivelle, 2006, p. 188.
[77] Horsch, 2009, p. 1.
[78] A description given by the judges D. M. Dharmadhikari and P. K. Balasubramanyan in a Supreme Court judgment, 08.08.2005. See: http://judis.nic.in/supremecourt/imgs1.aspx?filename=27098, p. 7.

Although the verb *dhárman* "is found in other Indo-Germanic languages, they lack the exact equivalent of the substantive [*dharmán*], so that the concept possesses a specific Indian character from the very beginning."[79] While Geldner [80] has identified no fewer than 20 different meanings of the term Dharma in his translation of the Ṛgveda from 1951, "such as 'law', 'order', 'duty', 'custom', 'quality', 'classification', 'adjudication', 'model'," to name just a few, the latest translation by Jamison and Brereton[81] has reduced its primary meaning to "foundation". Since I agree when they claim *foundation* "is a reasonable gloss in most of its attestations" in the Ṛgveda,[82] I will use their term when I study the discourses found in this ancient text.

The term *dhárma(n)* is of Indo-Aryan origin and derives its meaning directly from the verbal root *dhṛ*, which means "support, uphold, give foundation to". In neuter, it forms an action noun, *dhárman* (hold, support); while in masculine, it becomes an agent noun, *dharmán* (upholder, supporter).[83] In Sanskrit, and especially in the ancient version of it, the suffix –*man* is frequently used to form abstracts, and in formulating expressions for objects and processes derived from these.[84] The noun *dhárman* therefore designates an "upholder" or "foundation-giver" in the Ṛgveda.[85]

While Horsch presents the semantic development of *dhárman* as a progression from myth to law, there is little evidence of such a semantic development of *dhárman* within the Ṛgveda itself.[86] The sections dealing with royal authority, commands or *vratá*s, and a "legal" sense of *dhárman*, appears regularly in the oldest layers of the Ṛgveda, while a mythic sense of *dhárman* as "foundation" appears especially in the later editions to the text. "Rather than reflecting a historical evolution within the Ṛgveda, the senses of *dhárman* are better understood

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[79] Horsch, 2009, p. 2.
[80] Geldner, K. F. (1951) "Der Rig-Veda: aus dem Sanskrit ins Deutsche Übersetzt", posthumously edited by Charles S. Cambridge MA: Harvard University Press. Referred to in: Horsch, p. 4.
[81] Jamison, S. W. & Brereton, J. P. trs. (2014) *The Rigveda – The Earliest Religious Poetry of India*. New York: Oxford University Press.
[82] Brereton, J. P. (2009) "Dhárman in the Ṛgveda". In: Olivelle, P. ed. (2009) *Dharma – Studies in its Semantic, Cultural and Religious History.* Delhi: Motilal Banarsidass Publishers Private Limited, p. 63.
[83] Horsch, P. (2009) "From Creation Myth to World Law: The Early History of Dharma". Whitaker, J. L. (tr.). In: Olivelle, P. ed. (2009) *Dharma – Studies in its semantic, Cultural and Religious History.* Delhi: Motilal Banarsidass Publishers Private Limited, p. 2. Originally published as "Vom Schöpfungsmythos zum Weltgesetz", in Asiatische Studien: Zeitschrift der Schweizerichen Gesellschaft für Asiankunde, vol. 21, Francke, 1967.
[84] Horsch, 2009, p. 20, note 1b.
[85] Brereton, 2009, p. 28.
[86] Brereton, 2009, p. 63.

as different and mutually supportive aspects of the meaning 'foundation.'"[87] As the king became identified with the gods, he became the foundation for the Āryas' world.

The close connection between the terms *dhárman*, *vratá* and *ṛtá* in the Ṛgveda, especially in the political and royal sphere, had indeed consequences for their future development. While *dhárman* inherits most of the functions of *vratá* "command", which becomes circumscribed to a "vow", the "Truth" or *ṛtá* "has part of its semantic space occupied by satyá 'real, true' and part by *dhárma*",[88] all done in the name of legitimising royal authority:

> The *dhárman* as a physical foundation of the world and of living beings would lend concreteness and legitimacy to the *dhárman* as royal and foundational authority. Moreover, while *vratá*s rest on the personal authority of the kings and sovereign gods in the *Ṛgveda*, *dhárman*, and certainly later *dhárma*, have universal application.[89]

In identifying himself with Dharma, the king claimed an authority that reflected the very foundation of the universe. In addition, these foundations for the gods, humans, Vedic rituals, and the universe in its totality, became identified with the Truth (*ṛtá*), which in the Ṛgveda defines the functions of both gods and humans, the structure of the ritual, as well as the general order of things. However, while *dhárma*(*n*) became more closely connected to sovereigns and royal authority, *ṛtá* "was less so":

> To describe the order of the world through *dhárma*, therefore, linked it more specifically to rulers and ruling authority than to describe it through *ṛtá*. Thus, a growing authority of the king may have made *dhárma* a seemingly more realistic description of the governing principle of the world.[90]

About a millennium after the final redactions of the Ṛgveda, the term Dharma became fused into the ancient politics of knowledge. As the Jains, the Buddhists, and Emperor Aśoka converted the Ārya's Dharma into a designation for their own teachings and "civil religion," the Brāhmaṇas' responded by creating a whole new genre of literature solely devoted to the concept of Dharma: the Dharmasūtras (*Dhs*), the Dharmaśāstras (*Dhś*), and their Commentaries. The last category can further be divided into texts who discussed and commented upon one of these *Dhs* and *Dhś*, called *bhāṣya*, *vṛtti*, *ṭīka* etc., and those who specialised on only one subject within the Dharma discourse, for instance the Śūdras, were

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[87] Brereton, 2009, p. 63.
[88] Brereton, 2009, p. 62.
[89] Brereton, 2009, p. 62
[90] Brereton, 2009, p. 62.

called *nibandha*s (digest, compendia) and referred to various *Dhs* and *Dhś*. In fact, some of these *nibandha*s are so voluminous they can be regarded as encyclopaedias.[91] However, since all of these authors relate their discourses to the first and most authoritative of the Dharmaśāstras, "The Law Code of Manu", I will primarily use his text to find out how the Āryas' Dharma described and related to the "other" in this period (200 BCE – 200 CE).

In Olivelle's translation of this ancient text, Dharma is identified with the "Law." Even though the Āryas' concept of Dharma means both more and less than the modern concept of law, by including juridical law, the laws of nature, the law of gravity, cosmic law, divine law, political law, moral law, social law, and religious law in general, I agree with Olivelle who claims the term "Law" will "accurately capture a wide slice of its semantic spectrum."[92] However, this Law is not as universal as it claims to be. In his description of the "Path of the Law", Āpastamba insists that Dharma is equal to any activity the Āryas praise as righteous, an explanation that will become the standard definition in the later *Dhś*.

> The Righteous (*dharma*) and the Unrighteous (*adharma*) do not go around saying, 'Here we are!' Nor do gods, Gandharvas, or ancestors declare, 'This is righteous and that is unrighteous.' An activity that Āryas praise is righteous, and what they deplore is unrighteous. He should model his conduct after that which is unanimously approved in all regions by Āryas who have been properly trained, who are elderly and self-possessed, and who are neither greedy nor deceitful. In this way he will win both worlds.[93]

This radically empirical understanding of Dharma has been described by Paul Hacker[94] as "the most concrete and precise definition of the Hindu concept of dharma that" he knows of, a sense I share. Manu spells out clearly what kind of extra-Vedic knowledge is required to judge lawsuits according to the Law: "He who knows the Law should examine the Laws of castes, regions, guilds, and families, and only then settle the Law specific to each."[95]

In modern times, Indians have translated the concept of Dharma into a Western concept that has also resisted being properly defined, "religion". While the term "religion" has its origin in the Latin term *religio*, which according to Cicero has been derived from the verb *relegere*,

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[91] Rocher, 2005, p 111.
[92] Olivelle, P. ed. (2004) *The Law Code of Manu – A new Translation by Patrick Olivelle*. Oxford: Oxford University Press, p. xlvi. However, in "8.12ff, for example, *dharma* is better translated as 'Justice'; in other contexts it means 'merit' (see 4.238; 7.79; 8.83; 11.23; 12.19); in 11.129-30 the negative *adharma* clearly means sin."
[93] *ĀpDh* 1.20.6-9.
[94] Hacker, P. (1978) "Dharma in Hinduism". In: Olivelle, P. ed. (2009) *Dharma – Studies in its Semantic, Cultural and Religious History.* Delhi: Motilal Banarsidass Publishers Private Limited, p. 482.
[95] *MDh* 8.41.

"to-reread/read again", the Christian Lactantius disagreed to this interpretation, insisting that *religio* is derived from the verb *religare*, "to bind fast". Trough "religion" the people were bound fast to the state and God, thus from the very beginning of its history, as with Dharma, the term "religion was implicated with politics."[96] While the leaders of the Church distanced themselves from the term at first, associating *religio* with false paganism, "in time it became an indigenous Christian self-description."[97] In modern times, following in the footsteps of colonization, Christian missionary activities, and a massive abuse of force by the Western world, the term "religion" has been adopted and reinterpreted by modern scholars as a "neutral" term with worldwide application, covering all the "religions" of the world. By presenting their concept of *Dharma* as identical to the Western concept of *Religion*, the modern Brāhmaṇas has indeed widened its area of influence.

Considering my objective is to study Brāhmaṇical texts and their relation to authorities and the "other", focusing mainly on the *Ṛgveda* and *The Law Code of Manu*, by rewriting Clifford Geertz' famous definition of religion into a description of Dharma and Manu's Law, I hope to have created a "foundation" for the rest of my text:

> Dharma represents a system of symbols, called Hindutva and Hinduism in modern times, which acts to establish the Vedas, Manu's Law, and the *varṇa*s as powerful, pervasive, and long-lasting moods and motivations in men. By formulating conceptions of a general order of existence called Dharma, the Brāhmaṇas clothed these conceptions with such an aura of factuality or *karma* that the moods and motivations seemed uniquely realistic.[98]

When Manu promised the kings devoted to his Law to "reach the highest heaven" if they protected "those who follow the Ārya way of life"[99], he would in time gain enough support to make a devastating impact on both ancient and modern India's history. As the moral dimension of Dharma comes to the forefront in the Dharmaśāstras, the four "orders of life" (*āśrama*s) and the caste-systems ideological basis, the four *varṇa*s, were both incorporated into Manu's *varṇāśramadharma*. Dharma is now the Law that regulates and protects the four social classes by judging action (*karma*) by the standards of the Āryas' "way of life". However, the Āryas' history begins in about 2600 BCE, when a large concentration of major urban centres had been established in the northwestern parts of South Asia.

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[96] Flood, 2012, p. 13.
[97] Flood, 2012, p. 13.
[98] My version of Clifford Geertz' definition of religion, as found in: Pals, D. L. (2006) *Eight Theories of Religion* (second edition). New York: Oxford University Press, p. 270.
[99] *MDh* 9.253.

This replication of cities along the same urban model, spread out in the area covering the Indus River, "indicates that the Indus Valley Civilization was ruled by a powerful, centralised authority, perhaps emanating from the great cities of Harappa and Mohenjo-Daro."[100] When this centralised urban empire suddenly reached its end in about 1700 BCE, the political and cultural vacuum created by its collapse were soon filled with a seminomadic people who claimed they were Āryas. As part of a larger migration occurring throughout Europe and Asia in this period, these Āryas or "noble ones" would bring their own culture, language and Vedic religion into the Indus Valley: "There they settled, forgetting they had migrated from elsewhere, and began to evolve a distinctive culture and religion that blended imported and local elements."[101] As the prime objective for this text is to describe how the Āryan authorities of India, both ancient and modern, has tried to regulate the Āryas' Dharma and their relation to the "other", I have chosen to start with the oldest Āryan text from ancient India, the Ṛgveda.

2.0 The Ṛgveda and the Law – an Introduction

The authors of the Ṛgveda came from the upper elite segment of the Āryas' society, and reflects only a small part of even elite religious life.[102] The Sanskrit term *Veda* means "(sacred) knowledge" and is of Indo-European origin (cf. Norwegian *viten*, German *wissen*, Greek (*w*)*oida*, English *wit*, *witness*).[103] For those who want to study the oldest parts of Indian history, the Vedas are almost in a monopoly position to present the "knowledge" from the period in question. As a whole, the Vedas were orally composed in northern India in a period lasting from approximately 1400 BCE to about 500 BCE, also called the "Vedic period".

There are four Vedas: the Ṛgveda, the Sāmaveda, the Yajurveda, and the Atharvaveda. However, while the three first are also connected to different groups of priests, the Atharvaveda is "outside this ritual system and consists primarily of hymns and spells of a more 'popular' nature, often magical or healing."[104] As the seminomadic Āryas settled in their Āryavarta, described as the land between the Himalayas in the north, the Vindhya ranges in the south, and

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[100] McClish, M. & Olivelle, P. eds. and trs. (2012) *The Arthaśāstra – Selections from the Classic Indian Work on Statecraft – Edited and Translated by Mark McClish and Patrick Olivelle*. Indianapolis: Hackett Publishing Company, Inc., p. xxii.
[101] McClish & Olivelle, 2012, p. xxiii
[102] Jamison & Brereton, 2014, p. 57.
[103] Witzel, M. (2005) "Vedas and Upaniṣads". In: Flood, G. (ed.) *The Blackwell Companion to Hinduism*. Massachusetts (USA), Oxford (UK) & Victoria (Australia): Blackwell Publishing Ltd, p. 68.
[104] Jamison & Brereton, 2014, p. 4.

extending from the eastern to the western sea,[105] the rise of urban centres and large kingdoms in northern India around the middle of the first millennium BCE[106] would change this Vedic religion into what most scholars call "classical Hinduism". To provide a Dharma or "Law" based on the Vedas, appropriate for regulating these new Āryan kingdoms, Manu had no interest in including the Atharvaveda into his triple Veda.[107]

As a normative Law book for how the Āryas should, or must act, Manu could not include a text outside of priestly control: "From fire, wind, and sun, he [the Lord] squeezed out the eternal triple Veda characterized by the Ṛg verses, the Yajus formulas, and the Sāman chants, for the purpose of carrying out the sacrifice"[108], which is also described as "eternal".[109] However, while it is somewhat ironic that the "eternal triple Veda" had to be created, earlier in the same creation myth we are told by Manu that "In the beginning through the words of the Veda alone," the Lord gave each particle and element in his creation "specific names and activities, as also specific stations" in the Āryas' hierarchy.[110] This contrast between the ritual obligations ("specific activities") and worldly or professional activities ("specific stations")[111] increased as the Indian societies became more specialized from about 500 BCE. With new urban centres being created all along the Ganges delta, this conflict of duties were solved by the increased importance given to the *varṇa*-ideology, as invented in the Ṛgveda, and thereafter propagated and reinterpreted in the Dharmaśāstras and Epics. However, when the British colonized India in the modern era, the ethnic dimension of these discourses came into focus.

2.1 The Orientalists and Brāhmaṇical Law

Even though Edward Said's influential book "Orientalism" (1978) is only related to the Middle East, the discourses of domination he presents in this book are indeed similar to how the British would justify their colonization of India:

> To restore a region from its present barbarism to its former classical greatness; to instruct (for its own benefit) the Orient in the ways of the modern West; to subordinate or underplay military power in order aggrandize the project of glorious knowledge acquired in the process of political

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[105] *MDh* 2.22
[106] Olivelle, 2004, p. xxi
[107] Ibid.
[108] *MDh* 1.23.
[109] *MDh* 1.22.
[110] *MDh* 1.21.
[111] Olivelle, 2004, p. 235, note 1.21.

domination of the Orient; to formulate the Orient, to give it shape, identity, definition … to make out of every observable detail a generalization and out of every generalization an immutable law about the Oriental nature, temperament, mentality, custom, or type; and above all to transmute living reality into the stuff of texts.[112]

Approximately 200 years earlier (1775), in *A Code of Gentoo Laws*, Nathanial Brassey Halhed introduces "The Translator's Preface" with a call for being pragmatic towards the natives of India:

The importance of the commerce of India, and the advantages of a territorial establishment in Bengal, have at length awakened the attention of the British Legislature to every circumstance that may conciliate the affections of the natives, or ensure stability to the acquisition. Nothing can so favourably conduce to these two points as a well-timed toleration in matters of religion, and an adoption of such original institutes of the country, as do not immediately clash with the laws or interests of the conquerors.[113]

In short, "Orientalist policy was to conform the government of India to the culture of the people so far as possible. This chiefly meant the protection of Indian religions and the enforcement of Indian laws in the courts".[114] Alternatively, two millennials earlier Manu described the king's duties in a similar fashion: "A king who knows the Law should examine the Laws of castes, regions, guilds, and families, and only then settle the Law specific to each."[115]

The inclusive policy of both the Brāhmaṇa's and the Orientalists are indeed similar. However, as will become obvious in a later chapter, the Dharmaśāstras are not any kind of detailed Law book meant to be used in a court of law, but rather an overview or summary of the most important duties of the four *varṇa*, with those of the Brāhmaṇas being the standard the rest of society has to follow. Clearly, there is a lot more information needed to judge lawsuits than is available in the Dharmaśāstras. As the British equated the Dharmaśāstras with Hindu Law, they soon discovered this lack of knowledge when used within a court.

When the British Governor-General Warren Hastings proposed a plan in 1772 where the *Dharmaśāstra*s should be implemented in the court as part of the British policy of

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[112] Said, E. W. (1979) *Orientalism – 25th Anniversary Edition With a New Preface by the Author.* New York: Vintage Books, p. 86.
[113] Halhed, N. B. (1775) "Nathanial Brassey Halhed, 'The Translator's Preface' to A Code of Gentoo Laws". Cited in: Marshall, P. J. ed. (1970) *The British Discovery of Hinduism in the Eighteenth Century*. Cambridge: Cambridge University Press, p. 142.
[114] Trautmann, 2012, p. 281.
[115] *MDh* 8.41.

"administering native law to the natives,"[116] they created what Lariviere has called a "well-intentioned misunderstanding".[117] Olivelle describes the process in the following words. "There certainly is more to law than what is given in the *śāstra*, and it was unwise of the British to equate *Dharmaśāstra* with Hindu law." [118]

In *A Code of Gentoo Laws* (1775), Nathanial Brassey Halhed explains the *varṇa* system as "the first grand divisions of a well-regulated state."*[119]* While he suggests the Brāhmaṇical "lawgivers were free from all the narrow principles of self-interested avidity", he still admits they have at least incorporated two privileges for their own *varṇa* into their Law. While the king is the prohibited against sentencing a Brāhmaṇa to death "upon any account whatsoever",[120]their property is considered too sacred to fall into profane hands. "At the same time, we cannot help noticing many striking instances of moderation and self-denial in the members of this tribe, who, being at once the priests and legislators of the country, have yet resigned all the secular and executive power in the hands of another cast",[121] the Kṣatriyas.

Eleven Brāhmaṇa paṇḍitas are listed as responsible for compiling *The Code of Gentoo Laws*,[122] a work totally elevated above selfish interests, "by which the laws of this singular nation are ushered into the world from those Brahmins themselves."[123] Whether all those people who were classified as Hindus, and suddenly had to be judged by the Brāhmaṇas' Law would agree to this description is not very likely, at least if they did not belong to the three upper *varṇa*s or were women. After describing some aspects of the Brāhmaṇical Law related to women, Halhed comments that the "best security for female virtue is the total absence of temptation, and consequently, to endeavour to remove the one is a prudent caution for the preservation of the other."[124]

When Halhed turn his attention to date these Brāhmaṇical Laws, he even suggests they were "transplanted into Egypt, and thus have become familiar to Moses."[125] However, what impresses Halhed the most about these Laws, is the chapter devoted to Justice: "The necessary

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[116] Rocher, L. (1969) "'Lawyers' in Classical Hindu Law". In:

[117] Lariviere, R. W., ed. and tr. (1989) *Nārada Smṛti,* with Asahāya's commentary. Philadelphia: South Asia Regional Studies. Referred to in: Olivelle, 2004, p. xxxviii.

[118] Olivelle, 2004, p. xl.

[119] Halhed, 1775, p. 165. My italics.

[120] Halhed, 1775, p. 171. See also note α on the same page: "In August 1775 the Brahmin Maharaja Nandakumar was to be executed after being convicted of forgery by the Supreme Court at Calcutta".

[121] Halhed, 1775, p. 170.

[122] *Code of Gentoo Laws*, p. 6. Cited in Halhed, 1775, p. 143, note α.

[123] Halhed, 1775, p. 144.

[124] Halhed, 1775, p. 178.

[125] Halhed, 1775, p. 162.

qualifications for the arbitrator, the rules for the examination of witnesses, and the requisites for propriety of evidence, are stated with as much accuracy and depth of judgment as the generality of those in our own courts."[126]

Even though Halhed is not very impressed by their geographical knowledge, he is clearly impressed by finding "a prohibition of fire-arms in records of such unfathomable antiquity":[127]

> Alexander the Great did absolutely meet with some weapons of that kind, as a passage in Quintus Curtius seems to ascertain. [128] Gunpowder has been known in China, as well as in Hindostan, far beyond all periods of investigation. The word fire-arms is literally Shanscrit Agnee-aster, a weapon of fire … but this kind of Agnee-aster is now lost. Cannon in the Shanscrit idiom is called Shĕt-Aghnee, or the weapon that kills a hundred men at once, from (Shĕtĕ) a hundred, and ghĕnĕh to kill, and the Pooran Shasters, or Histories, ascribe the invention of these destructive engines to … the war which was maintained in the Suttee Jogue, between Dewtā and Ossor …[129]

Halhed ends his Preface with a summary the Brāhmaṇical intelligentsia would exploit in the preceding centuries. While he first describes an Āryan Utopia where men "not being bent upon hatred and opposition" "have stamped to themselves a lasting reputation upon the page of the world", he ends the story by describing the Muslims as bringing terror and confusion into this peaceful Hindustan:

> … when it was afterwards ravaged, in several parts, by the armies of Mahomedanism, a change of religion took place, and a contrariety of customs arose, and all affairs were transacted, according to the principles of faith in the conquering party, upon which perpetual oppositions were engendered, and continual differences in the decrees of justice; so that in every place the immediate magistrate decided all causes according to his own religion; and the Laws of Mahomed were the standard of judgment for Hindoos. Hence terror and confusion found a way to all the people, and justice was not impartially administered;[130]

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[126] Halhed, 1775, p. 171.
[127] Halhed, 1775, p. 167.
[128] "Halhed may be referring to the term "*tormenta*" applied by Quintus Curtius Rufus to weapons used by the Scythians (*Historiae Alexandri*, book 8, chapter 9)". Cited in: Halhed, 1775, p. 167, note ɑ.
[129] Halhed, 1775, p. 167-168.
[130] Halhed, 1775, p. 183.

More information about the Muslims as the "other" can be found in the chapter called "The Ārya Samāj and the Other". I will now turn my attention to Orientalists and their relation to the concept of race and religious Law.

2.2 The Orientalists' Discourses of Race and Law

In the nineteenth century, scholars from Europe would set the agenda for both later scholarship on India, as well as becoming a point of departure for the different Hindu nationalist movements. Professor of History, Thomas R. Trautmann, has described the "the racial theory of Indian civilization" in these words:

> This is the theory that Indian civilization was formed by a big bang, caused by the conquest of light skinned, Aryan, civilized invaders over dark-skinned savage aboriginal Indians, and the formation of the caste system which bound the two in a single society, at once mixed and segregated.[131]

This "racial theory" can further be divided into three separate categories. First, the inclusionary sense as promoted by those Orientalists who saw the Āryan idea as a sign of kinship between Europe and India. On the foundation stone in the entryway of the old Indian Institute building at Oxford University, Monier-Williams, Professor of Sanskrit, has composed the following text:[132]

> This building, dedicated to eastern sciences, was founded for the use of Aryas (Indians and Englishmen) by excellent and benevolent men desirous of encouraging knowledge. … By the favour of God may the learning and literature of India be ever held in honour; and may the mutual friendship of India and England constantly increase![133]

However, even though Monier-Williams inclusive sense of the Aryan idea celebrated the ancient bond between the Britons and Indians, elsewhere in the inscription *ārya* signifies Indians, as in *āryavidyā* (= the literature of India), and is used to distinguish *Āryāvarta* (India) from *Aṅglabhūmi* (England).[134] When Max Müller used the evidence of language against

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[131] Trautmann, 2012, p. 287.
[132] Cited in: Trautmann, 2012, p. 279. Only the first and the fourth verses have been cited.
[133] Trautmann, 2012, p. 279.
[134] Ibid.

complexion and argued "that the same blood flows in the veins of the English soldiers as flows in the veins of the dark Bengalese",[135] his comparison would provoke a storm of criticism.

While experts on the subject claims the modern racial theory was born in an article of 1664 by François Bernier, a French doctor who travelled extensively in India; in the English speaking parts of the world, Sir William Jones was the first to present "proto-racialist theories".[136] When William Jones chose to translate Manu's Dharmaśāstra into English in 1794, he made for the first time the Āryas' Law available to an international audience. Embraced by Nietzsche as "a life-affirming representation of the Aryan religion, in contrast to the nay-saying Buddhism", Manu's Law would become "the lens through which most European scholars viewed India's past."[137]

William Jones' works would make a devastating impact on how the new religion called "Hinduism" were to be defined in the modern era. While Jones's contemporaries regarded his essays as "the final and definitive statement of the claims and nature of Hinduism", his works and translations would also reach a wide European audience and create "an awareness of Hinduism that was almost entirely new."[138] In 1786, in his Third Anniversary address to the Asiatic Society, Sir William Jones delivered his famous passage where the idea of a common Indo-European language were being presented.[139] The strong similarities he found among Sanskrit, Latin, Greek, Gothic, Celtic and Old Persian, made him assume the people speaking these languages descended from Ham, son of Noah, an idea already shared by the Muslims, who recognised "that Indians were sons of Hind, son of Ham, son of Noah. What is new is the emphasis upon language as a privileged means of laying bare the ethnological relations of history."[140]

From similarities in languages, Jones suggested in 1792 that Iran was the common place of origin for the Āryan race, whose branches had later migrated towards Europe and India. Many European Philologists, such as Albrecht Weber, R. Roth, A. Kuhn, J. Møhl, and Max

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[135] Müller, M. F. (1855) *The languages of the seat of war in the East, with a survey of the three families of language, Semitic, Arian and Turanian.* Second Edition. London: Williams and Norgate, p. 29. Referred to in Trautmann, 2012, p. 285.

[136] Jaffrelot, C. (1995) "The idea of the Hindu race in the writings of Hindu nationalist ideologues in the 1920s and 1930s: A concept between two cultures". In: Robb, P., ed. (1997) *The Concept of Race in South Asia*. New Delhi: Oxford University Press, p. 329.

[137] Olivelle, 2004, p. xvii.

[138] Marshall, P. J. ed. (1970) *The British Discovery of Hinduism in the Eighteenth Century*. Cambridge: Cambridge University Press, p. 5.

[139] Cited in Trautmann, 2012, p. 280, note 2.

[140] Trautmann, 2012, p. 280.

Müller, further developed this theory of origin, until William Muir in 1860 could reveal "The Trans-Himalayan origin of the Hindus, and their affinity with the western branches of the Aryan race".[141] In fact, the explanation is quite rational. Since the Deluge drowned the whole world except the highest mountaintop where Noah could establish the first colony of Āryas, philosophers such as Herder and Kant concluded that the origin of these people had to be the Himalayas. When Swami Dāyānanda Sarasvati (1824-1883), the founder of the Ārya Samāj or "Society of Aryas" made the same claims some years later, he had obviously borrowed his inspiration from these European authors.[142]

By seeing "into the minds of Indians" through their own language, Holwell (1765-1771) argued that all previous accounts of Indians as idolators were wrong. In words similar to how Manu had presented his Law two millennials ago, and a message the Hindu nationalists would imitate and repeat in the modern era, Holwell "finds a belief in one God behind the welter of images of the gods."[143] As "the British Sanskritists without exception were empire loyalists and scholars who took it for granted that there was a close connection between their scholarship and the British colonial adventure in India",[144] they would do their best to unite the colonized people under a Law each "race" would follow without too much opposition.

The second generation of ethnologists in the 17th century reversed the order and claimed blood, complexion, and race were the keys to understand world history. In contrast to Müller, these new approaches focused on the Āryas' blood instead of their language. As this second "racial theory" would become the foundation for most racial movements in the modern era, it would make a devastating impact on world history when Hitler implemented Alfred Rosenberg's racial ideology into actual practice.

In Rosenberg's *Myth of the 20th Century,*[145] he confidently claims the origin of the Āryas had to be near the North Pole: "Whatever the results of future research, however, nothing can alter the one supreme fact that the march of world history has radiated from the north over the entire planet".[146] With new research giving evidence for a shift in the geographical position of

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[141] Jaffrelot, 1995, pp. 329-330.
[142] Jaffrelot, 1995, pp. 330, note 17.
[143] Holwell, J. Z. (1765-1771) *Interesting historical events, relative to the provinces of Bengal, and the empire of Indostan, 3 volumes*. London: T. Becket and P. J. De Hondt. Cited in Trautmann, 2012, p. 281.
[144] Trautmann, T. R. (2012) "Constructing the racial theory of Indian Civilization". In: Bronkhorst, J. & Deshpande, M. M., eds. (2012) *Aryan and Non-Aryan in South Asia – Evidence, Interpretation and Ideology*. New Delhi: Manohar Publishers & Distributors, p. 277.
[145] Rosenberg, A. (2014) *The Myth of the 20th Century*. Lavergne, Tennessee: publisher unknown. Originally published in Munich (1930) with the title "Mythus des XX. Jahrhunderts".
[146] Rosenberg, 2014, p. 17.

the Poles, Rosenberg first suggests the legendary Atlantis must have flourished in these areas when the climate were warmer. "But even if this Atlantis hypothesis should prove untenable, a prehistoric Nordic cultural centre must still be assumed."[147]

> When the first great Nordic wave rolled over the high mountains into India, it had already passed through many hostile races. Instinctively, as it were, the Indoaryans separated themselves from the dark alien peoples they encountered. The institution of caste was the outcome of this instinctive aversion.[148]

Rosenberg included the original Indo-Āryan civilization, as well as ancient Persia, Greece, and Rome into his category of Āryas, however, in words reminding me of Manu, he claim these civilizations declined due to inter-marriage with lesser races. As he described the Āryas' *varṇa*s as a perfect institution for separating their pure blood from the lesser blood of the natives, with "this opposition of blood and blood, the Aryans evolved a worldview which, for depth and range, cannot be surpassed by any philosophy even today".[149] However, this separation of blood in terms of *varṇa* would in time degenerate with the mixing of classes: "Soon the rich, blood based meaning of Varna was entirely lost. Today it is only a division between technical, professional, and other classes, and has degenerated into the vilest travesty of the wisest idea in world history."[150] The sacred hour of the Āryas will only "appear when the symbol of awakening – the flag with the swastika sign of resurgent life – has become the sole prevailing creed of Reich."[151] As a symbol of Indian origin, the swastika is also on the cover of Savarkar's book called *Hindutva*. However, with the rise of Hindu nationalism, language in companion with religion would again surpass "race" as the most important social boundary.

2.3 The Ārya Samāj, the Vedas, and the Origin of the Āryas

Influenced by both of the two other "racial theories", the Hindu nationalist movements of northern India would create a third theory in which the Āryas were reinterpreted as the original inhabitants of ancient India and equated with the celebration of Hinduism. When a Brāhmaṇa named Swami Dāyānanda Sarasvati (1824-1883) established the first successful branch of his

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[147] Rosenberg, 2014, p. 16.
[148] Rosenberg, 2014, p. 18.
[149] Rosenberg, 2014, p. 18.
[150] Rosenberg, 2014, p. 19.
[151] Rosenberg, 2014, p. 381.

Ārya Samāj or "Society of Āryas" in Gujarat in 1877, this organization was "probably the first movement in India defining nationalism in terms of ethnicity".[152]

The question of who the Āryas were, and whether they migrated into ancient India or can be classified as "eternal" natives in their own Āryavarta, has indeed become a political issue in modern India. While most Western scholars argue for a migration eastwards in the period ranging from about 2000 to 1200 BCE,[153] there are voices who describe this theory as "fanciful, motivated by colonialism, 'Orientalism', nationalism, or something else. What is startling is that the criticism comes from completely different directions."[154]

In the modern politics of knowledge, there are two different strands in the Indian nationalist discourse. While the Hindu nationalists of northern India tend to reject any significant linguistic or ethnic difference between the Āryas and the Dāsas/Dasyus, in South India, "especially Tamil Nadu, the Aryans are racially contrasted with the Dravidians."[155] Since my own text is primarily about the Brāhmaṇas and Āryas of northern India, their Āryavarta, and their propagation of Hindutva in modern times, the history related to the Hindu nationalism of southern India has not been included.[156]

While people like Max Muller and Monier-Williams saw the Āryas as a source to kinship between Indians and Europeans, for Dāyānanda it stood for difference, superiority and the Indian origin of these glorious people. While the "British tried to attribute the origins of everything that is great in India to somebody who immigrated," the Ārya Samāj "wanted to restore Indian pride by showing that these exalted texts were written in India by Indians."[157]

Dāyānanda frequently told his audience that they should discard the derogatory name "Hindu," since it had been imposed on the Āryas of ancient India by foreigners, and therefore was a foreign name. In a letter to the British Colonel Olcott, Dāyānanda explains why he has chosen the term *Ārya* instead of *Hindu*:

> The Society of Aryas, that is called the Arya Samaj, and all those who renounce the bad qualities of dasyus and adopt the good qualities of the Aryas, when they form a society, its name is Arya

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[152] Jaffrelot, 1995, pp. 330.
[153] Hock, 2012b, p. 162.
[154] Bronkhorst & Deshpande, 2012, p. vii.
[155] Hock, 2012b, p. 146.
[156] My plan is to include this part in a forthcoming text.
[157] Singh, 2012, p. 275.

Samaj: therefore, there is no harm in calling all such societies Arya Samaj: on the contrary, that name is their greatest ornament. [158]

The tension that arose between the preservation and modernization of tradition were solved by inventing a Golden Age, or more precisely a Golden *Vedic* Age, which "was to become one of the cornerstones of Hindu nationalism."[159] Like William Muir, Dāyānanda argued for the Himalayan origin of the Āryas and "did his best to keep abreast of what European scholars were publishing. In 1868 or 1869 he employed a Bengali to read to him Max Müllers translation of the Veda, about which his knowledge seems to have been rudimentary till then."[160] In his book called *Satyarth Prakash* or *The Light of Truth*, Dāyānanda described the Vedic Āryas as a primordial and elect people to whom the Vedas had been revealed by God in Sanskrit, the "Mother of all languages". By opposing the Western Orientalists' theory of an immigration from the West and declaring the Āryas as the first inhabitants of ancient India, Dāyānanda "was undoubtedly the forerunner of the Indigenous Aryan School of thought."[161]

Dāyānanda's theory of creation assumed that the first human beings originated from Tibet and the Himalayas, a Utopia where everyone were young and without differences. However, as history progressed, the united people were divided into Āryas, "the wise and the best, and *Dasyus*, the un-educated, unlearned and un-virtuous."[162] These Āryas then migrated to what Manu has described as Āryāvarta, from which they "dominated the whole world till the war of the *Mahabharata*, a watershed opening a phase of decadence."[163] Obviously, the scenario Dāyānanda has in mind fits neatly into how the Orientalists have interpreted the Ṛgveda, describing the Dasyus/Dāsas as dark-skinned, flat-nosed stealers of cattle, who spoke a different language and lived in fortified citadels the Vedic Ārya's gods were begged to destroy. However, in addition to Muir, William Jones had also suggested an eastern origin of the Āryas

In addition to the linguistic links between Sanskrit, Greek, Persian, Gothic and the Celtic, William Jones suggested the philosophies and mythologies of the Scythians, the

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[158] Singh, 2012, p. 262.
[159] Ibid.
[160] Jordens, J. T. F. (1978) Dayananda Sarasvati – his life and ideas. Delhi, p.170. Cited in: Jaffrelot, 1995, p. 330.
[161] Singh, 2012, p. 263.
[162] Singh, 2012, p. 262. Italics in original.
[163] Jaffrelot, 1995, p. 330.

Hyperboreans and the Scandinavians had been introduced by "a foreign race" from the East.[164] He adds that America also has a part in this world colonization by the Āryas:

> It is very remarkable that the Peruvians, whose Incas boasted of the same descent, styled their greatest festival Ramasitoa; whence we may suppose, that South America was peopled by the same race, who imparted into the farthest parts of Asia the rites and fabulous history of Rama.[165]

In addition, the remnants of sculpture and architecture of ancient India were interpreted as proof for an early connection between India and Africa. By comparing the Egyptian pyramids and Sphinx with Indian temples and statues, Jones were convinced it was "the same indefatigable workmen who" had formed these wonders.[166] He further argues that,

> Ethiopia and Hindustan were peopled or colonized by the same extraordinary race; in confirmation of which, it may be added, that the mountaineers of Bengal and Bahar can hardly be distinguished in some of their features, particularly their lips and noses, from the modern Abyssinians, whom the Arabs call the children of Cush: and the ancient Hindus, according to Strabo, differed in nothing from the Africans, but in the straitness [sic] and smoothness of their hair … a difference proceeding chiefly, if not entirely, from the respective humidity or dryness of their atmospheres.[167]

The same theme also appeared in a book by the Hindu nationalist Bal Gangadhar Tilak, called *The Artic Home in the Vedas* (1903). As the title indicates, Tilak "claimed that the Aryans had their original home near the North Pole" in Paleolithic times, and then migrated southwards into Asia and Europa because of the climate changes.[168] Later on, Alfred Rosenberg and Golwalkar would present similar ideas.

To reconcile the conflicting views of the Āryas Northern origin and at the same time refusing an Āryan invasion of ancient India, Golwalkar argued that modern science has demonstrated that the North Pole is not stationary, and therefore "quite long ago it was in that part of the world, we find, is called Bihar and Orissa at the present." The "Hindus come into this land from nowhere, but are indigenous children of the soil always, from time immemorial and are natural masters of the country."[169] "Interestingly, this theory has been introduced in the

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[164] Jones, W. "On the Hindus". In: Marshall, 1970, pp. 254-255.
[165] Jones, W. "On the Hindus". In: Marshall, 1970, p. 256.
[166] Jones, W. "On the Hindus". In: Marshall, 1970, p. 257.
[167] Jones, W. "On the Hindus". In: Marshall, 1970, p. 257.
[168] Tilak, B. G. (1903) "The Artic Home in the Vedas". Referred to in: Jaffrelot, 1995, p. 332.
[169] Golwalkar "We, or our nationhood defined", p. 13. Referred to in: Jaffrelot, 1995, p. 342.

history textbooks in the States controlled between 1990 and 1992 by the Bharatiya Janata Party, the political front of the R.S.S." [170]

Because of the decadent shape of Hinduism Dāyānanda found in his own lifetime, he even argued for the members of the Ārya-Samāj to not register themselves as Hindus in the British census of 1881, though this stance was reversed by his successors before the census of 1911.[171] In a question to his audience at the Kumb Mela at Hardwar in 1878, Dāyānanda's vision for a future Āryan India based on the Vedas were presented: "Why have we Aryans changed so much?" Of course, he would present the answer himself:

> By going against the Vedas. The way to recapture that ancient glory is to act in accordance with the Vedas. That is what the Aryans who are members of the Arya Samaj are doing, that is what they want to foster. They wish to *increase the number of Aryans* who are concerned with the welfare of all, and who, without guile, are united in the desire of communicating the knowledge of truth to all.[172]

In order to understand the dynamics of the Ārya Samāj movement, Professor of Asian Languages and Cultures, Pashaura Singh,[173] has listed four "fundamental assumptions" that influenced Dāyānanda's career.

First, the Vedas literally contains the eternal wisdom of God, and all their statements were of a universal nature. By declaring the Vedas as universal and created outside of human history, Dāyānanda "particularly criticized Western Orientalists who interpreted a number of Vedic texts as containing historical references."[174] The result of this interpretation was of course that he could dismiss any references to historical or geographical information, thereby removing the very "foundation" for all previous research that assumed a migration eastward.

Second, in contrast to what he experienced in his own lifetime, but indeed similar to how Manu would present the origin of his Law, Dāyānanda claimed the Vedas proclaimed a pure monotheism. Nevertheless, at the same time as Dāyānanda's pure monotheism were part of his criticism of the Trinity in Christianity, it was also the topic which would turn out to be what separated him the most from other orthodox interpreters of Hinduism, and probably Manu as well. Instead of Manu's monistic interpretation of the Vedas, where the Self-existing Lord

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[170] Jaffrelot, 1995, p. 342, note 59.
[171] Jaffrelot, 1995, p. 331.
[172] Cited in: Singh, 2012, p. 266. My *italics*.
[173] Singh, 2012, p. 268-269.
[174] Singh, 2012, p. 268.

becomes Brahmā and then creates the cosmos and the other gods, Dāyānanda denied the existence of anyone but the Lord. For instance, when Agni occurred in a context of divine action, Dāyānanda claimed it only referred to the one Lord, while in other contexts the term simply meant "fire." When he applied this assumption on the "hundred names of God", "the Calcutta Hindu Council made a special point of declaring it unorthodox."[175] His hardline monotheistic interpretation was probably one of the main reasons to why the Ārya Samāj never became a national movement or achieved success in other states than Punjab.

Dāyānanda's third assumption that claimed the knowledge found in the Vedas could not contain anything contrary to reason or morality, was definitively not similar to how Manu had instructed his readers to approach these same texts two millennials ago. While both the Dharmaśāstras and the Hindu nationalist movement would all agree with Dāyānanda's fourth assumption, which claimed the Vedas contained all knowledge,[176] the two millennials between him and Manu would surely increase the amount of knowledge claimed found in these ancient texts. Dāyānanda would in fact not only include the relatively new process of telegraphy, as well as the new principles of mechanical locomotion by means of steam and electricity over land and water, he would also claim the Vedas contained knowledge of how to move in the air. Whether this was because Dāyānanda's "own scientific knowledge was very limited,"[177] I cannot answer, but daring it was.

In contrast to this identification of modern science with the Vedas, Manu warns the twice-born Āryas who rely on the science of logic: The Vedas and the Dharmaśāstras "should never be called into question in any matter, for it is from them that the Law has shined forth. If a twice-born disparages these two by relying on the science of logic, he ought to be ostracised by good people as an infidel and a denigrator of the Veda."[178]

While these four assumptions about the Vedas are quite similar in both Dāyānanda's and Manu's world-view and the fact that both describe world history as conflict between the Āryas and the Dasyus/Mlecchas/Anāryas, the external "other" they felt threatened by were not the same religions.

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[175] Singh, 2012, p. 268. For details see: Jordens, J. F. T. (1984) "Orthodoxy and Heresy: Reflections of the 1881 Calcutta Pandit Council". In: Garg, G. R. ed. *World Perspectives on Swami Dayananda Sarasvati.* New Delhi: Concept Publishing Company, pp. 239-252.
[176] *MDh* 2.7.
[177] Singh, 2012, p. 269.
[178] *MDh* 2.10-11.

2.4 The Ārya Samāj and the Other

While Manu felt threatened by the new paths to Dharma presented by the Jains and the Buddhists, who opened the doors for everyone who wanted to become an Āryan monk, Dāyānanda was worried about Christianity and Islam, which were also open for everyone who wanted to convert. Dāyānanda was very active in promoting his new monotheistic Ārya Dharma and often entered into polemical debates with the "other".

Dāyānanda's critique of Christianity was exclusively devoted to *their* holy scripture, the Bible, just as the Orientalists had done with Hinduism. Dāyānanda repeatedly claimed "the idolatry, mythology, and cultural degradation of Christianity" were even worse than what he found in "the *Puranas* and the *Tantras*."[179] As a degraded religion, full of irrational nonsense and originating from outside of India (*mleccha*), Dāyānanda classifies "the Christians, their God, their scripture, and their prophets" as "*jangali* or 'barbarous'". In light of what the Christian missionaries where doing in his lifetime, the harsh judgment on Christianity by Dāyānanda was a way of "paying the missionaries back in the same coin some of them had used so extravagantly in their attacks on Hinduism."[180] The feeling of not only cultural and religious superiority, but also racial superiority that "prevailed among many British people in India" in this period, surely must have influenced Dāyānanda when he applies the term *jangali* to Christianity "more than twenty-five times."[181] While he compares the Bible with *smṛti*s or "recollections", and as texts edited by humans, the Vedas are *śruti* or "revelation" and consist of God's pure voice. Contrary to the Vedas, "The Bible is not universal, but particularistic and embedded in history."[182]

As concerns Islam, Dāyānanda used the same method of attacking their Holy Scripture, the Qur'an. However, the critique he presents about Islam would have made the poets of the Rgveda and Manu deeply embarrassed. As Dāyānanda repeatedly complains that the doctrines of Islam have an enormous bias in favour of the Muslims, "he constantly returns to the observation that the Qur'an sanctifies war and plunder and the slaughter of non-believers."[183]

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[179] Singh, 2012, p. 271.
[180] Singh, 2012, p. 271.
[181] Singh, 2012, p. 271.
[182] Singh, 2012, p. 271.
[183] Singh, 2012, p. 271.

Well, nowhere in the Dharmaśāstras are a single religious tradition other than their own Āryan way of life presented, and Manu was not exactly unfamiliar with the concept of war and plunder:

> a king must never back away from battle … When kings fight each other in battles with all their strength, seeking to kill each other and refusing to turn back, they go to heaven. … Whatever a man wins – chariot, horse, elephant, parasol, money, grain, livestock, women, all goods, and base metal – all that belongs to him.[184]

Based on his four assumptions, Dāyānanda reinterpreted and redefined the Hindu tradition. He "rejected the caste system, idol worship, polytheism and all non-Vedic rituals within Hindu traditions."[185] However, at the same time as Dāyānanda promotes a new version of the *varṇa*s based on personal qualifications instead of inheritance, marriages should only take place within a *varṇa*:

> The fixture of the varna according to merits and actions should take place at the 16th year of girls and 25th year of boys. Marriage also should take place in their own varna, that is a Brahman man should be married to a Brahman woman; a Kshatriya to a Kshatriya, a Vaishya to a Vaishya, and a Shudra to a Shudra. This will maintain the integrity of each varna as well as good relations.[186]

Of course, this is pure fiction and has nothing to do with the Āryas' ancient *varṇa* system, as described for the first time in the Ṛgveda and defended in subsequent Brāhmaṇical texts. A person is born into a *varṇa*, which is based on inherited ritual purity and has absolutely nothing to do with personal qualities. Both Manu's Law and the Bhagavadgītā are very clear regarding personal qualities as a way to achieve status in the social system when they both claim it is "Far better to carry out one's own Law imperfectly than of someone else perfectly; for a man who lives according to someone else's Law falls immediately from his caste."[187]

Even though the student of ancient India can find no evidence of who borrowed from whom, I assume the authors of these texts "had similar concerns when they were writing at a particular historical moment."[188] The anonymous authors of the Dharmaśāstras and the Epics

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[184] *MDh* 7.87-97.
[185] Singh, 2012, p. 269.
[186] Dāyānanda, S. (1981) "The Light of Truth; A translation by Upadhyaya, G. Allahabad: Dr. Ratna Kumari Svadhyaya Sansthana, p. 115. Cited in: Jaffrelot, 1995, p. 350.
[187] *MDh* 10.97 and the *Bhagavadgītā* 3.35, and 18.47. Referred to in: Selvanayagam, I. (1996) "Pointers & Particulars for an Historical Approach to Hindu Religious Texts: The Case of the Bhagavad Gītā". In: Scott, D. C. & Selvanayagam, I. (eds.) *Re-Visioning India's Religious Traditions – Essays in Honour of Eric Lott.* Delhi: Cambridge Press, p. 34.
[188] Selvanayagam, 1996, p. 34.

are not only individual geniuses of the past, but represents a group of their "kind who have efficiently operated throughout Indian history until today."[189]

In 1887, on a visit to the Punjab, Dāyānanda for the first time began to think of introducing *shuddhi* to counteract the threath from Christian missionaries. Professor Singh has described the ritual as follows:

> The purpose of shuddhi was to provide a means for restoring to purity and caste fellowship those Hindus who had consciously or unconsciously broken the caste taboos. Traditionally, it took place through one or more ritual acts: bathing in a sacred river, pilgrimage, feeding Brahmins or *prāyaścitta* (partaking of five products of cow). The ancient use of this rite was for the reinstatement of a "lapsed Hindu" who had been converted to another religion. [190]

The *shuddhi* movement made a deep impact on the relation between Hindus and Muslims. In addition to the fact that there were more reconversions from Islam than from Christianity, the Ārya Samāj also acted on relations between Hindus and Muslims to reinforce existing communal separation.

As concerns Dāyānanda's attitudes towards Jainism, Buddhism, and Sikhism his critique is brief and dismissive. In language similar to his critique of Islam, his most bitter criticism was directed at the Jains' hostility towards other religions. In fact, he were of the opinion that very "few people would personify hatred to the extent as the Jains do."[191] In the case of Buddhism, Dāyānanda at times "adopted a very simplistic approach to lump together Jainas, Buddhists, and Charvakyas on the basis of their common atheism."[192] While the Ārya Samāj had a close cooperation with some parts of the Sikh community in the beginning, this would come to an abrupt end when the Ārya Samāj in 1900 performed the *shuddhi* ritual with "a small group of Rahtias or Sikh untouchables, shaved their heads and beards, thus transforming them from Sikhs into caste Hindus."[193] As result of this act, many Sikhs were convinced the Āryan "reconversion movement was potentially as dangerous to Sikhism as the Christian missionary threat. Paradoxically, it helped to crystallize an already-forming Sikh identity quite separate from the Hindu community."[194] For Dāyānanda, "Guru Nanak was an 'illiterate' (*anaparh*) and 'hypocritical' (*dambhi*) person, who had noble aims but no learning."

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[189] Selvanayagam, 1996, p. 42.
[190] Singh, 2012, p. 274.
[191] Singh, 2012, p. 270.
[192] Ibid.
[193] Singh, 2012, p. 272.
[194] Singh, 2012, p. 272.

In addition, "his followers were as good as idolaters since they worship the book *Granth Sahib* and presents gifts to it."[195]

In the first edition of Dāyānanda's *Satyarath Prakash*, the Śūdras were denied the right to study the Vedas, a prohibition Manu had also insisted upon. However, in his second edition of this book, Dāyānanda completely changed his mind and "declared that as human beings Shudras had as much right to the study of the Vedas as anybody else."[196] At the same time as he blamed the Brahmins for "the development of superstitions and the decline of Hindu society," his alternative social system was in fact largely based "on the traditional – mainly Brahminical – world view".[197]

The Ārya Samāj's influence on modern Hindu nationalism is obvious. The ideas originating from Dāyānanda and the Ārya Samāj, including a Vedic Golden Age, the superiority of Hinduism, and "the greatness of ancient India, have indeed become an integral part of a nationalist spirit, the strong echo of which one can hear in India even today."[198] Dāyānanda's "trinity of Arya Dharma, Arya Bhasa (that is, Hindi) and Aryavarta was meant to revive the ancient glories of India in all spheres of life. It is no wonder that the echo of this Aryan trinity may now be heard in modern India in its new form of 'Hindi, Hindu, Hindustan', thus posing a direct challenge to the secular character of the Indian nation."[199] "It is no wonder that the politics of religious nationalism that we witness in India today is another significant legacy of the Arya Samaj movement."[200]

In the period between the 1870s and the 1920s, Hindu nationalism was constructed as an ideology. [201] As my presentation of Dāyānanda's discourse have indicated, the Hindu nationalist movement "is both led by, and protects the interests of a small minority of India's 'upper' castes and classes",[202] though the majority of its vote bank consists of the middle class

[195] Singh, 2012, p. 271-272.
[196] Singh, 2012, p. 269-70.
[197] Jaffrelot, C. (1996) *The Hindu Nationalist Movement and Indian Politics, 1925 to the 1990s, Strategies of Identity-Building, Implantation and Mobilization (with special reference to Central India).* London: Hurst & Company, p. 15.
[198] Singh, 2012, p. 275.
[199] Singh, 2012, p. 272.
[200] Singh, 2012, p. 276.
[201] Jaffrelot, C. (1996) *The Hindu Nationalist Movement and Indian Politics, 1925 to the 1990s, Strategies of Identity-Building, Implantation and Mobilization (with special reference to Central India).* London: Hurst & Company, p. 11.
[202] Narula, S. (2010). Law and Hindu nationalist movements. I: Lubin, T., Donald R. Davis, J. & Jayanth, K. K. (red.) *Hinduism and Law - an introduction.* Cambridge: Cambridge University Press, p. 244.

among these higher *varṇa*s.[203] Consequently, Hindu nationalism "largely reflects the Brahminical view of the high caste reformers who shaped its ideology."[204] As can be seen in the writings of both V. D. Sāvarkar and M. S. Golwalkar, the ethnic nationalism they developed "was largely influenced by western examples."[205] Even though the Hindu nationalist ideology cannot be compared directly to German National Socialism or Italian fascism, it "envisaged the organization of the whole of society as a means of producing a new kind of people",[206] a project that "implied both the stigmatization and the emulation of those who threatened Hindu society."[207]

Now, let us turn to the first religious poetry of ancient India, the Ṛgveda, to see if the Hindu nationalist theories concerning the origin of the Āryas can be called history or myth.

2.5 The origin of the Āryas and Hindu Nationalism

The people of the Ṛgveda refer to themselves as the Āryas, which came to mean the "noble" or "civilized" ones. However, since the terms Aryan and Non-Aryan, corresponding to the Sanskrit terms Ārya and Anārya, has made a devastating impact in the modern world as "foundational" concepts for racism, I have chosen to find out if the same "racial" or ethnic distinctions were used in ancient India about three thousand years ago. As concerns the Āryas relation to the later Dharmaśāstras, they both trace their origin all the way back to the first Man(u). The Āryas

> also refer to themselves as *mánuṣa* and *manāva*, the 'sons of Manu' or the 'peoples of Manu,' for the legendary Manu (*mánu* simply means 'man') was the first who instituted the sacrifice and was therefore the founder [and foundation] of Vedic religious culture. They also called themselves the five 'peoples' … who lived in 'the five directions … or in the five lands. [208]

Since the Ṛgveda also mentions five major Ārya tribes; the Pūru, Yadu, Turvaśa, Anu, and Dryuhyu, who at different times are either allies or enemies of each other, their number corresponds to the five peoples of the five lands. In addition to sheep, buffaloes, goats and

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[203] Jaffrelot, C. (1996) *The Hindu Nationalist Movement and Indian Politics, 1925 to the 1990s, Strategies of Identity-Building, Implantation and Mobilization (with special reference to Central India).* London: Hurst & Company, p. .
[204] Ibid, p. 13.
[205] Ibid.
[206] Ibid, p.12.
[207] Ibid, p. 11.
[208] Jamison & Brereton, 2014, p. 54.

camels, which are all mentioned in the Ṛgveda, cattle were their primary source of wealth. Horses too are prised in the hymns, since they were essential for their mobility, and gave them an advantage in battle. As a semi-nomadic people who in the right season migrated in search for new lands and cattle, sometimes blocked by the Anāryas' fortresses or other "obstacles," eventually resulted in an extension of their culture.[209] Since the Vedic tradition was an oral one, and "no single credible reference to writing or written text can be found during the Vedic period",[210] the terms appearing in the Ṛgveda related to this ancient conflict between the Āryas and the Anāryas are indeed "unstable and various in its referents, historically contingent and socially construed."[211]

While the archaeologists have not found any skeletal evidence for an immigration of Āryas into ancient India, interestingly, the same also holds for later historical periods. Even though we know that there were numerous migrations or invasions into Āryavarta by groups as diverse as the Greeks, Huns, and invaders from Iran, Central Asia, and the Arab world, the enormous land and population of India has made the invader invisible in terms of skeleton evidence.[212]

Sanskrit, the Āryas' language, and the language of the gods, can give some indications to whether they were indigenous to Āryavarta, or at least the northwestern part of it as the Ṛgveda suggests. Based on the rivers mentioned in the text, from eastern Iran to the Indus valley, to Kurukṣetra, and beyond to the Ganges in the east, and their internal chronology in the Ṛgveda, Jamison and Brereton concludes that the "geographic references in the text suggest a movement from the northwest toward the east."[213] Likewise, after citing several examples of this spread and duplication of river names in the Ṛgveda, Hoch comes up with the same conclusion.

> This general spread of river names, in turn — provides strong support for the traditional view that the āryas, who transferred these river names, spread along the same route and thus were immigrants to India, and against the Hindu nationalist view that the āryas are the original inhabitants of India. [214]

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[209] For a description of the Āryas in the Ṛgveda, see: Jamison & Brereton, 2014, p. 6.
[210] Hock, 2012, p. 163.
[211] Bronkhorst, J. & Deshpande, M. M., eds. (2012) *Aryan and Non-Aryan in South Asia – Evidence, Interpretation and Ideology*. New Delhi: Manohar Publishers & Distributors, p. vii.
[212] See: Hock, 2012a, p. 17.
[213] Jamison & Brereton, 2014, p. 5.
[214] Hock, 2012, p. 165. See also Witzel, 1995b, pp. 320-324 "for other, textually based evidence which suggests an āryan migration to India."

To date the Ṛgveda is not an easy task. While several scholars and Hindu nationalists of northern India[215] claim the Vedic Āryas were "eternal" natives of ancient India and contemporary with the Harappan civilization of the Indus valley, flourishing in the period from 3000 to 1700 BCE, some scholars even date the Ṛgveda as early as sometime between 12000 and 4000 BCE.[216] To back their hypothesis that the Ṛgvedic Āryas were an urban people and not migrators from the West, one of their arguments claims *púruṣa*, the Sanskrit term for "man, human being" is derived from *pur* ("city") and the root *vas* ("dwell"), thereby suggesting the Āryas were "city-dwellers".

Well, the *pur*s mentioned in the Ṛgveda are not of the same type as those of the Harappan civilization. While the large cities and forts of the Indus civilization were stone or brick-walled, the forts in the Ṛgveda are "constructed of wood, wattle, mud and/or rocks."[217] Since the Ṛgveda does not mention large urban areas, but only know of ruined places which would yield as potsherds for the rituals, and "the fact that *grāma*, which later designates a village, still generally means a 'troupe' or 'group' of people"[218] in the Ṛgveda, all indicates the early Vedic civilization was semi nomadic and not urban.

While the Ṛgveda itself and the archaeological evidence found is hard to interpret into any exact date, the Āryas are indeed a part of this problem. Being "a semi nomadic pastoralist society, in which seasons of settlement alternated with seasons of migration", the Āryas and their "hymns make no mention of any permanent religious structures or enduring settlements."[219] The place for constructing a sacrifice had to move with them.

> The ritual as depicted both in the Ṛgveda and in later Vedic texts treating the classical śrauta system (and indeed the much later *pūjā* of classical Hinduism) is modeled as a hospitality ceremony and festive meal, offered to the visiting gods. The poets eagerly invite the gods to journey to attend the sacrifice. When [or if] they arrive, they are greeted and provided with seats near the center of the action, on a special grass strewn on the ritual ground to make the ground

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[215] For a list of their names and arguments, see: Hock, 2012, p. 161. The forthcoming arguments I will present are all from this text.

[216] For this information and a full chanting of the Ṛgvedic hymns, see the *Hindu Mantras* YouTube site: https://www.youtube.com/watch?v=xCQCSN38KYY. (Downloaded 22.05.2015).

[217] Hock, 2012, p. 162. See also Schneider, U. (1971) *Der Somaraub des Manu: Mythus und Ritual*. Freiburger Beiträge zur Indologie 4., and Rau, W. (1976) *The meaning of* pur *in Vedic literature*. München: (Abhandlungen der Marburger Gelehrten Gesellschaft 1973.1).

[218] Hock, 2012, p. 162. See also Rau, 1976, for more information about *pur*s in Vedic literature.

[219] Jamison & Brereton, 2014, p. 6.

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> more comfortable. This grass strew is called *barhís* and it has an exact cognate in Avestan *barziš* 'cushion, pillow.'[220]

Since the Ṛgveda mentions metals, but never iron, most scholars assume it a Bronze Age text. However, since iron is mentioned in the Atharvaveda, and based on the close connection between these two texts, "there is no basis for assuming a substantial gap in time between the end of the Ṛgvedic period and the Atharvaveda."[221] Since the archaeological evidence for the northwest of India, which comprises the geographic horizon of the Ṛgveda, tells us iron began to be manufactured around 1200-1000 BCE, we can assume the Ṛgveda was composed sometime within the period 1400-1000 BCE.[222]

Based on these assumptions, Hoch concludes they must have migrated slowly, so that by "the time they reached northwestern India they would, therefore, have been fairly similar to the population of that area in terms of their physical appearance and culture."[223] In addition, other parts of the linguistic evidence also supports the claim that the Āryas migrated into India.[224] As will become obvious in the next chapter, a whole lot of Sanskrit terms from the Ṛgveda have their counterparts in the Avestan.

2.6 The Devas' *Dhárman* and the Asuras' *Adhárman*

Even though there are Indo-European parallels to the Āryas' *dhárman*, "the only Iranian equivalent is Old Persian *darmān* 'remedy,' which has little bearing on Indo-Aryan dhárman. There is thus no evidence that IIr. *dharman was a significant culture word during the Indo-Iranian period."[225] However, in contrast to this parallel, two terms whose semantic sphere *dhárman* sometimes intersected and in time replaced, the Sanskrit *rtá* (Avestan *aṣa*) and *vratá* (Avestan *uruuata*), were both given "significant roles in the old Indo-Iranian religious vocabulary, and therefore study of their meanings in the *Ṛgveda* has to consider the Iranian evidence and their pre-Ṛgvedic history. In contrast, the discussion of *dhárman* can reasonably begin with the *Ṛgveda*."[226]

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[220] Jamison & Brereton, 2014, pp. 25-26.
[221] Jamison & Brereton, 2014, p. 5.
[222] Jamison & Brereton, 2014, p. 5.
[223] Hock, 2012, pp. 160-161.
[224] Hock, 2012, p. 17.
[225] Brereton, 2009, p. 27.
[226] Brereton, 2009, p. 27.

While the term *dhárman* in Ṛgveda can be interpreted as "different and mutually supportive aspects of the meaning 'foundation'"[227], the sense of *dhárman* as "foundational authority", or more precisely as supporting "royal authority", are both a central theme in my own text, the Ṛgveda, and important for understanding how the concept would develop in the later Dharmaśāstras. If an "authority" is the basis of relationships among different groups of peoples, gods and demons, and for the organization of the world and cosmos in its totality, he is surely a "foundation" for the Āryas' society.

The only deities where *dhárman* have been used to describe their character or nature are Indra, Soma, Savitar, and the two of the Ādityas; Mitra and Varuṇa.[228] The Ādityas are sons of the Goddess Aditi, and are a group of seven or eight (later twelve) "gods most closely associated with the principles that govern the actions of humans".[229] As a group, the Ādityas generally represent the powers that order human society, "thus, *dhárman* becomes 'the foundation of authority' that structures society."[230] Varuṇa is presented as "a stern but just king-figure",[231] whose "name is etymologically and semantically related to *vratá* 'command, commandment', and he therefore governs in the sphere of 'command' or 'authority'",[232] which is also his foundational nature. The term *mitrá* means 'alliance' or 'ally' in the Ṛgveda, and "Mitra is the god that governs in the sphere of alliance."[233] "Herdsmen of the truth [*ŕtasya*], you two [Varuṇa and Mitra] stand upon your chariot, o you whose foundations are real [*sátyadharmāṇā*], in the furthest of heaven."[234] Soma, or "the one pressed out",[235] is both a god and a deified drink that Indra had to drink in order to kill *Vṛtra,* a cobra representing chaos. For helping Indra in restoring order/*dhárman* out of chaos/*adhárman*, Soma is hailed as the *dhármaṇas pátih* or the lord of *dharma*, "Under whose command [*vraté*] every people finds foundation".[236] "He strikes down the demon, and he presses away hostilities on every side – he who, as king of the community [*vṛjánasya rǎjā*], creates expanse."[237] The king's authority are in other words

[227] Brereton, 2009, p. 63.
[228] Brereton, 2009, p. 50.
[229] Brereton, 2009, p. 55.
[230] Brereton, 2009, p. 55.
[231] Witzel, M. (2005) "Vedas and Upaniṣads". In: Flood, G. (ed.) *The Blackwell Companion to Hinduism*. Massachusetts (USA), Oxford (UK) & Victoria (Australia): Blackwell Publishing Ltd, p. 72.
[232] Brereton, 2009, p. 66, note 50.
[233] *Ibid*.
[234] *ṚV* 5.63, cited in Brereton, 2009, p. 55.
[235] Witzel, 2005, p. 72.
[236] *ṚV* 9.35.6, cited in Brereton, 2009, p. 53.
[237] *ṚV* 9.97.10cd, cited in Brereton, 2009, p. 54.

dependent on his ability to conquer land and giving his subjects and worshippers the means necessary to raise and pasture their cattle,[238] duties that depends on the season.

One of the most enduring mythological structure in the Vedic prose texts are the perpetual and violent conflict between the Devas (*devá* is the Sanskrit term for "god") and the Asuras (*ásura* in Sanskrit). Behaving like anti-Devas, the Asuras are presented as demons or as a negative mirror image, their negative traits corresponding exactly to the positive ones possessed by the Devas. This conflict can also be found in the Old Iranian Avestan, though with opposite traits.

> An apparent mirror image of this paired opposition is found in Old Iranian in the Avestan texts, where *ahura*, the direct cognate of Sanskrit ásura, is the title of the head of the pantheon, Ahura Mazdā 'Lord Wisdom,' and the *daēuua*s (exact cognate of Sanskrit *devá*) are the enemies of all that is good.[239]

Nevertheless, their distinction in the Ṛgveda is not always clear. A particularly striking example is when Mitra and Varuṇa are called both Devas and Asuras in the same passage: "Great Mitra and Varuṇa, sovereign kings, gods and lords [*devā́v ásura* – (the two) Devas, (the two) Asuras], truth-possessing, loudly sound their lofty truth."[240] The Ṛgveda regularly uses the term *ásura* in singular as a title for "lord", and then in a positive sense for divinities that are normally identified as Devas. Only in the latest and youngest layers of Ṛgveda can the term *ásura* be identified with the Asuras as a group.[241] *Dhárman* as the "foundational nature" of the gods as kings,[242] or connected to commanding authority and alliances,[243] indicates *dhárman* was indeed connected to royal authority as the foundation for the Āryas' society, already in the oldest layers of the Ṛgveda.

2.7 The Āryas' Foundational Authority – The *Rājana*s and the *Brahmán*s

As a semi-nomadic people, the duties of the Āryas' king depended on the season. While in periods of fixed settlement, the *kśéma* season, the Āryas king could become a *saṃrā́j*, an embodiment of Varuṇa (or of Varuṇa and Mitra) who maintained the peace among his people

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[238] Brereton, 2009, p. 54.
[239] Jamison & Brereton, 2014, p. 37.
[240] *ṚV* 8.25.4.
[241] Jamison & Brereton, 2014, pp. 37-38. For further discussion on the terms *devá* and *ásura* see: Hale (1986)
[242] *ṚV* 9.97.23, 5.63.7, 10.65.5, 10.167.3, 9.107.15f, 1.134.5.
[243] *ṚV* 9.35.6, 9.64.1, 5.72.2, 1.22.18f, 6.70.1ff, and 7.89.5.

so that they could tend their cattle and raise crops. In the *yóga* season or period of movement (*yóga*, lit. 'yoking up'),[244] all this changed. As a time for expansion, war, and conflict, governed by their king(s), who then became an embodiment of Indra, a war-king or *svarā́j*, the Āryas' clans would try to conquer new lands and cattle, or defend their own settlements in times of adversity. Even though the "war-king" and the "peace-king" might have been two different persons, "more likely these represent two roles that a king might or must play."[245] In one passage, reminiscent of how Manu would later describe the king's qualities, he becomes both Varuṇa and Indra.

> [As Varuṇa:] Now as before, mine is the kingship of a lifelong ruler, so that all the immortals (are) ours. … I, Varuṇa, am Indra. By my greatness, these two realms, wide and deep, have strong support. … [As Indra:] Men call upon me as they race to victory with their good horses; surrounded in battle they call upon me.[246]

The head of the clan was called the *viśpáti* (the "clan lord" or "father of the clan"), a man who represented the clan among larger social units such as a tribe.

> The clan was itself composed of different extended families, themselves led by a *gṛhápati* or *dámpati*, a 'houselord.' Sacrificers generally came from the ranks of these clanslords and houselords. Larger social units composed of several clans were led by a *rā́jan*, a 'king' or, as others prefer, a 'chieftain,' who was chosen from among the viśpátis by the viśpátis of the clans that formed these units. [247]

On a higher level in the Āryas' hierarchy, these groups of clans joined other groups to establish confederations, also led by a king. As concerns the royal lineage, while "there is good reason and good evidence to believe that kings were selected by clanlords or lesser kings, there is also evidence for the lineal descent of kings, at least of the kings of major tribal confederations." [248] As concern the religious foundational authority in the Ṛgveda, the principal priests who recited the hymns and poured the libations for their patrons, the Hotars, were also called *brahmán*s or the "formulators of Truth". However, probably in order to break with their Western counterparts, the Vedic Āryas would give an increasing importance to the last term.

> Although in the Ṛgveda and in the later tradition, the Hotar is the priest who recites the hymns and is secondarily associated with the root √*hū* 'call,' his name originally meant the 'pourer'

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[244] Jamison & Brereton, 2014, p. 55.
[245] Jamison & Brereton, 2014, p. 55.
[246] *RV* 4.42.1-5.
[247] Jamison & Brereton, 2014, p. 55.
[248] Jamison & Brereton, 2014, p. 55. For further information on the subject see: Witzel, 1995a, pp. 330-336.

(derived from the root √*hu* 'pour'), which indicates that this ancient function was both to pour the offerings and to recite. In the Ṛgveda, he was likely often the composer of the hymns he recited as well. He is the one priest who has an exact correspondent in the Avestan tradition, the Zaotar, who already in the Gāthās of Zarathustra also composed and recited hymns. [249]

The poet or priest who formulates the truth is the *brahmán*, while the verbal formulation itself is the *bráhman*.[250] In addition to being a separate category of priests who assisted the Hotar in reciting hymns, elsewhere in the Ṛgveda the *brahmán* is both a composer and reciter of hymns.[251] In the period ranging from 1000-600 BCE, the upholding power of the sacrifice would Brahman as foundation of the cosmos, a theological invention almost identical to the upholding power of Dharma as foundation, increased in importance. The fact that different version of the word Brahman were being used as a description of both the hymns, the poets, and the power of the sacrifice, which acts as a foundation for the universe, resulted in the priests being recognised as more powerful than the gods since they alone possessed and controlled the power of Brahman. [252] Dharma had to fit into this new *varṇa*-hierarchy with the Brāhmaṇa priests on top.

Finally, the soma sacrifice, which holds the most central position in the Ṛgveda, only represents the religious concerns of men from the social elite, while the religious lives of women or other social classes are not directly addressed. [253] The close connection between the gods and kings, both being foundations for the Āryas' society, are a reflection of this focus on the soma ritual in the Ṛgveda. The poets are artisans of the word who participate in an elaborate patronage system,[254] where the Brāhmaṇas praise the god(s) and try to persuade or constrain them to use their powers on behalf of their patron. As hirelings, but of a very superior sort, the poets get their reward as an indirect outcome of the sacrifice, with war booty looming in the future. Even though the Āryas fought among themselves, their enemies was often groups of people they recognised as Anāryas, or people who had not (yet) adopted the customs and norms of the Ṛgvedic Āryas. These Anāryas were called Dasyus or Dāsas in the Ṛgveda.

2.8 The Anāryas – the Dasyus and the Dāsas

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[249] Jamison & Brereton, 2014, p. 29.
[250] Jamison & Brereton, 2014, p. 22.
[251] Jamison & Brereton, 2014, pp. 29-30.
[252] Jacobsen, 2010, p.67-68.
[253] Jamison & Brereton, 2014, p. 6.
[254] For further information, see: Jamison & Brereton, 2014, p. 9.

An exact answer to who the Anāryas were, or were not, is unfortunately hidden by the Rigveda's *támasā* or darkness. Nevertheless, the question of study in this subchapter are whether the terms Ārya and Anārya designate a boundary of ethnicity in the Ṛgveda, or are just distinctions of a religious, political or moral character. In fact, several scholars have interpreted this ethnic or "racial" sense of the terms Ārya and Dāsa/Dasyu as a conflict between two "racially distinct groups, whose differences are characterised especially in terms of white or light vs. black or dark skin color." [255]

Based on the textual evidence given in the previous subchapters, the migration of the Āryas and their Ṛgvedic culture into and through the northwest of their future Āryavarta in the second millennium BCE, were indeed filled with "obstacles". The people they met, called the Dasyus and Dāsas in the Ṛgveda, "must have been people and cultures either indigenous to South Asia or already in South Asia". [256] The first indigenous group I will explore is the Dasyus.

The Dasyus were looked upon as a "powerful" and real threath to the Āryas' society. In hymn after hymn, the poets ask their gods, in particular Indra, the warrior with unequalled might, for help in destroying their "many obstacles [/Vṛtras] and Dasyus." [257] The next passage indicates they were a powerful opponent to the Āryas' way of life. Indra "the overcomer of the powerful, having drunk of the soma, having grown strong, the champion blew the Dasyus forth from heaven in battle." [258] They were also "repelled" by Indra on his way to the ritual meal, [259] indicating they opposed the Vedic sacrifice. In another hymn, the poets takes a bit of the credit when they claim Indra "blasted forth the Dasyu with (the aid of) those who create sacred formulations". [260]

The Dasyus are presented as the extreme opposite of the Āryas. "The Dasyu of non-deeds [*akarmán*], of non-thought [*amantú*], the non-man [*ámānuṣa*] whose commandments are other [*anyávrata*], is against us. [Indra] You smasher of non-allies, humble the weapon of this Dāsa."[261] Since the Dasyus are described as *ámānuṣa* or no son of Manu, they are definitely on the outside of Vedic society. They are *akarmán* or peoples of non-deeds since they do not perform the Vedic sacrifice, and their lack of knowledge in the Vedic Truth makes them people of non-thought or *amantú*, who follow other commandments (*anyāvrata*) than the Āryas.

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[255] Hock, 2012, p. 148.
[256] Jamison & Brereton, 2014, p. 56.
[257] *ṚV* 6.29.6.
[258] *ṚV* 10.55.8.
[259] *ṚV* 5.31.7.
[260] *ṚV* 1.33.9.
[261] *ṚV* 10.22.8.

Whether the Dāsas are included in this category of peoples, I cannot say. The reference to "this Dāsa" complicates the division between the Dasyus and the Dāsas.

Even though the Dasyus are described as non-men or *ámānuṣa*s, and although some of them may have been demonized humans or beings on the way to becoming demons, they are mostly seen as human opponents. Likewise with the Dāsas. However, what complicates the distinction between the Dasyus the Dāsas is that in three different hymns both names are used of the same beings. [262] In addition, while the two categories are not always consistent and there is a great degree of overlap between them, the use of Dāsa is even more complex than that of Dasyu.

Indra, the preeminent god of the Ṛgveda, is known as a warrior and defender of the Āryas' Ṛgvedic society. His greatest enemy, Vṛtra, which means, "obstacle" and "is the paradigm of all obstacles", was a gigantic cobra twisted around a mountain that enclosed the waters. [263] After a furious battle, Indra kills Vṛtra with his mace; smashes open the mountain, releases the waters, and thereby creates life, and the rivers that would hold such a central position in the Āryas' religion and culture until the present. Nevertheless, Vṛtra is a Dāsa, [264] but not a Dasyu. In addition, one hymn describes how Indra "subdued the mightily roaring Dāsa with his six eyes and three heads", [265] indicating the Dāsas penetrated further into the nonhuman realm as demonic beings than the Dasyus. However, as with the Dasyus, the description of the Dāsas as human opponents to the Āryas are the dominant focus of the Ṛgveda.

As early as the Ṛgveda the term Dāsa can mean both "servant" and "slave", indicated in hymns describing the Ārya who "leads the Dāsa as he wishes". [266] However, wealthy Dāsas was not considered enemies, or potential slaves, as long as they respected the Āryas' hierarchy and gave the Brāhmaṇas gifts.

> Your immoderate generosity, has just been seen, Dasyave Vṛka – Your capacious power is like heaven in its extent. To me Dasyave Vṛka, son of Pūtakratu, granted ten thousands from his own wealth. A hundred donkeys for me, a hundred wooly ewes, a hundred slaves, and garlands beyond that. [267]

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[262] *ṚV* 1.103.3, 4.28.4, and 5.30.9.
[263] Jamison & Brereton, 2014, p. 56.
[264] *ṚV* 1.32.11, 2.11.2, and 4.18.9.
[265] *ṚV* 10.99.6.
[266] *ṚV* 5.34.6.
[267] *ṚV* 8.56.1-3.

In addition, the distinction between the Āryas and the Dāsas were not always consistent. Though the poets sharply distinguishes between the Āryas and Dāsas in most instances, [268] their cultural difference from the Āryas were not insisted upon in the same manner as with the Dasyus. The Dāsas are neither described as *akarmán*, *amantú*, *anyávrata*, nor as *ámānuṣa,* indicating they were sometimes accepted, at least when they were wealthy and powerful. One hymn gives credit to the Dāsa Balbūtha Tarukṣa for giving a hundred camels to the poet. "Although Balbūtha's name is not Indo-Aryan and although he is called a Dāsa, he had apparently employed the poet, presumably to compose hymns and to sacrifice for him. Therefore, he must have had one foot in Ārya culture, if not in the Ārya community." [269] In contrast to the Dasyus, who were clearly recognised as outsiders by the Ṛgvedic Āryas, the Dāsas were sometimes recognised as insiders.

In the Ṛgvedic "battle of the ten kings", the Āryas and the Dāsas participate on both sides of the conflicts. There is also a number of hymns that refer to the enemies as both Āryas and Dāsas,[270] while the enemies [271] and allies [272] are divided into the categories of related "*jāmi*" and unrelated "*ajāmi*" peoples. In addition, Witzel has made list of clan and tribal names in Ṛgveda where he consider 22 names as of non-Indo-Ārya origin. [273] This potential inclusion of some groups of Anāryas into the Āryas' Vedic society "suggests that at some point in their histories these people had adopted Vedic culture and had become part of the Ārya community." [274] The first historical example of the process of inclusion called Sanskritization, and later on Brahminization, where the "Other" and his gods gradually becomes a part of the Āryas' religion/culture/civilization.

While Jamison and Brereton concludes that the distinction between the Āryas and the Dāsas/Dasyus "was essentially a cultural and political one",[275] they admits their "summary is very much indebted to Hale's work", who sees a racial distinction between the Āryas and the Anāryas.[276]

2.9 The 'Bull-Lipped' and 'Snub-Nosed' Anāryas

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[268] See for instance *ṚV* 5.34.6, 9.25.2, and 10.86.19.
[269] Jamison & Brereton, 2014, p. 56-57.
[270] *ṚV* 6.22.10, 6.33.3, 6.60.6, 7.83.1, and 10.69.6.
[271] *ṚV* 1.111.3, 4.4.5, 6.19.8, 6.25.3, 6.44.17 and 10.69.12.
[272] *ṚV* 1.100.11.
[273] Witzel, 1999, pp. 359-60.
[274] Jamison & Brereton, 2014, p. 55.
[275] Jamison & Brereton, 2014, p. 55.
[276] Jamison & Brereton, 2014, p. 57.

In 1854, in one of his earliest works, Max Müller found no allusion to any distinct physical features of the dāsas/dasyus in Vedic India. However, one of his remarks about their noses, where the beautiful noses (*suśipra*) of the Aryas' gods were contrasted with the goat or bull-nosed (*vṛṣaśipra*) Dāsas,[277] was an image that made a deep impression on the Orientalists. Even though Müller later discovered "that *śipra* has to do with the jaw (or cheek) and not the nose",[278] thereby referring to speech instead of complexion, was ignored by most scholars of the era. The British orientalists, familiar with a discourse focused on legitimising the conquering and subjugating other ethnic groups, preferred a racial interpretation of the Vedic textual evidence. In his study of ethnology in India from 1891, Risley were "stuck by the *frequent* references to the noses" of the natives.

> No one can have glanced at the literature of the subject and in particular at the Vedic accounts of the Aryan advance, without being stuck by the *frequent* references to the noses of the people whom the Aryans found in possessions of the plains of India. So impressed were the Aryans with the shortcomings of their enemies' noses that they *often* spoke of them as 'the noseless ones', and their keen perception of the importance of this feature seems almost to anticipate the opinion of Dr. Collignon that the nasal index ranks higher as a distinctive character than the stature or even the cephalic index itself.[279]

The ancient conflict between the Āryas and the Dāsa/Dasyu mirrored the British colonialization of the indigenous people of India. Even up until the present, different scholars adhere to a "racial" interpretation of the Vedas.[280] As an example, I assume Basham's description of the Dāsas "as dark and ill-favoured, bull-lipped, snub-nosed, worshippers of the phallus, and of hostile speech",[281] sums up the "racial" theory quite clearly.

As concerns the textual evidence in the Ṛgveda, only two passages contains terms that has been interpreted as "noseless" and "bull-lipped". In addition, the "noseless" people are Dasyus, not Dāsas. By first presenting passages from Geldner's[282] translation from 1951,

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[277] Müller, M. F. (1854) "The last result of the researches respecting the non-Iranian and non-Semitic languages of Asia and Europe, or the Turanian family of languages". In Bunsen, C. C. J. (1854) *Outlines of the philosophy of universal history, applied to language and religion*. Two volumes. London: Longmans, Brown, Green and Longmans, p. 346. Referred to in Trautmann, 2012, p. 287.
[278] Müller, M. F., tr. (1891) *Vedic hymns*. Part 1, Sacred books of the East, volume 32. Reprinted in (1964) Delhi: Motilal Banarsidass, p. 300-301. Referred to in Trautmann, 2012, p. 287.
[279] Risley, H. H. (1891) "The study of ethnology in India". In: *Journal of the Anthropological Institute of Great Britain and Ireland*, 20, pp. 249-50. Cited in: Trautmann, 2012, p. 288. My italics.
[280] For a list of some scholars who adhere to this "racial" view, see: Hock, 2012, p. 148.
[281] Basham, A. L. (1954) "The wonder that was India". New York: Macmillan, p. 32. Cited in: Hock, 2012, p. 148.
[282] Geldner, K. F. (1951) "Der Rig-Veda: aus dem Sanskrit ins Deutsche Übersetzt", posthumously edited by Charles S. Cambridge MA: Harvard University Press. Cited in: Hock, 2012.

followed by comments, and the newest translation from 2014 by Jamison & Brereton, the racial aspects of this ancient conflict diminishes.

"You destroyed the noseless [*anā́so*] dasyus with your weapon; you smashed those of evil speech [*mr̥dhrávācaḥ*] in their abode."[283] The word *anā́so* can both mean "noseless" (*a-* 'negative' + *nā́s-* nose) or "mouthless" (*an-* 'negative' + *ā́s-* 'mouth'). Based on the fact that the term only appears once, and then is related to "evil speech", *anā́so* has been interpreted by most scholars to mean the "mouthless" dasyus, indicating their barbarian language and lack of "correct speech" compared to the Āryas.[284] This is consistent with Jamison & Brereton's translation: "You crushed the Dasyus mouthless with your murderous weapon; you wrenched those of slighting speech down into a woeful womb."[285] As a people of non-deeds (*akarmán*) and non-thought (*amantú*), following no commandments (*anyávrata*) and described as non-man (*ámānuṣa*), the Dasyus' voices, and thereby their history and identities, had to be "mouthless".

Geldner present the bull-lipped Dāsas as follows: "You have destroyed the tricks even of the dāsa 'bull-lipped' [*vr̥śaśiprásya*] in the battles, O lords."[286] It is the element *śiprá* in this compound that makes the translation uncertain. "If it is derived from *śiprá*, its meaning can range from 'lip' to 'jaw' or 'cheek' and even something like 'head ornament'." [287] In Jamison and Brereton's translation, *vr̥śaśiprásya* has been interpreted as a Dāsa's name. "The magical miles even of the Dāsa Vr̥śaśipra did you [Indra and Viṣṇu] smite in the battle drives, you two superior men."[288] The term "even" are similar in both translations, indicating the Devas faced a powerful enemy. Since a bull signifies strength and aggression in most cultures, including the Vedic, I believe *vr̥śaśiprásya* means the name of a Dāsa leader the Āryas needed help from their gods to conquer. Anyway, none of these two passages can be used to support the claim that there was a racial difference between the Āryas and the Dāsas/Dasyus.[289] However, there are other passages in the R̥gveda where these terms might indicate a boundary of ethnicity.

2.10 The Whites and the Blacks in the R̥gveda

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[283] *R̥V* 5.29.10cd. Cited in Hock, 2012, p. 156.
[284] Hock, 2012, p. 156.
[285] *R̥V* 5.29.10cd.
[286] *R̥V* 7.99.4cd. Cited in Hock, 2012, p. 156.
[287] Hock, 2012, p. ?
[288] *R̥V* 7.99.4cd.
[289] Hock, 2012, p. 157.

As concerns the savagery of these black-skinned Dāsas and Dasyus of hostile speech, the Ṛgveda actually describe them as powerful and technologically advanced, at least compared to the semi-nomadic Āryas. The fact that Indra on several occasions had to help the Āryas in destroying the Dāsas forts, sometimes even built of stone and metal, indicates they were a highly organized society, and a major "obstacle" for the Āryas' in their search for cattle and fertile land.

> The god famed as Indra by name, he the most wondrous, rose upright for Manu. The able, independent one carried away the Dāsa Arśasāna's very own head. Smasher of Vṛtra, splitter of fortresses, Indra razed the Dāsa (fortresses) with their dark wombs. He gave birth to the earth and the waters for Manu. … When they [the gods] put his mace in his arms, after smashing the Dasyu he trampled their metal fortresses.[290]

In fact, "archaeology has shown that the inhabitants of India at the time at which the Sanskrit language makes its appearance were already greatly advanced, in many respects more so than the people of the Veda."[291] Their savagery excluded, what about the reference to "their dark wombs"; is it a reference to the skin of the Dāsa women, or a just a contrast to the bright, light, and white world of the Āryas?

The "Avestan designation for 'caste', pištra, (from *paēs* = Skt. *piś* 'paint') suggests that the use of words for 'color, paint' goes back at least to Proto-Indo-Iranian times, presumably before the contact between āryas and dāsa/dasyus."[292] Later on, the Vedic Āryas categorised the caste colours as "*śukla* 'white' for the brahmin, *rakta* 'red' for the kṣatriya, *pīta* 'yellow' for the vaiśya, and *kṛṣṇa* 'black' for the śūdra."[293] To complicate this division of society into colours, "the Kāṭhaka Saṁhitā (1:1:23) uses the term *śukla* 'white' to refer to the vaiśya and, more significantly, characterizes the rājanya as *dhūmra* 'dark'."[294] In addition, some of the greatest Epic heroes and heroines, such as Kṛṣṇa, Draupadī, Arjuna, Nakula, and Damayantī, are all characterized as dark-skinned, and in "none of these contexts do we find that darker skin disqualified a person from being considered good, beautiful, or heroic."[295] However, while Hoch claims that "we have no evidence of the classifications of entire 'racial' groups in terms

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[290] *ṚV* 2.20.6-7.
[291] Trautmann, 2012, p. 290.
[292] Hock, 2012, p. 155.
[293] Hock, 2012, p. 155.
[294] Hock, 2012, p. 155.
[295] Hock, 2012, p. 154-155.

of skin color",[296] some passages in the Ṛgveda might indicate the opposite. Anyway, whether the discrimination is based on "race" or how ritually pure the person is, it is still discrimination.

> Invoked by many in (many) ways, having smashed the Dasyus and the Śimyus to the earth, he [Indra] has laid them down with his missile. He has won a dwelling place along with his *bright* comrades [=Maruts]; he has won the sun [*sūryam*]; he has won the waters – he with the good mace.[297]

In Geldner's comments to this verse, he speculates on whether the *bright* comrades refers to the white skin colour of the Āryas, or is only a reference to their clothes. Since the next line begins with a reference to the sun (*sūryam*), I agree with Hoch who concludes, "Geldner's tentative equation of 'white/light' with skin color is not required by the context."[298] Nevertheless, the battle for the Truth between the Āryas and the Dāsas/Dasyus are what is at stake, and sometimes this conflict is described in ethnical terms.

> "Indra aided the Ārya sacrificer in battles, affording a hundred forms of help in all contests − in contests whose prize is the sun. Chastising those who follow no commandment [*anyávrata*], he made the black skin [*tvácaṁ kṛṣṇǻm*] subject to Manu."[299] Even if I follow Geldner's note, where "'the black skin' refers to 'the black aborigines'",[300] or "barbarians" as Jamison and Brereton prefers, it is the first passage I have found so far that clearly indicates a group of people being classified by the Āryas according to the colour of their skin or *tvácaṁ*. The same sense of discrimination based on complexion is also indicated in the next verse, where the *anyávrata*s or Dasyus are described as dark skinned and hated by Indra.

> Those who sounded in unison from their ancient edifice from the father and mother [=Heaven and Earth], blazing with their verse, burning up those who follow no commandment [*anyávrata*], they blow away by magic power *the black skin* hated by Indra – from earth and from heaven … The blind and deaf have retreated: evil doers do not traverse the path of truth. … Only the insightful, seeking to reach it together, have attained it. The one who does not advance will fall down into the pit here.[301]

The only way to become an Ārya is by following the commandments of Manu, or death in a pit will ultimately become your destiny. The colour of your skin, whether black or any other colour,

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[296] Hock, 2012, p. 155.
[297] *ṚV* 1.100.18. My Italics.
[298] Hock, 2012, p. 153.
[299] *ṚV* 1.130.8.
[300] Hock, 2012, p. 151.
[301] *ṚV* 9.73.5-9. My italics.

are irrelevant as long as you accept the commandments of Manu. Since conversion is a foreign term, the only way to get a foot inside the Āryas' society is by giving gifts to the Brāhmaṇas, and dedicate your life to serving the three upper *varṇa*s in the Brāhmaṇicals' hierarchy. The next hymn is dedicated to the protective power of Soma, beginning with an incomplete sentence where a wild mob are mobilized against the enemies of the black skinned Dasyus.

Geldner present the passage as follows: "Those who strode forth like cattle – frenzied, turbulent, unruly, smashing away the black skin [*kṛṣṇā́m tvácam*] … having overcome the Dasyus who follows no commandment [*anyávrata*]. … O Soma, flow for us in a protecting stream all around on all sides".[302] In Geldner's note, "the 'black skin' refers to 'the demons or the un-Aryan race'". However, elsewhere in the Ṛgveda the word *tvac* or "skin" "does not necessarily designate human or animal skin, but can also refer to the surface of the earth."[303] In the next passage, the blacks or *kṛṣṇā́*s are presented as enemies of the light or sun.

> You [Indra] scattered down the dark [*kṛṣṇā́*] fifty thousand. You shredded their fortresses, like a worn-out age a cloak – Placing your body in nearness to the sun, so that the form of you, the immortal one, could be distinguished, like a wild elephant, clothing yourself in might, and fearsome like a lion when you bear your weapons. … having the sun as its prize[304]

Whether the Blacks "*kṛṣṇā́*" refers to forts, as Hoch suggests, or to the Dasyus as a people, I cannot tell. However, since the number is fifty thousand and the next sentence refers to *their* fortresses, I believe *kṛṣṇā́* in this passage refers to the dark people, and not their forts. In addition, the next passage describe the blacks as clans, and identified as Dasyus. "The dark clans went breaking ranks, leaving their supplies, from fear of you, o Vaiśvānara, when you shone, breaking their strongholds, blazing for Pūru, o Agni. … You drove the Dasyus away from their home, o Agni, giving birth to broad light for the Ārya." [305] The distinction between the dark and the light are in other words contrasted and upheld by Agni's sacrificial fire, the same crucial distinction the Dharmaśāstras and the Epics propagate. The division between light and darkness is also present in the next passage, though in the context of night and day.

In Geldner's translation, the Blacks are excluded from the Āryas' society. "He excluded the Blacks [*kṛṣṇā́m̐*] with the fiery [*aruṣaír*] beings (?)"[306] Although Geldner admits that the terms "*aruṣá* and *kṛṣṇá* elsewhere are the contrast between morning and night", he still

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[302] *ṚV* 9.41.1-6.
[303] *ṚV* 1.79.3, 1.145.5, 10.68.4, 1.65.8 "and possibly 4.17.14." See Hock, 2012, p. 153.
[304] *ṚV* 4.16.13cd-15b.
[305] *ṚV* 7.5.3-6.
[306] *ṚV* 3.31.21b. Cited in Hock, 2012, p. ?

comments in the notes that the "Blacks probably are the black race".[307] In Jamison and Brereton's translation, *kṛṣṇā́m̐* refers to the night. "He [Indra] has come between the black [*kṛṣṇā́m̐*] (nights) (and bright days) with the ruddy manifestations (of the cows [=dawns])."[308]

As all the paraphrases and exclamations indicates, a clear understanding of what these ancient poets had in mind is not available to the modern student. However, this discourse of inclusion as found in the Ṛgveda, totally ignores the Other's "ideologies" or "religions". While other gods and peoples are included into the Āryas' society, everything has to fit into the Brāhmaṇas' hierarchy. According to Jaffrelot,

> this peculiar 'xenology'[309] stems mainly from the fact that the society is seen, in the Brahminical tradition, as maintaining a relationship of homology with *dharma* as a universal norm [or Law]. This theme is very clear, for instance, in the *sloka* of the Rig Veda narrating the sacrifice of the primordial man.[310]

2.11 Varṇa vs. Race in the Ṛgveda

The oldest historical layers of the Ṛgveda divides the Āryas society into seminomadic tribes and small-scale villages, which as a whole are divided into three groups or classes; the Brāhmaṇas or priests, the Kṣatriyas or the king, his warriors and the nobility, and finally, the Viś, or people of the tribe.[311] While these groups does not appear to have been strictly hereditary in the Ṛgveda, later on the Dharmaśāstras would certainly classify an Ārya according to his or her parents' *varṇa*/class. However, this new concept of *varṇa* were introduced in a late addition to the Ṛgveda. While there

> is no evidence in the Ṛgveda for an elaborate, much-subdivided, and overarching caste system such as pertains in classical Hinduism. There *is* some evidence in the late Ṛgveda for the fourfold division of society into varṇas, the large social classes so prominent in the later legal texts. But even this system seems to be embryonic in the Ṛgveda and, both then and later, a social ideal rather than a social reality.[312]

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[307] Cited in Hock, 2012, p. 151.

[308] *RV* 3.31.21b.

[309] The term *xenology* derives from the Greek *xenos*, which as a substantive has the meaning "stranger, wanderer, refugee" and as an adjective "foreign, alien, strange, unusual."

[310] Jaffrelot, 1995, p. 327.

[311] McClish & Olivelle, 2012, p. xxiv.

[312]

The *púruṣa*-hymn is one of the best-known and most influential hymn of the Ṛgveda. In Jamison and Brereton's new translation, the sacrifice of *púruṣa* (Man, person, or human being) is presented in the following words:

> The Man [*púruṣa*] is this whole world: what has come into being and what is to be. Moreover he is the master of immortality when he climbs beyond (this world) through food. So much is his greatness, but the Man is more than this: a quarter of him is all living beings; three quarters are the immortal in heaven. … From him the Virāj was born, from the Virāj the Man. … When, with the Man as the offering, the gods extended the sacrifice, spring was its melted butter, summer its firewood, autumn its offering. … From this sacrifice, when it was offered in full, the verses and chants [of the Ṛgveda] were born. … When they [gods, *Sādhyas* and seers] apportioned the man … The brahmin was his mouth. The ruler [from the *rājana varṇa*, later called the *Kṣatriya varṇa*] was made [of] his two arms. As to his thighs – that is what the freeman [from the *Vaiśya varṇa*] was. From his two feet the servant [or *Śūdra*] was born.[313]

Even though this myth can be found in different versions in the Indo-European cultures,

> this hymn is not simply the retelling of an ancient tradition. The *púruṣa* here serves as symbol of the sacrifice itself, which especially in the middle Vedic tradition is a locus of creative power. The *púruṣa* is thus similar to the later divine figure Prajāpati, who in the Brāhmaṇas personifies the sacrifice.[314]

Even though Prajāpati ("Lord of creatures") is a very marginal figure in the Ṛgveda,[315] he becomes the central creator god *par excellence* in the Brāhmaṇas and the Upaniṣads. As father of the gods, the demons (*asura*) and all creatures, he is being used by Manu to explain why women has been born with a different "nature" than men.[316] Although there is no real evidence for female poets in the Ṛgveda, in the later parts of the text women appear in a ritual role as the "Sacrificer's Wife (*patnī*)."[317] Being almost invisible in the Vedas, more information about women as the "other" will be presented in the last chapter called "Manu's Law and Women."

By making the world his food, Man has conquered death and rules the world and cosmos. While one third of him is in all living beings, the rest is godly, consisting of the pure

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[313] *ṚV* 10.90.2-12.
[314] Jamison & Brereton, 2014, p. 1538.
[315] Witzel, 2005, p. 73.
[316] *MDh* 9.16. Cited in: Olivelle, P. ed. (2004) *The Law Code of Manu – A new Translation by Patrick Olivelle*. Oxford: Oxford University Press, p. 156.
[317] Jamison & Brereton, 2014, p. 59.

immortals in heaven. The term *virā́j*, which links the original Man and the earthly (hu)Man, can either mean "brilliant" or "ruling, rule."

> This theme of dominance or rule … The latter [rule] is the more likely sense here, and therefore this word connects the hymn to Vedic ideals of the King, who in his consecration encompasses the world in a similar way that the Man does here. … Since the term *virā́j* is grammatically feminine, it complements *púruṣa*, which is masculine in grammar and connotation. [318]

Thereafter the moon is born from his mind, the sun from his eye, the gods Indra and Agni from his mouth, just like the Brāhmaṇas, and Vāyu from his breath.

> From his navel was the midspace. From his head the heaven developed. From his two feet the earth, and the directions from his ear. Thus they arranged the worlds. Its enclosing sticks were seven; the kindling sticks were made three times seven, when the gods, extending the sacrifice, bound the Man as the (sacrificial) animal. With the sacrifice the gods performed the sacrifice for themselves; these were the first foundations [*dharmán*s]. These, its greatness, accompanied (it) to heaven's vault, where the ancient Sādhyas [319] and the gods are. [320]

As a whole, the 10th *maṇḍala* of the Ṛgveda, from which the *Púruṣasūkta* is a part (10.90.1-16), "was certainly the final addition to the codified Ṛgveda".[321] This hymn is notable since it is "the only Ṛgvedic mention of the four varṇas, the hierarchical division of the social order that forms the theoretical basis for the caste system."[322] Just like Manu, the name ascribed to the first Dharmaśāstra, the author(s) of the *Púruṣasūkta* wants those who hear it to believe the world was divided into four *varṇas* from the beginning of Creation. One reason to why the hymn have been included in the Ṛgveda may have been to provide a charter myth for such a division of society, after it had taken shape. However, the real division in this *varṇa*-society is between the three upper *varṇas* and their servants, the Śūdras. Created from Manu's mouth, the Brāhmaṇas are the masters of knowledge and speech, thereby controlling the flow of information in ancient India. Manu's arms, signalling strength, power, and authority, became the King with his soldiers and administration, the *Rājana varṇa*, which later on in history became known as the *Kṣatriya varṇa*. Only a few hymns or *sūkta*s from the 8th *maṇḍala* "provides some evidence for the beginnings of a formal contrast between brahmanic and

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[318] Jamison & Brereton, 2014, p. 1538.
[319] "The identity of the Sādhyas (in vss. 7 and 16) is not clear. Their name means 'those to be brought to success,' and they appear to be ancient sacrificers whose proper ritual performance has 'perfected' them and who have attained god-like status or the status of gods." Cited in: Jamison & Brereton, 2014, p. 1539.
[320] *RV* 10.90.13-16.
[321] Jamison & Brereton, 2014, p. 1367.
[322] Jamison & Brereton, 2014, p. 1538.

kṣatriyan powers".[323] The final verses of hymn 36 and 37 in the 8th *maṇḍala* are almost identical, but where the first is dedicated to Indra for "strengthening the priestly formulations"[324] or *bráhmāṇi*, the last hymn is dedicated to the same god for "strengthening the lordly powers"[325] or *kṣatrā́ṇi*. While the Brāhmaṇas are responsible for the *bráhmāṇi*s or priestly formulations, the outcome of both their own actions and what was expected by the *kṣatrā́ṇi*s or lordly powers are indeed similar. By performing the sacrifice, a process that nourishes the gods, Indra helps the Āryas to win their battles, conquering both the heaven and the earth, and thereby become in possession of both new men, horses and cows.[326] The lordly powers "furthered this priestly formulation at the overcoming of obstacles" by achieving almost the same goals as the Brāhmaṇas: "As lone king do you rule over this creation … Over both peace and hitching up (for war) you are master. …in the conquering of men."[327] While horses and cows are missing from this hymn, I assume they are included in Indra's conquering of men.

Though "the formalised doctrine of the three twice-born varṇas seems to be taking shape only in the late Ṛgveda", with the introduction of the *Púruṣasūkta*, "it is surely no accident" that a preceding hymn "contains a tripartite blessing clearly referring to the three upper varṇas."[328] In three different verses, blessings for each of the three upper *varṇa*s are given, though they are not named as such in the text. The common mission for all three *varṇa*s is to "smite demons" and "keep away diseases."[329] While the Brāhmaṇas has as their primary objective to "Quicken our sacred formulation and quicken our insights",[330] the Kṣatriyas should "Quicken our lordly power and quicken or men".[331] The Vaiśyas that was made from Man(u)'s thighs, consisting of the rest of the Āryas society's freemen or clansmen, has as their primary objective to "Quicken our cows and quicken our clans".[332]

> These three classes form parts of the sacrifice because they can participate in the sacrifice. The śūdras or 'servants' are not part of the sacrifice but rather emerge from the feet of the Man, a symbol of their low social status and their exclusion from the sacrifice. … This primeval sacrifice thus establishes the 'first foundations' [*dharmán*s] for the performance of the sacrifice

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[323] Jamison & Brereton, 2014, p. 58.
[324] *ṚV* 8.36.7cd.
[325] *ṚV* 8.37.7cd.
[326] *ṚV* 8.36.1-7.
[327] *ṚV* 8.37.1-7.
[328] Jamison & Brereton, 2014, p. 1104.
[329] *ṚV* 8.35.16., 8.35.17, and 8.35.18.
[330] *ṚV* 8.35.16.
[331] *ṚV* 8.35.17.
[332] *ṚV* 8.35.18.

or even for the ritual, social, divine, and visible worlds more generally (vs. 16ab), and it creates access to heaven (16cd).[333]

Only the three upper varṇas can come to heaven, therefore, as a group, the Āryas are also called the "twice-born", a reference to their second birth when they perform the Vedic initiation ritual and become Ārya householders. Since the theological idea of reincarnation controlled by the laws of *karma* was not part of the Vedic religion at this stage, the Śūdras could not even hope for salvation in one of their next lives. Conversions to the Āryas' religion were only possible for conquered peoples who could occupy the servant or Śūdra position in their *varṇa*-hierarchy. Even though gifts were allowed from wealthy Dāsas, and the fact that many Anārya names became a part of the Āryas community, the Āryas Vedic religion was not available for the common "other". However, their inclusion of peoples, gods, practices, rituals, and philosophies into their own culture did not change their *varṇa*-ideology, their classification of the world into Āryas and Anāryas, nor their division of the Devas and the Asuras. The "others" could only become Āryas if those in power accepted their inclusion at a subordinate level. Conversion was not an option, at least not in the Ṛgveda nor in the Dharmaśāstras. When the Ārya Samāj introduced the *shuddhi* ritual it was surely a break with the past, though the other, personified by Christian missionaries and the "intolerant" Muslims, definitively influenced how Dāyānanda reinterpreted this ancient purification ritual.

As the Brāhmaṇas positioned themselves as the keepers and protectors of Āryan culture by knitting strong bonds to royal authority, their increased control of access to this cherished institution would in time raise their own *varṇa* to the top in the political hierarchy. By being masters of the sacred language, Sanskrit, and performing the sacrifice for the safety and well-being of society, the Brāhmaṇas would evolve into a powerful intelligentsia the Kṣatriyas could not ignore. In fact,

> The "establishment of Brāhmaṇical intellectual elite in the Vedic period would be one of the most important cultural developments in South Asian history, as Brāhmaṇical thought would go on to dominate South Asian high culture and exert enormous influence over South Asian society and self-understanding well into the modern period.[334]

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[333] Jamison & Brereton, 2014, pp. 1538-1539.
[334] McClish, M. & Olivelle, P. eds. and trs. (2012) *The Arthaśāstra – Selections from the Classic Indian Work on Statecraft – Edited and Translated by Mark McClish and Patrick Olivelle*. Indianapolis: Hackett Publishing Company, Inc, p. xxv.

Though the Brāhmaṇas of ancient India shared a common interest in preserving their privileges and extending their influence, their messages has always been presented by many divergent voices. Far from being a monolithic entity, the Brāhmaṇical community represents diverse interests and ideas, especially in the realm of Dharma, which in the Classical period would become a battlefield for both religious and political interests.[335]

3.0 The Power that Supports the Power – Dharma in the Late Vedic Period

In the Ṛgveda, the term *Dharma* is used within a broad semantic range including the cosmological, ritual, and ethical spheres[336], combined as "foundations" for the Āryas' society, or what the later Dharmaśāstras would classify as Laws appropriate for a king. The strong bond between priestly and royal authority was reinforced in the Vedic texts from the late and middle Vedic period (ca. 800-400 BCE). By transforming the concept of Dharma into an abstract force that stands above and gives legitimacy to the king, the *kṣatrasya kṣatram* ("the power behind the royal power"),[337] the Brāhmaṇas would surely not give up their aspirations to power. In the *Brihadāraṇyaka Upaniṣad*, Dharma is still the "foundation" for the Āryas' society: "Dharma is here the ruling power of the ruling power. Hence there is nothing higher than Dharma. Therefore, a weaker man makes demands of a stronger by appealing to Dharma, just as one does by appealing to a king."[338] However, while Dharma is closely related to the judicial, public, and royal spheres in the late and middle Vedic period, in the theological vocabulary of the Vedas and the ritual sūtras of this period, its importance are reduced to the point where it is no longer a central term.[339]

While Dharma is referred to 67 times in the Ṛgveda, the same term is only mentioned 13 times in the Atharvaveda.[340] Even though the Brāhmaṇas and the early Upaniṣads tries to keep Dharma on the path of royalty, it becomes a marginal concept in the vocabulary of the middle and later Vedic texts.[341] However, when at least three new paths to Dharma was created

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[335] Olivelle, 2006, p. 179.
[336] Olivelle, P. (2004) "The Semantic History of Dharma – The Middle and Late Vedic Periods". In: Olivelle, P. ed. (2009) *Dharma – Studies in its Semantic, Cultural and Religious History.* Delhi: Motilal Banarsidass Publishers Private Limited, p. 69.
[337] Olivelle, 2004, p. 81.
[338] *Brihadāraṇyaka Upaniṣad* 1.4.14, cited in: Olivelle, Leoshko & Ray, eds., 2012, p. 13.
[339] Olivelle, Leoshko & Ray, eds., 2012, p. 13.
[340] Olivelle, 2004, p. 69.
[341] Olivelle, 2006, p. 171.

around the middle of the first century BCE, the Brāhmaṇas control of what could be considered the Ārya way of life was surely contested.

Both the Mahāvīra and the Buddha are called conquerors or *jina*s in this period,[342] a clear indication of their connection to royal authority. In addition, when Emperor Aśoka, the only individual who has reigned over nearly all of ancient South Asia (reigned from ca. 268 BCE until his death in 232 BCE), adopted the term Dharma from its Buddhist usage, he gave it an even stronger ethical meaning.[343] As a consequence of these new discourses centred around Dharma, the expanded semantic range given to it would also influence the distinctions between the Āryas and the Anāryas, as well as the Devas and the Asuras. Being occupied with defining everything as Brahman, the moment the composers of these new paths decided to call their own message Dharma, now with a more strictly religious and moral connotation, the Brāhmaṇical theologians had little option but to define their own Āryan religion, ethics, and way of life as Dharma.[344] As an introduction to these three new paths to Dharma, and their reinterpretation of tradition, I assume some stories with identical themes from the *Brāhmaṇas* and *Purāṇa*s can put the forthcoming discourses in perspective. After all, they are all (his)stories in the ancient "politics of knowledge".[345]

3.1 Āryas and Devas *vs*. Anāryas and Asuras in the Brāhmaṇas and the Purāṇas

The constant conflict between the Devas and the Asuras in the Ṛgveda is in a sense a heavenly mirroring of the earthly conflict between Āryas and Anāryas. While the Ṛgveda indicates that "ethnicity of some sort, rather than morality, lies at the bottom of these relationships"[346], the constant struggle between the light/bright Āryas and the dark Anāryas can also be seen as moral, political, religious, or cultural designations of "us" versus the "other", at least when it comes to the battle between Devas and Asuras.

Like the Ṛgveda, where passages that refers to the *asurya varṇa* includes or refers to the *dāsaṃ varṇam*,[347] the *Tattirīya-Brāhmaṇa* has divided society along the same lines, the only difference being the Dāsas has been replaced by the Śūdras. "The Brāhmaṇa Varṇa is godly

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[342] Olivelle, 2004, p. 69.
[343] Olivelle, Leoshko & Ray, eds., 2012, p. 13
[344] Olivelle, 2006, p. 171.
[345] Deshpande, 2012, p. 123.
[346] Deshpande, 2012, p. 114.
[347] ṚV 9.71.2, *asuryaṃ varṇam*. ṚV 2.12.4, *dāsaṃ varṇam*. Cited in: Deshpande, 2012, p. 114.

(*daivya*), and the Śūdra Varṇa is demonic (asurya = Asuric)."[348] As the semi-nomadic Āryas settled along the rivers of their Āryavarta, and in time mixed with some of the local people, the "other" had to be included into their society, though at a subordinate rank. The increased importance given to the *varṇa*-system in the Brāhmaṇas, and Śūdra replacing Dāsas, can at least partly be explained by this development.

In a story from the *Śivamahā-Purāṇa*,[349] we hear about Śiva's destruction of the Asuras, and their capital Tripura. Since the demon Tārakāsura and his son Maya are dominating the Devas, the gods approach Brahmā for advice. However, since the Asuras are Brahmā's own creation, and the Righteousness is on the increase in their capital, he cannot help them. Instead the Devas are told to ask Śiva for help. But for the same reasons as Brahmā, he denies their request.

> This overlord of Tripura is at this time meritorious. He who has merit (*puṇya*) should not be killed at any time. O gods! I realize all the great difficulties of the gods. Those powerful Daityas cannot be killed either by Devas or Asuras. … Becoming harsh in battle, how can I knowingly betray my friends? … Those Daityas are my devotees. How can they be killed by me, O Gods?[350]

Clearly, this is a big dilemma for Śiva. In addition to being Brahmā's own creation, and ruling righteous, they are all devoted to Śiva! However, from the point of view of the Devas, the Daityas (=Dasyus) and the Asuras must be defeated since they represent the "other". The Devas therefore asks Viṣṇu for help. To solve the Devas' problem, Viṣṇu comes up with an interesting solution. Since the main reason to why Śiva cannot kill them is their devotion to him, Viṣṇu pushes the Daityas away from the path of righteousness by luring them into anti-Vedic Jainism. As Jains, the Daityas and Asuras are thereby destroyed by Śiva.[351] According to Madhav Deshpande, professor of Sanskrit and Hindu Studies, the message contained in this story is not a moral victory by the Devas over the Daityas/Asuras. Rather, it is

> a message of survival of the Devas by defeating and eliminating the 'other.' There is no alternative of bringing Daityas over to moral and righteous behaviour … The Asuras must be at least defeated and contained, if not destroyed and eliminated, for the Devas to live in their own self-assured self-domination.[352]

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[348] *Tattirīya-Brāhmaṇa* 1.2.6. Cited in: Deshpande, 2012, p. 114.
[349] *Rudrasaṃhitā, Yuddhakhaṇḍa, Adhyāya* 2. Cited in: Deshpande, 2012, p. 114.
[350] *Rudrasaṃhitā, Yuddhakhaṇḍa, Adhyāya* 3. Cited in: Deshpande, 2012, p. 114.
[351] Deshpande, 2012, p. 115.
[352] Deshpande, 2012, p. 115.

This would not be the case in neither Jainism nor Buddhism, which both leave the "other" with a potential of becoming a true Ārya (Āriya in Pali).

4.0 The Indian Classical Period

With the end of what is called the Vedic period (ca. 1700-600 BCE), just as the empires created in Europe and Asia in this period, the civilizations from South Asia would also reach a stage that has been described as "classical".[353] The Indian classical period lasted from about 600 BCE to 600 CE.[354] When the Āryas settled in their Āryavarta, and ultimately forgot or denied they had migrated from elsewhere, their own Vedic Dharma was indeed the product of both imported and local elements.[355] However, as the Śramaṇas created new paths to Dharma, resulting in the creation of both Jainism and Buddhism, the term Ārya would become a common designation for almost everything that is "noble" or "virtuous" in the classical period. When Aśoka created a *Dhamma* empire that covered most parts of the modern states of India and Pakistan, the common Ārya identity, centred on the Ārya way of life, would provide a common cultural heritage for most thinkers of this period.

The difference in culture and language, between North India and peninsular India south of the Vindhya Mountains, would continue to separate the two regions in the classical period, but on a much smaller scale. In about 600 BCE, when large parts of the North Indian jungle had been transformed into farmland, the new environment created along the Ganges and Yamuna rivers would give rise to a new wave of urban civilization, characterised by an increasing division of society into a ruling class and a ruled class.[356] When some of the city-states or regional kingdoms created in this period, what tradition calls *janapadas* began to expand and conquer their neighbours by the fifth century BCE, larger areas were consolidated into *mahājanapadas*.[357] These new urban environments would create a space the conservatism of the villages could not reach, similar to their counterparts in modern India.

This process of political consolidation would reach its peak with the establishment of the Maurya Empire (ca. 320-185 BCE). As Chandragupta (reigned ca.320-298 BCE) conquered the city of Pāṭaliputra (Patna in the modern Indian state of Bihar) from the kingdom of Magadha,

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[353] McClish & Olivelle, 2012, p. ix.
[354] McClish & Olivelle, 2012, p. xxi.
[355] McClish & Olivelle, 2012, p. xxiii
[356] McClish & Olivelle, 2012, p. xxvii.
[357] McClish & Olivelle, 2012, p. xxix.

he became in possession of the largest city on earth. Estimated as twice the size of Rome in this period, and covering 25 square kilometres, Pāṭaliputra was the home for more than a million people.[358] When the Maurya emperor Aśoka (reigned 268-233 BCE), who would ultimately rule over a geographical area unmatched until the British colonised India about 2000 years later, his, decided to call his own message Dharma, the concept became enmeshed in a politics of knowledge. As the coastal systems of peninsular India expanded to include the whole of India's coast around the second century BCE,[359] with trade routes that went all the way to Rome, the "other" would certainly play an increasing role in this new era.

4.1 The Jains' *Āriya Dhamma* and the Other

In the *Uttarādhyayanasūtra*,[360] the Jaina *Dhamma* (Dharma in Pali) is referred to as the *āriya dhamma*, while the *aṇāriyas* are being described as "upholders of false views (*micchādiṭṭhī*)." However, the way the Jains would reinterpret and use these terms in a discourse of potential inclusion are very different from how the Brāhmaṇas, both text and priests, had used them until now.

The most extensive discussion of the terms Ārya and Anārya, as well as Dāsas and Mlecchas (foreigners), occurs in the *Paṇṇavaṇāsutta*, where opposition to Brāhmaṇical categories seems to have been one of the goals.[361] In the Jaina version, "there is no exclusion of the Anāryas from the audience and from the possibility of their conversion to spiritual Āryahood."[362] While the Brāhmaṇas nowhere appear among the *āriya* by birth", [363] the exalted Āriyas "include the Jaina Arhats, the universal monarchs (*cakkavaṭṭi*), Jaina mythological heroes (*baladeva*, *vāsudeva*), and the mysterious Vidyādharas."[364] However, the people this text considered normal or common Āryas (*aṇiḍḍhipattāriya = anṛddhiprāptārya*), can be divided into at least nine different categories: Ārya by region (*khettāriya*), Ārya by birth (*jati-ariya*), Ārya by clan (*kulāriya*), Ārya by function (*kammāriya*), Ārya by profession (*sippāriya*),

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[358] McClish & Olivelle, 2012, p. xxx.
[359] Olivelle, P., Leoshko, J. & Ray, H. P. eds., 2012, p. 6-7.
[360] *Uttarādhyayanasūtra* 18.25. Referred to in: Deshpande, 2012, p. 117.
[361] Deshpande, 2012, p. 116.
[362] Deshpande, 2012, p. 117.
[363] Deshpande, M. M. (1979) *Sociolinguistic Attitudes in India, An Historical Reconstruction*. Ann Arbor: Karoma Publishers, Inc., p. 50. Cited in: Deshpande, 2012, p. 116.
[364] Deshpande, 2012, p. 115.

Ārya by language (*bhāsāriya*), Ārya by wisdom (*ṇāṇāriya*), Ārya by realization (*daṃsaṇāriya*), and finally, Ārya by conduct (*carittāriya*).[365]

Those areas that are included in the Jainas' concept of *khettāriya*, Ārya by region, encompass parts of ancient India that lie outside the Brahmanical Āryāvarta.[366] In addition, the Jain categories of the common Āriya included people the Brāhmaṇical Āryas could not even look at. "In contrast with the Brahmanical notion of Dharma, the Jaina Dharma is to be transmitted to all those who are willing to receive it." [367] Consequently, the Jainas' Āriya-categories are open for everyone willing to receive Mahāvīra's Dharma or Truth.

In the category of *Kulāriya*, or Āriya by can, many clans which are clearly looked down upon in the Dharmaśāstras appear here as "prime time Ārya clans. The same is true of profession. Most Vaiśya and Śūdra professions are included in the list of Ārya professions."[368] However, the clearest evidence that this is a completely new Dharma is the Jain insistence on what can be termed an Āriya language.

Contrary to the Brahmanical preference for Sanskrit, the category of language (*bhāsāriya*) in "the *Paṇṇavaṇāsutta* declares that those who speak Ardhamāgadhī and use the Brāhmī script, are Ārya by language."[369] In the *Aupapātikasūtra*/*Ovavāiyasutta* Mahāvīra explained his *Dhamma* in the Ardhamāgadhī language, but as a Teaching both the Āryas and the Anāryas would understand. "We are told that the Ardhamāgadhī spoken by Mahāvīra got transformed for the Āryas and Anāryas into their own mother-tongues."[370] A similar scenario also appears in the *Samavāyāṅgasūtra*, but in an extended form. "Here the audience of Mahāvīra includes not only the Āryas and Anāryas, but also other bipeds, quadrupeds, beasts, animals, birds, and serpents."[371] Moreover, just like in the previous story, the Ardhamāgadhī language is automatically transformed so that all the listeners could understand it. Therefore, in principle, everyone is allowed to join the Mahāvīra's audience and become an Āriya. "In short, the Āryanism of the Jaina tradition is of the inclusive variety and significantly contrasts with the Āryanism advocated by the Brahmanical Dharmaśāstras."[372] The same can be said about how the Buddhists reinterpreted and used these terms. However, while both groups would claim

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[365] Referred to in: Deshpande, 2012, pp. 115-116. For a more detailed discussion of all these categories, see: Deshpande, 1979.
[366] Deshpande, 2012, p. 116.
[367] Deshpande, 2012, p. 116.
[368] Deshpande, 2012, p. 116.
[369] Deshpande, 2012, p. 116.
[370] Deshpande, 2012, p. 116.
[371] Deshpande, 2012, pp. 116-117.
[372] Deshpande, 2012, p.117.

to represent the one and only true *Dhamma*, the term "Āriya" appears with far greater frequency and significance in the Buddhists' texts.[373]

4.2 The Buddhists' *Ariya Dhamma* and the Other

Almost everything of value in the Buddhist texts are explicitly labelled *ariya*, resulting in a huge list of expressions relating to that word. For instance, "*ariya-sacca, ariya-dhamma, ariya-puggala, ariya-diṭṭhi, ariya-vācā,*" and "*ariya-magga*", to name just a few.[374] Compared to the frequency of these terms in the Jaina texts, or even the Brāhmaṇical Dharmaśāstras, the Buddhists' use of *ariya* far exceeds both these religious traditions.

The *Dhamma* of the Buddha is called *ariyassa dhammavinayo*, leading one to assume that Buddha is the Āriya *par excellence*. In addition, all the people who have joined the Buddhist path are *ariyapuggalas* or Ārya persons, the eight-fold path taught by the Buddha is the *ariyo aṭṭhaṅgiko maggo*, and his Truth is *ariyasaccāni*. [375] In short, as with the Jains, but on a much larger scale, it "represents an attempt on the part of the Buddha to create a new concept of Aryanhood, and to combat the conservative concept of Aryanhood held in the Brahmanical traditions."[376] Rupert Gethin,[377] professor of Buddhist Studies, has given six meanings to *Dhamma* in the Buddhist discourse. First, *Dhamma* is the foundation of the Buddhist path and identical to Buddha's "teaching". The teachings of the Buddha can refer to either his words; the texts that claims to represent them, or both. As a "clear example of this kind of usage would be the sentence: 'a monk learns the *teaching* [*dhammaṃ*] – the discourses, chants, analyses, verses, utterances, sayings, birth stories, marvels, and dialogues'".[378]

Second, it refers to "good behaviour" in accordance with the Buddha's teachings. As with the Brāhmaṇical use of the term, the preferred example for "good, right or proper behaviour and conduct is in the context of the rule of kings: kings are being described as ruling

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[373] Deshpande, 2012, p. 117.
[374] A longer list of the Buddhists' Ārya-categories can be found in the *Pāli Tipiṭakaṃ Concordance*, Pt IV, pp. 247ff. Referred to in: Deshpande, 2012, p. 118.
[375] Deshpande, 2012, p. 118.
[376] Deshpande, 2012, p. 118.
[377] Gethin, R. (2009) "He Who Sees Dhamma Sees Dhammas: Dhamma in early Buddhism". In: Olivelle, P. ed. *Dharma – Studies in its Semantic, Cultural and Religious History.* Delhi: Motilal Banarsidass Publishers Private Limited, p. 93-94.
[378] Gethin, 2009, p. 94.

'righteously' or 'justly' (*dhammena rajjaṃ kāreti*) or as practicing 'justice' or 'righteousness' (*dhammaṃ carati*).[379]

Third, *Dhamma* refers to the "Truth" a person will realize when he follows Buddha's path. The relation between the two concepts of Truth and Dharma is already established in the oldest parts of the Ṛgveda. However, in a Buddhistic context, the only enlightened ones are those "who have seen the *truth*, gained the truth, known the truth, penetrated the truth, gone beyond doubt, removed their questioning, and acquired full confidence in what is taught by the Teacher without having to rely on others".[380]

The fourth meaning of *Dhamma* is the "nature" or "quality" a thing possesses, while the fifth are a basic mental or physical "state" the devotee can reach. However, the sixth definition of *Dhamma* in the Buddhist discourse, where it refers to the underlying and objective "natural law or order" of things, which only the Buddha had discerned, was clearly a response to the Brāhmaṇical discourse who have interpreted the term in the same sense. Nevertheless, what all these three traditions has in common, is the insistence that "Ārya" should be associated with a sense of superiority.[381]

> The Buddhists are in fact not challenging the social order in its social context. They quite clearly argue for checking the purity of lineages for up to seven generations on both sides … while arranging families. They are breaking out of the old caste bondages only in the sphere of religious or spiritual status and access.[382]

To distinguish the real or enlightened Āriyas from the "other", the *Mahāyānasūtrasaṃgraha* separates the commoners or lay folks (*pṛthagjanāḥ*), or those who lack proper understanding, from the core of Āriyas. In addition, the advice given to an Āriya, to "First serve the Kalyāṇamitras (= 'beneficial friends') with dedication"[383], are surely an indication of how this new path would rise to power in different parts of South Asia.

Evidence that both the Jains and the Buddhists deliberately manipulated Brāhmaṇical stories has been established by several scholars.[384] Moreover, when the attention is paid to how

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[379] Gethin, 2009, p. 94-95.
[380] *Dīgha Nikāya* 1.110. Cited in: Gethin, 2009, pp. 95-96, and p. 116, note 15.
[381] Deshpande, 2012, p. 118
[382] *Divyāvadāna* 27.4, p. 243. Cited and referred to in: Deshpande, 2012, p. 118. For similar conclusions, see: Krishnan, Y. (1986) "Buddhism and the Caste System." In: *Journal of the International Association of Buddhist Studies*, Vol. 9, No. 1, pp. 71-83.
[383] *Mahāyānasūtrasaṃgraha*, Pt. I, p. 350. Cited in: Deshpande, 2012, p. 119.
[384] For example: Jaini, S. (1993) and (1994), and his study of the *Mahābhārata* motifs in the Jaina *Pāṇḍava-Purāṇa*. Referred to in: Deshpande, 2012, p. 123.

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these stories approach the "other", the differences to how the Brāhmaṇas organize their world is indeed striking. In contrast to the Brāhmaṇas, but similar to the Jains, even a person of low caste can become a Buddhist Āriya.[385] However, being born an Asura is not a desirable state in the Buddhist texts either. Dharmākara, the future ruler of the Pure Land, compares the Asuras with creatures from hell:

> If, O Lord, there would be born in my Buddha-land beings, who would fall from there and be born in a hell, or in an animal species, or among the domains of the dead, or would attain the body of an Asura, may I then not attain the realization of the supreme Proper Awakening. [386]

Even after Dharmākara has reached the stage of becoming Amitābha Buddha, the only creatures in his Pure Land are Devas and humans.[387] Nevertheless, in stark contrast to how the Brāhmaṇical texts treat the Asuras, Buddha's *Dhamma* is available for everyone. Numerous *Mahāyānasūtras* make it very clear that the doctrines taught by the various Buddhas and Bodhisattvas are heard and received with delight by the entire world, the Asuras included. In a *Mahāyānasūtra* named *Kāraṇḍavyūha*, we are told that Avalokiteśvara assumes all sorts of different forms to teach his *Dhamma* to different beings. Not only does he assume the forms of different Vedic Devas like Indra, Viṣṇu and Brahmā, he also assumes the form of an Asura, Yakṣa, Nāga, and Rākṣasī, in order to teach them his *Dhamma*.[388] Thus, Avalokiteśvara has shown the path to *Nirvāṇa* to the Vedic Devas, Asuras,[389] Yakṣas, Nāgas, and the Rākṣasīs.[390]

In the Brāhmaṇical mythology of the *Vāmanapurāraṇa*,[391] in a story very similar to Śiva's destruction of the Asuras and their capital Tripura (*Śivamahā-Purāṇa*), the Devas ask for Viṣṇu's help in banishing the Asura king Bali to the netherworlds. Just like those who ruled in Tripura, king Bali's rule is described as "righteous". Nevertheless, as long as those in power were considered as the "other" by the Brāhmaṇas, "righteous" rule were simply not enough. To accomplish the mission given to him by the Devas, Viṣṇu went to Bali in the form of a Brahman boy and asked for a stretch of ground big enough to take three steps. When the king granted his wish, the boy suddenly assumed a cosmic form and pushed Bali into the netherworld. Like

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[385] Deshpande, 2012, p. 118.
[386] *Mahāyānasūtrasaṃgraha*, Pt. I, p.225. Cited in Deshpande, 2012, p. 121.
[387] *Mahāyānasūtrasaṃgraha*, Pt. I, p.234. Referred to in Deshpande, 2012, p. 122.
[388] *Mahāyānasūtrasaṃgraha*, Pt. I, p.268. Cited in Deshpande, 2012, p. 122.
[389] *Mahāyānasūtrasaṃgraha*, Pt. I, p. 269. Referred to in: Deshpande, 2012, p. 122.
[390] *Mahāyānasūtrasaṃgraha*, Pt. I, p. 281. Referred to in: Deshpande, 2012, p. 123.
[391] *Vāmanapurāraṇa*, chapters 62-65. Referred to in: Deshpande, 2012, p. 123.

Śiva's destruction of the Asuras, Viṣṇu's banishment of Bali is just another example of the orthodox Brāhmaṇical approach to the "other".[392]

In an interesting twist of this story, the Buddhists even tries to include the followers of Viṣṇu. In a little tract called *Nārāyaṇaparipṛccha*, the Buddhists tries to take credit for both saving Bali, thereby helping him to defeat Viṣṇu, but also for helping out Viṣṇu after the Asuras have defeated him. To solve his problem with the Asuras, Viṣṇu approaches the Buddha for a solution. The answer given by the Buddha are clearly a part of the ancient politics of knowledge.

> 'O Nārāyaṇa [Viṣṇu], you are in possession of deceitful magical powers (*māyādhara*). With these powers you are very strong. By your manifold net of magical powers you deceive beings. Why do you ask me, out of fear, a question about how you should win the battle [against the Asuras]?' Nārāyaṇa then says: 'I have been defeated by the magical powers of the Asuras (). Many gods have died, many have run away, and many have been destroyed. O Lord, please teach me a Dharma-text with which these beings will be victorious in battle and the Asuras will be defeated.'[393]

The Buddha then fulfils the wish of Viṣṇu and teaches him a Dharma-text so he can defeat the Asuras. Though I doubt any devotee of Viṣṇu would accept him being subordinate to the Buddha, the message of the Buddhists' and Jains' stories are indeed similar. Everyone, no matter what class or varṇa that person is born into, has the potential for becoming a true Buddhist and Jain Āriya.[394]

To sum up, while the new converts to Buddhism and Jainism became casteless when they entered the *saṃgha* and got a new Āriya identity, the Brāhmaṇical literature cannot accept this option. In fact, the only option available for converting to what the Dharmaśāstras call Ārya Dharma, is when a new king of Śūdra status has to be "converted" into a Kṣatriya in order to rule *Righteous*. Nevertheless, this is only an exemption that clarifies the Law. The only way to become an Ārya by the Brāhmaṇical standards is through birth. In contrast, the Buddhist and Jain notion of Āriya has little to do with the class of one's birth. Even though the term 'Anārya' is often used for those who despise the Buddhist Dharma, it rarely has an ethnic connotation.[395] Moreover, in stark contrast to the Brāhmaṇical discourse where those who are not Āryas are "despised, avoided, excluded, or exterminated", everyone has a hope of transforming oneself

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[392] Deshpande, 2012, p. 123.
[393] *Nārāyaṇaparipṛccha*. Cited in: Deshpande, 2012, p. 124, note 1.
[394] Deshpande, 2012, p. 119.
[395] Deshpande, 2012, p. 119.

into an *ariyapuggala* by adopting the *Dhamma* of the Āriya Buddha.[396] Nevertheless, the greatest "obstacle" to Brāhmaṇical authority were only created when the Buddhist *Dhamma* became a part of royal authority.

4.3 Aśoka's *Dhamma* and the Other

The most famous ruler of ancient South Asia is Emperor Aśoka Maurya (reigned 268-233 BCE), who called himself *devānaṃpiya* ("Beloved of the Gods") and *piyadassi* (He Who Looks Pleasingly").[397] However, in the politics of knowledge in ancient India, due to Brāhmaṇical influence, Aśoka's name would nearly be erased from historical memory, at least in the Āryavarta. A long-standing tradition of South Asia, "almost universally accepted",[398] even in the modern age, is the story of a cunning and ruthless Brāhmaṇa named Cāṇakya (also called Kauṭilya, the "the crooked on", because of his unethical means to achieve political success). As the legend goes, when Cāṇakya was publicly insulted by a king of the Nanda Dynasty (reigned 424-321 BCE), his Brāhmaṇical pride made him swear to destroy this empire. Described as a political genius with a remarkable vindictive character, Cāṇakya recruited Chandragupta who under his guidance would fulfil his vow and eventually eradicate the Nandas and found the greatest political formation of ancient South Asia, the Maurya Empire (reigned ca. 320-185 BCE). Having accomplished his mission, Cāṇakya retired as the emperor's chief minister and dedicated himself to compose his masterwork, the Arthaśāstra. The historical sources, however, can only verify the existence of Chandragupta and his empire.

The identification of Cāṇakya with Kauṭilya only appears to have become a famous legend some 400-600 years after the time in which Cāṇakya is said to have lived.[399] In addition, only a single verse at the end of the Arthaśāstra describe the author as the legendary Cāṇakya: "The man who out of indignation quickly rescued the treatise (*śāstra*) and the weapon (*śāstra*), as also the land that had fallen into the hands of the Nandas, it is he who composed this treatise."[400] Since this piece of text was probably included in a later addition to the Arthaśāstra,[401] this legend is clearly a part in both the modern and ancient politics of knowledge.

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[396] Deshpande, 2012, pp. 119-120.
[397] McClish & Olivelle, 2012, p. xxx.
[398] Referred to in: McClish & Olivelle, 2012, p. xii.
[399] For instance the Sanskrit drama *Mudrārākṣasa* from the fourth or fifth century CE, referred to in: McClish & Olivelle, eds. and trs., 2012, p. xiii.
[400] *AŚ* 15.1.73.
[401] McClish & Olivelle, 2012, p. xiii.

The political vacuum created in the northwestern parts of South Asia when Alexander the Great retreated from his short invasion in 327 BCE would soon be filled with Chandragupta's forces. While several Greek sources from this period confirm that Chandragupta established what came to known as the Maurya Empire in about 320 BCE, it was not until his grandson, Emperor Aśoka (reigned ca. 268 BCE until his death in 232 BCE) that the empire would reach its zenith, covering most parts of modern India and Pakistan. In addition to being a loud voice in the ancient politics of knowledge, the inscriptions on Aśoka's pillars are also "the earliest firmly datable and localizable set of texts from ancient India."[402] As he would try to conquer and rule nearly all of South Asia, the enormous number of dead people it created would make an impact on his own interpretation of Dharma.

A question that has puzzled scholars for some time is whether Asoka intended to propagate the Buddhist Dhamma, or was sending out a new message that was non-sectarian. Since he used the term *Dhamma* more than hundred times in his inscriptions, it was clearly a central part of his imperial ideology. A possible clue to what made him undertake his mission too spread his Dhamma to South Asia and the world beyond, can be found in what appears to be his first inscription: "For more than two-and-a-half years I was an *upāsaka*, but I was not very zealous. It has been more than a year since I visited the *Saṅgha* and became very zealous." [403] He thereafter declares that humble people can do the same and become zealous themselves. Since this is the preamble in many of his inscriptions where his Dhamma is proclaimed, together with instructions for his officials to preach it to the people, Aśoka is probably making "an explicit connection between his zeal as a Buddhist *upāsaka* and his new mission to preach the Dharma."[404] When Aśoka interferes in the internal affairs of the Buddhist *Saṅgha* to avoid dissension and expels troublemakers, declares what Buddhist texts they should study, thereby "providing them with a sort of an abbreviated canon of scriptures",[405] he is clearly assuming a special role in relation to the Buddhist Dhamma. In later Buddhist memory Aśoka is credited for both having enshrined the Buddha's ashes in 84000 stūpas, and for summoning the Buddhist Council of Pāṭaliputra. Nevertheless, while the sources indicates that Aśoka was deeply committed to the Buddhist Dhamma, even assuming a special role within it, his own Dhamma would be given a broader and stronger ethical meaning than the Buddhist version.

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[402] Olivelle, P., Leoshko, J. & Ray, H. P. eds. (2012) *Reimagining Aśoka – Memory and History.* New Delhi: Oxford University Press, p. 157.
[403] Aśoka's Minor Rock Edict 1, cited in: Olivelle, P. (2012) "Aśoka's Inscriptions as Text and Ideology", in: Olivelle, Leoshko & Ray, eds. 2012, p. 178.
[404] Olivelle, 2012, p. 178.
[405] Olivelle, 2012, p. 178.

According to Olivelle,[406] the term "civil religion", which was coined by the eighteenth century political philosopher Jean Jacques Rousseau, and made famous by the American sociologist Robert Bellah, is useful for understanding Aśoka's Dhamma. While the "civil" part of this term refers to the state and society in general, a sphere where the citizens can express their religious concerns, it also implies that the "civil religion" of the state must not be connected to any specific religious tradition. Thus, a civil religion can only be created in a relatively complex society where multiple religions coexist. However, while the religious elements and rituals connected to Bellah's "civil religion" consists of a national flag, a national anthem, a national holiday, and the myths created around the founding fathers and their "sacred" Constitutions, the unifying element in this discourse is the concept "God". By referring to the use of this concept in John F. Kennedy's inaugural speech, Bellah clarifies its neutral or "empty" semantic range.

> He did not refer to any religion in particular. He did not refer to Jesus Christ, or to Moses, or to the Christian church; certainly he did not refer to the Catholic church. In fact, his only reference was to the concept of God, a word almost all Americans can accept but that means so many different things to so many different people that it is almost an empty sign.[407]

While the elements of the religions present in any society will vary according to geography and the historical context, the symbol called *Dharma* is clearly the most common and inclusive concept in Asoka's own lifetime. Just like the term "God" can be used by the American state with rousing serious opposition from any of the major religions, Aśoka could do the same with respect to *Dharma*. In other words, Aśoka's new "civil religion" called *Dhamma* could both encompass as well as transcend the different versions of Dharma already existing within his empire. However, in contrast to the American version of "civil religion", the Aśokan version also had an otherworldly dimension by promising heaven for those who followed his Dhamma.[408]

Interestingly, the doctrines of rebirth and karma, which would hold such a central position in both Buddhism, Jainism, and Ājīvikism, are totally absent from Aśoka's Dhamma. Since he frequently talks about the rewards in the afterlife by following his Dhamma, but only in terms of reaching heaven, this omission must have been deliberate. While the doctrines of rebirth and karmic retribution may have been regarded by him as regional in nature, limited to

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[406] Olivelle, 2012, pp. 173-174.
[407] Bellah, R. N. (1970) "Civil Religion in America", p. 170. Cited in: Olivelle, 2012, p. 174.
[408] Olivelle, 2012, p. 175.

the north-eastern parts of his empire and only central for certain sects (*pāsaṇḍa*s), the concept of heaven was common for the entire empire, including the people abroad he sent ambassadors to spread his Dhamma.[409]

The full extent of what Aśoka meant by the term *Dhamma* is far from clear, since he and his officials has provided us with several definitions that are not identical. Nevertheless, the person we meet in these inscriptions is a man remorseful for the suffering his conquests has brought, expressing an earnest desire to rule in the name of Righteousness.[410] Based on what Patrick Olivelle[411] calls a "representative sample" of these definitions, the Aśokan *Dhamma* can be divided into five virtues: 1) Respect – parents and elders *should be* obeyed. Reverence towards elders; proper regard towards slaves and servants. 2) Kindness – kindness *should be* shown to all living beings – in a special way; abstention from killing living beings are good. 3) Generosity - giving to friends, acquaintances, relatives, Brāhmaṇas, and Śramaṇas is good. 4) Honesty – truth *should be* spoken. 5) Moderation – spending little and storing little are good.

In contrast to how the concept of Dharma would be defined in the Dharmaśāstras, where the "community standards"[412] of different regions (*deśadharma*), castes (*jātidharma*), and families/lineages (*kuladharma*) would constitute its foundation, the new Dhamma propagated by Asoka is almost as universal as the UN's Declaration of Human Rights. While both discourses encourage people to "act towards one another in a spirit of brotherhood",[413] the UN statement that "all human beings are born free and equal in dignity and rights"[414] is definitively not part of any Dharma in the ancient period. Aśoka's insistence that his subjects should treat their slaves and servants with respect and kindness, indicate at least some parts of his audience owned such people. Nevertheless, given the public nature of his inscriptions one may assume his message was to the people at large, even an international audience.[415]

By sending ambassadors to foreign empires, Aśoka was certainly trying to spread his Dhamma beyond the borders of his own empire. Probably in an effort to present his message in

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[409] See: Olivelle, 2012, pp. 176-177.
[410] McClish & Olivelle, 2012, p. xxx.
[411] Olivelle, Leoshko & Ray, eds. 2012, p. 171.
[412] In time, these "community standards" came to be restricted to the standards of the Brāhmaṇical elite, the *śiṣṭa*s, living in the theologically defined area known as Āryāvarta. See: Olivelle, P. (2006) "Explorations in the Early History of Dharmaśāstra." In: Olivelle, P., ed. (2006) *Between the Empires – Society in India 300 BCE to 400 CE.* New York: Oxford University Press, pp. 171-172.
[413] Article 1 of the UN's Universal Declaration of Human Rights, available in its totality at: (http://www.un.org/en/documents/udhr/)
[414] Ibid.
[415] Olivelle, 2012, p. 177.

terms better intelligible for these foreign receivers, Aśoka employed translators to present his message in both Greek and Aramaic. For the Greek readers, *Dhamma* was translated into "*eusebeia*" (piety), while the Aramaic version were called "*qšyt*" (truth).[416] In addition, the Greek versions of his Rock Edicts[417] has omitted material viewed as inappropriate for that area. The fusion of military might and moral charisma as represented in the person of Aśoka, would become the iconic model of rule in South Asia. Presented as a *cakravartin* or "wheel-turner" whose Righteous rule makes his Dhamma "roll everywhere without resistance",[418] this international aspect of Asoka's Dhamma would also be cherished in the modern age.

Pandit Jawaharlal Nehru saw in Aśoka's era an example the new and independent Indian state could imitate. In fact, he was so fond of the model he believed the whole world had something to learn from this glorious culture. In a resolution proposed by Nehru and passed in the Constituent Assembly on 22 July 1947, he expresses his happiness about the choice of the Aśokan *cakra* or wheel as emblem on the Indian national flag:

> For my part, I am exceedingly happy that in this sense indirectly we have associated with this Flag of ours not only this emblem but in a sense the name of Asoka, one of the most magnificent names not only in India's history but in world history… Now because I have mentioned the name of Asoka, I should like you to think that *the Asokan period in Indian history was essentially an international period of Indian history. It was not a narrowly national period.* It was a period when India's ambassadors went abroad to far countries and went abroad not in the way of an empire and imperialism, but as ambassadors of peace and culture and goodwill.[419]

By presenting the Aśokan era as an "international period" where ambassadors went abroad in the name of peace and culture, and then contrasts this golden era with "a narrowly national period", he is probably referring to the Hindu nationalists of his own era. Nevertheless, the most obvious aspect of Asoka's inscriptions that needs a comment, is the nearly lack of prohibitions in his sense of Dhamma. If one compare the list of virtues given above with how the Buddhist Dhamma is described for laypeople in the *pañcaśīla*, only two elements are the same: truthfulness (honesty) and abstention from killing (kindness). In addition, three elements that appear in the *pañcaśīla* are totally missing in Aśoka's Dhamma: sexual misconduct, theft and the abstention from alcohol.[420]

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[416] Olivelle, 2012, p. 175.
[417] Aśoka's Rock Edict 12 and 13, referred to in: Olivelle, 2012, p. 182.
[418] McClish & Olivelle, 2012, p. xxx.
[419] Cited in: Olivelle, Leoshko & Ray, eds. (2012), p. 2. My italics.
[420] Olivelle, 2012, p. 172.

The only Dharmic restrictions (*dhaṃmaniyama*) found in Aśoka's inscriptions is the condemnation of ritual killings of animals, attending at religious festivals called *samāja*,[421] and religious activities, often performed by women, where useless auspicious rituals (*maṅgala*) are performed. Instead, Aśoka asks his subjects to perform his new *dharma-maṅgala* where the rewards are much more certain.[422] Nevertheless, the first restriction was also a part in the ancient politics, and a clear message to the Brāhmaṇical community.

In similar language as used in the first article of the Un Declaration of Human Rights, where people "should act towards one another in a spirit of brotherhood",[423] the Aśokan Dhamma is also presented as virtues or commandments the people of his empire *should* live by. The replacement of the term *must* are indeed different from how the Brāhmaṇas' Dharmaśāstras would approach the same virtues. The lack of any prohibitions concerning murder, theft, or rape, all considered crimes in the Dharmaśāstras, indicates Aśoka's Dhamma was more concerned with the development of character and spiritual growth, than with civil and criminal law. In addition, in one of his Rock Edicts, Aśoka honours equally all the ascetic sects (*pāṣaṇḍa*) and the *Brāhmaṇa*s, and tells them to live in harmony with each other. When he speaks about the importance of controlling speech (*vācagutti*), it refers to sects who should not speak disparagingly of each other.[424] The Sanskrit compound *śramaṇa-brāhmaṇa* ("ascetic-brahmin"), a term used frequently in his inscriptions, indicates his message is not limited to any religious tradition, but to the whole population of his empire. As an Emperor of ancient India, Āryavarta included, Aśoka could not give his preference to any one of them. Nevertheless, his prohibition of animal sacrifices, the "one theme of Dharma that is repeated the most number of times in his compositions",[425] would "undercut the very *raison d'être* of Brahmanical privilege."[426] Even though Aśoka's *dhaṃmaniyama* that restricted animal sacrifice could also have been directed to other groups and traditions who shared this practice, he was probably aware that without being able to perform the animal sacrifice, and especially the royal horse sacrifice, the close bond between the Brāhmaṇas and the Kṣatriyas would be broken.

Another part of Aśoka's Dhamma that made an impact on the privileged position of the Brāhmaṇas in society is the encouragement to give gifts not only to the Brāhmaṇas, as the

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[421] Aśoka's Rock Edict 1, referred to in: Olivelle, 2012, pp. 175-176.
[422] Aśoka's Rock Edict 9, referred to in: Olivelle, 2012, pp. 175.
[423] Article 1 of the UN's Universal Declaration of Human Rights
[424] Olivelle, 2012, pp. 172-172
[425] Ibid, p. 172.
[426] Olivelle, 2004, p. xliii.

Dharmaśāstras declares, but also to the Śramaṇas, friends, acquaintances and relatives. Finally, there is a complete lack of any references to the term *varṇa* or an equivalent in the Aśokan vocabulary. By replacing what Olivelle calls "Brāhmaṇical exceptionalism" with a policy that gives all the religious sects equal respect, Asoka's discourse would displace the Brāhmaṇas from their privileged position within the social and political hierarchy.[427] Clearly, Asoka's Dhamma can be regarded as one of the loudest voices in the ancient politics of knowledge.

While Asoka's pillars would be almost forgotten in India, only to be rediscovered by the British two millenniums later, his memory lived on in the oral and the Buddhist literary tradition. Not only the Pali text *Mahāvaṃsa* and the Sanskrit text *Aśokāvadāna*, which claims Aśoka has enshrined the Buddha's ashes in 84.000 *stūpas*, or, but also numerous other stories about him, written in Asian languages such as Chinese, Tibetan, Japanese, Burmese and Thai.[428]

However, before James Prinsep was able to decipher the Aśokan inscriptions in 1837, and realised the royal title "Piyadassi" referred to Aśoka, knowledge of him had been almost lost in India. In fact, Prinsep's discovery was based on Buddhist chronicles from Sri Lanka, and not India. Aśoka's legacy, or rather lack of it in India, is in stark contrast to how he is remembered in the neighbouring countries in South and Southeast Asia. His propagation of Dhamma, and a completely new form of kingship based on nonviolence, played an influential role when the notion of Buddhist kingship was being established. Especially in neighbouring Theravada countries like Thailand, Sri Lanka, Laos and Myanmar, his memory has been honoured with pride until the present. [429]

When Aśoka elevated the term Dhamma to the level of imperial ideology, the Brāhmaṇas had to do something to reclaim their old position in society. In stark contrast to how Aśoka has been proudly remembered as a righteous Buddhist king, his impact on the Brāhmaṇical tradition were probably felt like a devastating blow to their self-image and authority. When he forbids the animal sacrifice, breaks their monopoly on receiving gifts, and treats them like any other religious group, it was surely a huge step down in the social hierarchy. In fact, Aśoka's reforms influenced the Brāhmaṇas to such an extent that,

> Scholars now take the Sanskrit epics and treatises on dharma, such as the Manava [Manu's] Dharmaśāstra, as responses to Aśokan reforms. Aśoka is the implicit subtext of these

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[427] Olivelle, 2012, pp. 176.
[428] Olivelle, Leoshko, & Ray, eds., 2012, p. 12.
[429] Olivelle, Leoshko & Ray, eds., 2012, pp. 1-4.

documents. The presentation of Rāma and Yudhiṣṭhira as *dharmarāyas*, kings of righteousness, could be read against the image of Aśoka as the righteous king from a Buddhist perspective. [430]

A new era marked by fortified cities, increased trade, foreign invasions, and a multiple of rulers, a period of Indian history some scholars has called the era "Between empires", was about to change the Vedic religion dramatically. With the rise of urban centres and large kingdoms in northern India around the middle of the first millennium BCE, the significance of royal authorities in relation to both the religious and social sphere would increase in the forthcoming period. When a Brāhmaṇa named Puṣyamitra assassinated the last Maurya Emperor and inaugurated the Śunga Empire with himself as king, he was clearly not following the ancient *varṇa*-hierarchy where the ideal king should originate from the Kṣatriyas. However, while "the king as teacher" is a common motif in the Upaniṣads, when both the Mahāvīra and the Buddha were given a royal pedigree, Manu had no choice but to follow in their royal footsteps. Even though the eponym "Manu" refers to a learned Brāhmaṇa from somewhere in Āryāvarta, by presenting himself as the first human, lawgiver, and king ever, his major aim was to re-establish the ancient alliance between priesthood and royalties.[431] In addition to how the Ṛgveda connects Manu to the first sacrifice and the creation of the Āryas and their varna-system, numerous legal maxims were already ascribed to Manu. In a Vedic text called the *Taittirīya Saṃhitā*, in what appears to be a proverbial saying, the connection between Manu and authority were firmly established: "Whatever Manu has said is medicine."[432] Even the heroes of the Classical epics, Kṛṣṇa and Rāma, are both described as kings from the Kṣatriya *varṇa*, and not as Brāhmaṇas.[433] However, this conflict of duties and interests between the priestly and royal authorities, would also come to forefront when a Brāhmaṇa called Kauṭilya composed his Arthaśāstra in the same period (ca. 100 BCE – 100 CE).

5.0 Kauṭilya's *Arthaśāstra* and the Other

To regain their position among the royal families the Brāhmaṇas would create new paths to authority. In contrast to the three Śramaṇic religions created in this period (Buddhism, Jainism, and Ājīvikism), the Brāhmaṇas' religion (or Brahmanism) had no founder nor centralised

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[430] Olivelle, Leoshko & Ray, eds., 2012, p. 9.
[431] Olivelle, 2004, p. xliii.
[432] *Taittirīya Saṃhitā* 2.2.10.2, cited in: Olivelle, 2004, p. xxi.
[433] Olivelle, 2004, p. xxi.

monarchical order. However, since the Brāhmaṇas invented the concept of Dharma and their Vedic scriptures are the oldest, they would not give up without a fight for the "Truth".

While there is a separation of duties between the Brāhmaṇas and the Kṣatriyas in the Vedic texts from this period, their dependence on each other as "foundations" for any claims to authority are surely the dominant theme. Nevertheless, their symbiosis in ancient India are not without tensions, not even within the Brāhmaṇical discourse. In a society where politics and religion are used indiscriminately by the Kṣatriyas in power, while the Brāhmaṇas and the Śramaṇas does whatever necessary to argue for their own necessity in politics, the separation of political and religious power is indeed a modern invention. In their competition for royal favour, the Brāhmaṇical concepts of "Dharma" and "Artha" were literally put on the battleground.

The theological vision of human society organized around the privileged status of the Brāhmaṇas is comparatively rare in the Arthaśāstra, composed sometime between 100 BCE and 100 CE.[434] Because the treatise was originally written in Sanskrit, which developed into the general language of learning in the classical period, and even though the author(s) was not much influenced by orthodox Brāhmaṇical ideology,[435] he was probably a member of the hereditary class of Brāhmaṇas.[436] Considering the fact that the Arthaśāstra was a composite work compiled from several sources, the lack of knowledge about the composer(s) means we lose nothing in terms of historical accuracy by referring to him as "Kauṭilya."[437]

The battleground for the contest of concepts in the Classical period was created when the idea that all people should be oriented towards one of four life-goals became a common doctrine in South Asia: The four competing concepts are the Law (*dharma*), success (*artha*), sensual pleasure (*kāma*), and religious liberation (*mokṣa*/*nirvāṇa*).[438] In the thoroughly pragmatic ideology of the Arthaśāstra,[439] the concept of *artha* refers to success in worldly affairs, such as gaining political power, wealth, land or fame.[440] While the term *śāstra* comes from the Sanskrit verb "to teach", literally meaning "an instrument of education", the title Arthaśāstra refers to a

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[434] McClish & Olivelle, 2012, p. xx-xxi.
[435] McClish, M. & Olivelle, P. eds. and trs. (2012) *The Arthaśāstra – Selections from the Classic Indian Work on Statecraft – Edited and Translated by Mark McClish and Patrick Olivelle*. Indianapolis: Hackett Publishing Company, Inc., p. xvii.
[436] McClish & Olivelle, 2012, p. xvi.
[437] McClish & Olivelle, 2012, p. xv.
[438] McClish & Olivelle, 2012, p. xxxiv.
[439] McClish & Olivelle, 2012, p. lxvi.
[440] McClish & Olivelle, 2012, p. xxxiv.

"Treatise (śāstra) on [political] Success (artha)".[441] In contrast to how Manu and the orthodox Brāhmaṇas tried to regulate the Āryas' way of life by giving the concept of Dharma power and authority to regulate both *artha*, *kāma*, and *mokṣa*, Kauṭilya's reputation derives from his preference for political Success (artha) over both Brāhmaṇical Law (*dharma*) and sensual Pleasure (*kāma*).[442] By claiming Artha alone is paramount, since political Success is the foundation for both the Law and Pleasure,[443] Kauṭilya would certainly step on some Brāhmaṇical toes. The "extreme amorality" in many of his instructions, where he repeatedly advises the king to do whatever necessary to enhance his political power, including murder of even innocent people, but never raise the question of moral or religious consequences of such act,[444] clearly indicates Kauṭilya did not share the orthodox Brāhmaṇas' ethical standards.

As a treatise on statecraft containing instructions in how a king should rule his kingdom, the text can be divided into two different parts as concerns topics. While the first part consists of instructions and advice for the king as wise administrator, the second part emphasises the king's role as a conquering hero. Even though Kauṭilya is only referring to small-scale regional kingdoms in his text, his description of the king as a *vijigīṣu*, or "one desiring conquest,"[445] reveals the ultimate goal of Success: to conquer the entire world "to its four directions."[446] The exact same goal as Savarkar would claim for his Hindutva.

In the orthodox Brāhmaṇical organization of society, only the three upper *varṇas* are considered Āryas. While the internal Anārya "other" consisted of the Śūdras from the fourth *varṇa*, below them the external "other" referred to a whole range of outcastes and foreign groups classified as *avarṇa* or "without varṇa".[447] This orthodox classification of society, regulated by the concept of *varṇa*, only plays a limited role in the Arthaśāstra where it is mostly referred to in the later editions to the text. Contrary to the Dharmaśāstras, Kauṭilya considered almost every indigenous communities to be Āryas, including the Śūdras and most outcastes, the only exception being the Caṇḍālas, who may originally have been a tribal group.[448] Nevertheless, from the pragmatic perspective of governance, the Arthaśāstra took hierarchy for

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[441] McClish & Olivelle, 2012, p. xxxiii-xxxiv.

[442] McClish & Olivelle, 2012, p. xvii.

[443] *AŚ* 1.7.6-7, cited in: McClish & Olivelle, 2012, p. xvii.

[444] McClish & Olivelle, 2012, p. lxix.

[445] *AŚ* 6.1, referred to in: McClish & Olivelle, 2012, p. lxxi.

[446] McClish & Olivelle, 2012, p. lxxi.

[447] McClish & Olivelle, 2012, p. lxiii.

[448] McClish & Olivelle, 2012, p. lxiv.

granted in society: "[The court clerk] should first write down … the region, village, caste, lineage, name, and occupation of the plaintiff and the defendant."[449]

In what appears to be a later addition to the Arthaśāstra, the increasing Brāhmaṇical influence on matters relating to political ideology is obvious: "When among a people the bounds of the Ārya way of life are firmly fixed and the social classes [varṇas] and orders of life are firmly established, and when they are protected by the triple Veda, they prosper and do not perish."[450] As the only preservers of Vedic knowledge, the discourse the Brāhmaṇas created in this period would give them immense political power as foundations for the Ārya way of life. By presenting their message as coming from Brahmā and the first Man(u), the Brāhmaṇas would claim their authority even trumped royal authority. In other words, even though their own texts looked down upon the Brāhmaṇas' direct involvement in politics and ruling,[451] the king should still follow their advice and commandments, and not the other way around as described in the Arthaśāstra.[452]

6.0 Manu's Dharmaśāstra and the Creation of an Eternal Law

In order to erase this confusion of priorities, the first Dharmaśāstra was suddenly "remembered" (smṛti) from the Vedas. The only thing sure about the author is that he was a learned Brāhmaṇa from somewhere in the northern parts of ancient India.[453] However, even though "Manu" is probably not the original name of the author of the first Dharmaśāstra, composed sometime between 200 BCE and 200 Ce,[454] the selection of eponym was definitively an astute one. Described as the first man and king of history in both the Ṛgveda and the Dharmaśāstras, and the man who instituted the Vedic sacrifice, thereby becoming the foundation for all Vedic Āryas who call themselves the "peoples of Manu",[455] the author's choice of name was certainly deliberate. Supported by this Vedic foundation, Manu would do his best to win back the concept of Dharma from both pragmatic Brāhmaṇas and the new versions made by "heretical" Śramaṇas. Nevertheless, Manu did not present the first Dharma text from ancient India.

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[449] AŚ 3.1.17, cited in: McClish & Olivelle, 2012, p. lxiv.
[450] AŚ 1.3.17, cited in: McClish & Olivelle, 2012, p. li.
[451] McClish & Olivelle, 2012, p. xxvi.
[452] McClish & Olivelle, 2012, p. li.
[453] Olivelle, 2004, p. xxii.
[454] Olivelle, P. ed. (2004) The Law Code of Manu – A new Translation by Patrick Olivelle. Oxford: Oxford University Press, p. xxiii.
[455] Jamison & Brereton, 2014, p. 54.

The Dharmasūtras, the earliest Law codes from Āryāvarta, represent the culmination of a long tradition of scholarship related to the concept of Dharma, and predate Manu by two or three centuries.[456] Even though only four Dharmasūtras has survived, the *Āpastambha dharmasūtra* (*ĀpDh*), the *Gautama dharmasūtra* (*GDh*), the *Baudhāyana dharmasūtra* (*BDh*), and the *Vasiṣṭha dharmasūtra* (*VaDh*), they all refer to other legal authorities, thereby indicating there existed a vibrant intellectual legal tradition that has unfortunately been lost.[457] Prior to Manu the focus of these texts were on the ritual obligations of the Āryas, who came from the three upper classes, with the Brāhmaṇas being the archetype. In addition to all the rituals connected to the Āryas' way of life, from birth to death, the inclusion of proper conduct and the right way to lead one's life, clearly indicates the moral dimension of Dharma is coming to the forefront in the Dharmasūtras.[458]

In short, these unique documents gives us a glimpse of how the Āryas actually lived their lives in ancient India, or at least how men from the Brāhmaṇa *varṇa* were ideally expected to live their lives within an hierarchically organised society.[459] The most significant change from the Dharmasūtras that were mostly written in *sūtra*-style prose, to the Dharmaśāstras, which were all written in *śloka* verse, was not this formal change but an end of discussion. In contrast to the discussions presented in the Dharmasūtras, with divergent views as broad as the category of Dharma itself,[460] all this would be silenced when Manu claimed to present the only true version of it. With the introduction of the *Law Code of Manu* or *Mānava Dharmaśāstra*, the first and most celebrated[461] authoritative legal text from ancient India, the age of discussions has definitively reached its end station.

> Here the real author is presented not as a scholar but as a the primeval lawgiver, the Creator himself, and his intermediaries, his son Manu and the latter's disciple Bhṛgu. The Law is promulgated authoritatively; there cannot be any debate, dissension, or scholarly give and take.[462]

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[456] Olivelle, 2004, p. xviii.

[457] Olivelle, 2004, p. xviii.

[458] Olivelle, 2004, p. xviii.

[459] Olivelle, ed., 1999, p. xxi.

[460] Olivelle, P. ed. (1999) *Dharmasūtras – The Law Codes of Ancient India – A new translation by Patrick Olivelle.* New York: Oxford University Press, p. xxi.

[461] For an example of how this ancient text has been reinterpreted and celebrated in modern times, see: (https://www.youtube.com/watch?v=iX-_-ppc_dM).

[462] Olivelle, P. ed. (2004) *The Law Code of Manu – A new Translation by Patrick Olivelle*. Oxford: Oxford University Press, p. xxiv-xxv.

During the last centuries prior to the common era it appears that *śloka* verse became the preferred method of for any author who wanted to give his text authority. While this process can be found already in the early Upaniṣads, where the *Bṛhadāraṇyaka Upaniṣad*[463] frequently cite verses to support its own claims ("In this connection there is this verse."), a series of Upaniṣads[464] and Buddhist texts[465] would be made entirely of verse. The same process is also visible in the Dharmasūtras, who incorporated *śloka* verses to such an extent that it became an integrated part of the text and argumentation itself. As the great epics, *Mahābhārata* and *Rāmāyaṇa*, also chose the *śloka* path to authority, when Manu decided to present his message entirely in verse, it was clearly part of a deliberate plan to reach the same level of authority.[466]

The historical period, geography, and the socio-political context of both the great epics (the Mahābhārata and the Rāmāyaṇa) and Manu's Dharmaśāstra are more or less the same. Composed by people who came from the class of educated Brāhmaṇas, the purpose of both groups of texts are to protect the rights and privileges of their own class.[467] Well, as a student of the history of religions, knowing that "Hinduism" is ranked as the third largest religion in the world, while "Hindu Law" regulates even Jain, Buddhist, and Sikh families, their plan was definitively a success. All Dharmaśāstras after Manu are composed entirely in verse, prose only appearing in the commentaries and medieval digests (*nibandha*s).[468] Even Manu's successors paid homage to the infallibility of his Laws by declaring, "Manu is the authority, and any text contradicting Manu has no validity." [469] In fact, Manu's influence was felt far beyond the borders of ancient Āryāvarta.

> The fame of Manu spread outside of India at a relatively early date. The first king in the central Buddhist myth of origins is called Mahāsammata. The figure of this first king becomes identified with that of Manu in the Buddhist countries of Southeast Asia, especially Burma and Thailand, where the Buddhist law codes are ascribed to Manu. [470]

*Śāstra*s were composed in a variety of different subjects, including statecraft (Arthaśāstra), law (Dharmaśāstra), sensual pleasure (Kamasūtra), grammar, medicine, poetics, astronomy, drama

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[463] Referred to in: Olivelle, 2006, p. 184.
[464] The *Kaṭha*, the *Muṇḍaka*, and the *Śvetāśvatara* Upaniṣads are all composed entirely in verse. Referred to in: Olivelle, 2006, p. 184.
[465] For instance the anthologies of the *Suttanipāta* and the *Dhammapada*, and the verses of the *Jātaka*s. Referred to in: Olivelle, 2006, p. 185.
[466] Olivelle, 2006, p. 185.
[467] Olivelle, 2004, p. xliii.
[468] Olivelle, 2006, p. 185.
[469] Bṛhaspati, himself a composer of a legal treatise, paid Manu his ultimate compliment towards the middle of the first millennium CE. Cited in:
[470] Olivelle, 2004, p. xvi.

and the like. However, as texts that represents an expert tradition, the Dharmaśāstras does not only present a simple record of customs, but is a jurisprudential *reflection* on custom. As a point of departure for further reflection in the form of study and commentary, the Dharma presented in these treatises represent a point of arrival within a tradition when the totality of knowledge created is presented authoritatively in a *śāstra*.[471]

Although passages from the Dharmaśāstras were cited in the courts of ancient and medieval Āryāvarta, these texts were neither "Law Codes" nor a "Handbooks of Manners", though they represent aspects from both categories, their connection to lived reality was not direct, but indirect. The fact that the Dharmaśāstras were composed over a period spanning more than two thousand years, thereby representing the longest literary production in India ever, indicates they were continuously used as central texts in the education of young Brāhmaṇas and Kṣatriyas. As the Dharmaśāstras became the ultimate and only source to knowledge about the Law, the Brāhmaṇas who wanted to become lawyers, judges, or have any authority in relation to the Law, had to study these sacred texts.[472] While some of the Dharmaśāstras and their commentaries may sound like Brāhmaṇical formalism, they could also have a practical and often serious impact on society, since many of them were commissioned by kings or carried out under royal patronage.[473] Recent studies has also provided evidence that the Dharmaśāstras are not only normative texts, but represents "a record of customs and traditional standards of behaviour prevalent in particular places and times in India and are definitively related to the administration justice."[474] Nevertheless, the Dharmaśāstras never claimed they contained all the information needed in the courts of Law. In addition to the knowledge presented in these texts, Manu would clarify what kind of extra special knowledge that was needed to judge lawsuits: "A king who knows the Law should examine the Law of castes, regions, guilds, and families, and only then settle the Law specific to each."[475] This division of Dharma into different categories can also be found in the Dharmasūtras, who speak of the Dharma of regions (*deśadharma*), castes (*jātidharma*), and families/lineages (kuladharma).[476] Nevertheless, in order camouflage this multiple and varied Dharma, and strongly influenced by the tradition of

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[471] Olivelle, 2004, p. xxxix.
[472] Olivelle, 2004, p. xl-xli
[473] Olivelle, 2004, p. xli.
[474] Olivelle, 2004, p. xxxviii.
[475] *MDh* 8.41.
[476] Olivelle, 2006, p. 171-172.

Vedic exegesis and hermeneutics known as Mīmāṃsā,[477] the authors of the Dharmaśāstras would claim their Dharma or Law were already part of the all-inclusive Vedic knowledge.

All Dharmaśāstras begins with a discussion of how to know (*pramāṇa*) the real Dharma through its sources, though there are some differences, in general these sources can divided into three categories; the Āryas' *śruti* (Veda), *smṛti* (Dharmaśāstra) and *ācāra* (normative custom).[478] When Manu explains that "'Scripture' should be recognized as 'Veda', and 'tradition' as 'Law Treatise'",[479] the terms *smṛti* and *śāstra* has clearly become identical. As concerns what kind of people should be considered *ācāra*s or worthy learning from, the Dharmasūtra ascribed to Āpastambha is clearly the most liberal. However, while he classifies the knowledge found among women and śūdras as sources to the Law, and even refers to voices who claim some aspects of Dharma can be learned from men and women from all social classes,[480] by the time of Manu this source would be restricted to the practice of the Brāhmaṇas. The following declaration is how Manu presents the sources to his Law.

> The root of the Law is the entire Veda; the tradition and practice of those who know the Veda; the conduct of good people; and what is pleasing to oneself. Whatever Law Manu has proclaimed with respect to anyone, all that has been taught in the Veda, for it contains all knowledge.[481]

The reason to why Manu has included "what is pleasing to oneself" is uncertain, though by placing the concept of *kāma* as only one among several sources in the Dharma hierarchy, the choice might have political undertones. Nevertheless, the influence from the Mīmāṃsā concept of *anumitaśruti* is obvious.[482] First, by insisting the Vedas contain all knowledge, and thereby becoming the sole source for the Law, would give an increasing legitimacy and authority to both the Vedas and the Dharmaśāstras (*smṛti*s). Second, since almost none of the Laws contained in the Dharmaśāstras can be found in the Vedas, some passages must have been lost, though they can be recovered by studying the *smṛti*s and the *ācāra*. The earliest example of this hermeneutical argument in the Law-texts can be found in the Āpastambha Dharmasūtra: "All

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[477] Olivelle, P. (2006) "Explorations in the Early History of Dharmaśāstra." In: Olivelle, P., ed. (2006) *Between the Empires – Society in India 300 BCE to 400 CE.* New York: Oxford University Press, p. 172.
[478] Olivelle, 2006, pp. 172-173.
[479] *MDh* 2.10-11.
[480] *ĀpDh* 2.29.11.
[481] *MDh* 2.6-7.
[482] Olivelle, 2006, p. 173.

rules are described in the Brāhmaṇas. The lost Brāhmaṇa passages relating to some of them are inferred from usage."[483]

However, by insisting the only way to recover the lost Vedic Laws is either by following the *smṛti*s or by observing the practice of the Āryas (*ācāra*), this theological claim would also give an increased authority to the historical reality. In fact, the Law presented in the Dharmaśāstras has very little to do with the Vedas but represents a textualization and reflection of "the actual practices of local groups."[484] In the second century BCE, two new concepts with regard to the Law were introduced: the *śiṣṭa*s and their *Āryāvarta*.[485] From now on, the Law texts would restrict *ācāra* or normative custom to the behaviour and standards of the Brāhmaṇical elite, the *śiṣṭa*s, who lived within the borders of their theologically defined area, the sacred land called *Āryāvarta*.[486] As the third source to the Law were described by both Baudhāyana[487] as *śiṣṭāgama* (the conventions of *śiṣṭa*s) and by Vasiṣṭha[488] as *śiṣṭācāra* (the conduct of *śiṣṭa*s), this close bond between the *śiṣṭa*s and authority has its parallel in the grammatical tradition, with Patañjali describing the *śiṣṭa*s as the source for correct Sanskrit.[489] Just as his Brāhmaṇical counterparts who wrote about Dharma, Patañjali insisted the only correct Sanskrit could be found within the borders of Āryāvarta. While the earlier authors, Āpastamba and Gautama, does not even mention this sacred area, Baudhāyana, Vasiṣṭha, as well as Patañjali, all describe Āryāvarta in the same manner: "The region to the east of where the Sarasvatī disappears , west of Kālaka forest, south of the Himalayas, and north of Pāriyātra mountains is the land of Āryas."[490]

As concerns the Sanskrit language, and who qualifies as an Ārya, Patañjali would be even more stricter than Manu. In contrast to Patañjali who claims any Brāhmaṇas who has not learned the Sanskrit grammar properly will ultimately end up as *Mlecchas* if they learn to speak a *Mleccha* language,[491] Manu would not deprive an Ārya of his social identity if he learned a *Mleccha* language.[492] Nevertheless, in words similar to his predecessors, this is how Manu has

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[483] *ĀpDh* 1.12.10-12.
[484] Olivelle, 2006, p. 174.
[485] Olivelle, 2006, p. 180.
[486] Olivelle, 2006, p. 172.
[487] BDh 1.1.4.
[488] *VaDh* 1.5.
[489] Olivelle, 2006, p.180.
[490] Patañjali on Pāṇini 2.4.10; 6.3.109, *BDh* 1.2.9, and VaDh 1.8-12. Cited in: Olivelle, 2006, p.180
[491] Patañjali, *Mahābhāṣya*, Vol.1, p. 2. Referred to in: Deshpande, 2012, p. 109.
[492] Deshpande, 2012, p. 109.

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chosen to present the connection between the *śiṣṭa*s and their normative customs in the land of Āryāvarta:

> The land created by gods and lying between the divine rivers Sarasvatī and Dṛṣadvatī is called 'Brahmāvarta' – the region of Brahman. The conduct handed down from generation to generation among the social classes and the intermediate classes of that land is called the 'conduct of good people'. Kurukṣetra and the land of the Matsyas, Pañcālas, and Śūrasenakas constitute the 'land of Brahmin seers', which borders on the Brahmāvarta. All the people on earth should learn their respective practices from a Brahmin born in that land. The land between the Himalaya and Vindhya ranges … extending from the eastern to the western sea is what the wise call 'Āryāvarta' – the region of the Āryas. … Twice-born people should diligently settle in these lands; but a Śūdra, when he is starved for livelihood, may live in any region at all.[493]

While a Śūdra can live in any region at all, the twice-born Āryas must never "live in a kingdom ruled by a Śūdra, teeming with unrighteous people, overrun by people belonging to heretical ascetic sects, or swamped by lowest born people." [494] While it is quite obvious that the Jain's and the Buddhist's Āriya Dhamma are part of what Manu describe as heretical ascetic sects, the authors of the Dharma-texts was not even comfortable with their own Āryan ascetic sects, especially the permanent status of their *āśrama*s.

The Brahmanical system of four life stages or *āśrama*s were originally intended to be permanent states of life an Ārya student could choose when he had completed his Vedic studies (permanent student, householder, forest hermit or wandering mendicant). However, in order to produce new Āryas in a society where conversion is not an option, at least not in the eyes of orthodox Brāhmaṇas, the only way to preserve the Āryan way of life was through the householder. In fact, "several authors of the Dharmasūtras were clearly antagonistic toward the *āśrama* system in general and ascetic and celibate lifestyles in particular."[495] Chapter three of the Gautama Dharmasūtra is devoted to a discussion of the āśrama system. While the life stages as eternal student, forest hermit and wandering mendicant are rejected in the last *sūtra* of this chapter, in the next he praises the householder as the only valid *āśrama*.[496]

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[493] *MDh* 2.17-24.
[494] *MDh* 4.60-61.
[495] Olivelle, 2006, p. 180.
[496] Referred to in: Olivelle, 2006, p. 180

In order to give his own voice as much credibility and authority as the Vedas, Manu, described as a Being of boundless might, would present his eternal document as created by the Lord of Creation himself. As Manu was seated and absorbed in contemplation, the Vedic seers came up him, paid tribute in the appropriate manner, and addressed him with the following words:

> Please, Lord, tell us precisely and in the proper order the Laws of all the social classes, as well as of those born in between, for you alone, Master, know the true meaning of the duties contained in this entire ordinance of the Self-existent One, an ordinance *beyond the powers of thought and cognition*.[497]

After having been questioned in the appropriate manner by these noble ones, Manu gave the following instruction:

> Listen! There was this world – pitch dark, indiscernible, without distinguishing marks, unthinkable, incomprehensive, in a kind of deep sleep all over. Then the Self-existent Lord appeared – the Unmanifest manifesting this world beginning with the elements, projecting his might, and dispelling the darkness.[498]

The Self-existed Lord then created the waters and poured his semen into it. As a result of this holy fusion, a golden egg was created, in which the Lord himself was reborn as Brahmā, the grandfather of all the worlds. He thereafter splits the egg to form the sky and the earth, while his own body became the source for all beings, including the gods. Nevertheless, it was only through the words of the Veda alone that he created specific names, activities, and stations for his creatures.[499]

> To establish distinctions between activities, moreover, he distinguished the Right (*dharma*) from the Wrong (*adharma*) and afflicted these creatures with the pairs of opposites such as pleasure and pain. … As they are brought forth again and again, each creature follows on its own the very activity assigned to it in the beginning by the Lord. … From the growth of these worlds, moreover, he produced from his mouth, arms, thighs, and feet, the Brahmin, the Kṣatriya, the Vaiśya, and the Śūdra.[500]

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[497] *MDh* 1.1-3. My italics.
[498] *MDh* 1.4-6.
[499] *MDh* 1.7-25.
[500] *MDh* 1.26-31.

The tradition of a dialogue between a teacher who gives instructions to a pupil, son, or even a king, can be found in the Brāhmaṇas and the Upaniṣads. In the Chāndogya Upaniṣad, Nārada instructs Sanatkumāra,[501] while Indra and Virocana gets their instructions from Prajāpati.[502] The plot where the sacred storyteller narrates what he have heard and relates it to the beginning of creation is also at "the hearth of the Mahābhārata structure."[503] However, given the historical context of Manu's treatise (200 BCE-200 CE), the Buddhist discourse where "Buddha's word" (*buddhavacana*) became the sole foundation for the texts authority, was probably the main influence when Manu tried to connect his own Law to authority. As the early forms of Buddhism, and especially the Mahāyāna tradition would begin their preamble with "Thus have I heard", thereby presenting their message as coming from the mouth of the Buddha himself,[504] Manu's choice to begin his instructions with the phrase "Listen!" is clearly deliberate.

As concerns the content and topics presented, the greatest change from the Dharmasūtras to the Dharmaśāstras was the inclusion of "matters relating to the king, the state, and the judiciary".[505] The fact that Kauṭilya's Arthaśāstra is the only surviving text in the Artha-genre, only to be discovered in the twentieth century, the incorporation of Artha-material into the Dharmaśāstras may have contributed to their disappearance.[506] While the term Dharma was most frequently associated with the duties of a king to maintain social order in the middle Vedic period, the treatment of these same matters in the Dharmasūtras "is spotty at best, indicating the authors were not particularly concerned about this area."[507] In addition, while the Dharmasūtras' focus are principally on the duties of a king rather than describing the justice system in general, the Dharmaśāstras would incorporate everything needed to rule the Āryas' society.

6.1 "O dear, I think I'm becoming a God!"[508] – Manu's Dharmaśāstra and Royal Authority

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[501] *Chāndogya Upaniṣad* 7.1, referred to in: Olivelle, 2004, p. xxv.

[502] *Chāndogya Upaniṣad* 8.7, referred to in: Olivelle, 2004, p. xxv.

[503] Olivelle, 2004, p. xxvi. The view that the Creator God used a text, as the Vedas were used in Manu's creation myth for the governance of his creatures, can also be found in the Mahābhārata 12.59.29.

[504] Olivelle, 2004, p. xxv-xxvi.

[505] Olivelle, 2006, p. 185.

[506] Olivelle, 2006, p. 185-186, note 40.

[507] Olivelle, 2006, p. 186.

[508] According to Suetonius (*Vespasian* 23), these were the words uttered by Emperor Vespasian, noted for his wit, when he realized he was dying. Cited in: Warrior, V. M. (2006) *Roman Religion*. New York: Cambridge University Press, p. 118.

The Brāhmaṇas and the Kṣatriyas are the "foundation" who protects and enforces the Law. In order to create a strong bond between these two *varṇa*s, Manu would stress their mutual dependence. Though the first group claimed the highest position in their own hierarchy, their dependence on each other is what has made the Law into actual practise in the states of ancient, medieval, and modern India. Manu compressed this fusion of power into the following sentence: "The Brahmin is said to be the root of the Law, and the Kṣatriya its crest", and only by "broadcasting a sin at a gathering of theirs," will a person become "purified".[509] In other words, the Kṣatriyas are a part of the institution called the "court of Brahmans", where people go to be purified from their sins. This fusion of political and religious power were also what made the Roman Law so "outstanding":

> Among the many divinely inspired institutions established by our ancestors, nothing is more outstanding than their desire to have *the same individuals in control over worship of the gods and the vital interests of the state*. Their objective was to ensure that the most eminent and illustrious citizens maintain religion by their good government of the state, and maintain the state by their wise interpretation of religion. [510]

Roman law, as the Āryas' Law, were both based on the assumption that different people has different value, resulting in legal inequality being taken for granted. If someone expected a successful outcome of the litigation, the person had to get help from those who could provide advocacy and were experts in legal knowledge: the Patricians and the Brāhmaṇas. Of course, their social position and contacts within the elite was also a contributing factor in determining the outcome of the case. However, even though the Brāhmaṇas and the Kṣatriyas were dependent on each other, they were definitively not equal in the eyes of Manu.

> The Kṣatriya does not flourish without the Brahmin, and the Brahmin does not prosper without the Kṣatriya; but when Brahmin and Kṣatriya are united, they prosper here and in the hereafter. After giving to Brahmins the money collected from all the fines and handling over the kingdom to his son, the king should meet his death in battle. [511]

As is obvious from this passage, the relation between these two *varṇa*s was not described by a neutral part in the ancient politics of knowledge. I guess few kings would show the Brāhmaṇas the deepest of respect, give them all the money collected from fines, and then finally die in

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[509] *MDh* 11.84.
[510] Cicero (*On His House* 1.1.). Cited in: Warrior, V. M. (2006) *Roman Religion*. New York: Cambridge University Press, p. 42. My italics.
[511] *MDh* 9.322-323.

battle as he tries to protect them,[512] without getting anything in return here, and not only in the hereafter. To compensate the Kṣatriyas, in words reminiscent of the Ṛgveda, Manu would describe the king as made out of eternal particles from Indra, Wind, Yama, Sun, Fire, Varuṇa, Moon, and the Lord of wealth, thereby overpowering all beings because of his energy.[513] I assume the prospect of becoming a god who overpowers the Vedic gods must have convinced at least some kings from supporting the Jain, Buddhist, or Aśokan *Dhamma*. Anyway, even though Manu would describe the king as a great deity who stands here in human form,[514] he and the Kṣatriyas are clearly subordinate to the Brāhmaṇas in the Dharmaśāstras.

In a passage from Manu's own Law, he confidently declares that a "10 year old Brahmin and a 100-year-old-king, one should know, stand with respect to each other as a father to a son; but of the two, the Brahmin is the father".[515] To provide the reader with a contrast to his previous statements concerning the king as a god, Manu would give the Brāhmaṇas an even higher place in his hierarchy of deities. Whether they are learned or not, and even though "they engage in every undesirably act, Brahmins should be honoured in every way; for they are the highest deity."[516] By describing the Brāhmaṇas as protectors of the Vedic sacrifice, Manu even threatens the king if he fails in protecting these highest gods. Since the Brāhmaṇas has

> made the fire a consumer of everything, the ocean undrinkable, and the moon to wane and wax – who would prosper when he injures these? The worlds and the gods always exist by taking refuge in them, and their wealth is the Veda – who would injure them if he wishes to live? … Even in the face of the deepest adversity, he [the king] must never anger Brahmins; for when they are angered, they will destroy him instantly along with his army and conveyances.[517]

While Manu would reinterpret the permanent *āśramas* into life stages only accessible after having finished the householder-stage, he would also include it in his *varṇa*-hierarchy. "By his very origin, a Brahmin is a deity even for the gods and the authoritative source of knowledge for the world; the Veda is clearly the reason for this."[518] Therefore, even "the speech of the learned is a means of purification." [519] However, the different *varṇa*s had also different ways to becoming purified. For instance, a "thief is purified by being put to death or, if he is a

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[512] *MDh* 9.323
[513] *MDh* 7.2-5.
[514] *MDh* 7.8.
[515] *MDh* 2.135.
[516] *MDh* 9.317-319.
[517] *MDh* 9.313-319.
[518] *MDh* 11.85.
[519] *MDh* 11.86.

Brahmin, solely by ascetic toil."[520] As a Law made by the highest deities, the rules contained in it could surely not sentence them to death. In another passage, Manu explains what is meant by ascetic toil: "All happiness here, whether divine or human, has ascetic toil as its root, as its middle, and as its end – so have wise men who saw the Veda declared. Knowledge is the ascetic toil for a Brahmin; protection, for a Kṣatriya; trade, for a Vaiśya; and service, for a Śūdra."[521]

While the Jain and Buddhist Śramaṇas were regulated by their respective monastic orders, the lack of such an institution in the Vedic Āryas' religion was probably one of the reasons to why the Dharmaśāstras has incorporated these practises and ideas into their Law. When Emperor Aśoka raised the concept of Dharma to the level of imperial ideology, the Brāhmaṇas decided to reinterpret their own concept as part of the same royal sphere. Indeed, the very creation of the Dharmaśāstras was possible due to this elevation of Dharma created by Aśoka. As he had broken the old bond between the Brāhmaṇas and political power, a major aim of the Dharmaśāstras was to re-establish this ancient alliance.[522]

6.2 The Court of Brahman

When a king has built a fort and settled the country properly with Āryas, he "should locate all prisons along the royal highway where people will see the criminals, grieving and mutilated" and thereafter "direct his maximum effort constantly at the eradication of thorns. By protecting those who follow the Ārya way of life and by clearing the thorns, kings devoted to the protection of their subjects reach the highest heaven."[523] If the king fails to accomplish his duties, not only will his realm rise in rebellion, the king will also "be cut off from heaven." [524] In fact, the Law presented by Manu does not only regulate the universe and the gods, but also the individual human freedom from birth to death, and follows the person even into the afterlife, where it regulates a potential rebirth. Alternatively, as Manu so elegantly proclaims: "Justice is the only friend who follows a man even in death; for all else perishes with the body."[525]

The Court of Brahman is the "place where three Brahmins versed in the Vedas and a learned officer of the king sit".[526] When the king is going to try a case personally, "he should

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[520] *MDh* 11.101.
[521] *MDh* 11.235-236.
[522] Olivelle, 2004, p. xliii.
[523] *MDh* 9.252-253.
[524] *MDh* 9.253-257.
[525] *MDh* 8.17.
[526] *MDh* 8.11.

enter the court modestly accompanied by Brahmins and counsellors who are experts on policy."[527] If the king cannot attend at the court himself, "he should appoint a learned Brahmin to do so."[528]

> Let a king, if he so wishes, get someone who is a Brahmin only by name to interpret the Law, or even someone who simply uses his birth to make a living, but under no circumstance a Śūdra. When a Śūdra interprets the Law for a king, his realm sinks like a cow in mud, as he looks on helplessly. [529]

In other words, when the king appoint people to his court, the persons *varṇa* is what counts, and not his personal qualifications in the judicial sphere. The idea of legal equality is surely a modern invention. In fact, Manu's Law is identical to Punishment.

> For the king's sake, the Lord formerly created Punishment, his son – the Law and protector of all beings – made from the energy of Brahman. It is the fear of him that makes all beings, both mobile and the immobile, accede to being used and not deviate from the Law proper to them. … Punishment is the Law the wise declare. … Gods, demons, Gandharvas, fiends, birds and snakes – even these accede to being used only when coerced by Punishment. [530]

Even the Dharmasūtras had severe punishments for the Śūdras, especially if they pretended to be Āryas: "If a Śūdra hurls abusive words at a virtuous Ārya, his tongue shall be cut off."[531] "If, while he is speaking, walking on the road, lying in bed, or occupying a seat, a Śūdra pretends to be equal to Āryas, he should be flogged."[532] These "Varieties of Punishments", however, did not apply for the sacred Brāhmaṇas:

> Manu, the son of the Self-existent One, has proclaimed ten places upon which punishment may be inflicted. They are applicable to the three classes; a Brahmin shall depart unscathed. They are: genitals, stomach, tongue, and hands; feet are the fifth; and then eyes, nose, ears, wealth, and body. [533]

Even the king is subordinate to the Law and Punishment. "For Punishment is immense energy, and it cannot be wielded by those with uncultivated selves. It assuredly slays a king who deviates from the Law, along with his relatives".[534]

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[527] *MDh* 8.1.
[528] *MDh* 8.9.
[529] *MDh* 8.20-21.
[530] *MDh* 7.14-23.
[531] *ĀpDh* 2.27.14.
[532] *ĀpDh* 2.27.15.
[533] *MDh* 8.124-125.
[534] *MDh* 7.28.

In war, "the Āryas condemn the killing of those who have thrown down their weapons, who have dishevelled hair, who fold their hand in supplication, or who are fleeing."[535] Especially the Brahmins is denied the use of violence: "A Brahmin should not take a weapon into his hands even to examine it."[536]

While bribe-takers, prostitutes, fortune-tellers, and the like should be regarded by the king as an "open thorn on his people's side," "the non-Āryas wearing Ārya marks" are "operating in secret." By the use of undercover agents, a king "should lure them into his power."

> Under the pretext of attending a banquet, seeing Brahmins, or watching feats of valour, they should assembly these people in one place. Those who do not gather there and those who has come suspicious of the source, the king should forcibly attack and kill, along with their friends and paternal and maternal relatives. … He should also execute every individual within any village who gives food, implements, or shelter to thieves. [537]

A Householder who has raised a son is the most trustworthy witnesses in Manu's court of Law. Even though Manu declares that "Trustworthy men of all social classes may be called as witnesses in lawsuits", they must also "know the Law in its entirety" and be "free from greed; individuals different from these should be excluded."[538] Nevertheless, when "there is no one else, even a woman, a child, an old man, a pupil, a relative, a slave, or a servant may give testimony"[539]

The difference in punishment between the Brāhmaṇas and the three other classes are not just a matter of degree, but also a matter of life and death. "When individuals of the three classes give false testimony, a righteous king should first fine them and then execute them; a Brahmin, on the other hand, should be sent into exile." [540] The Law protects the life of the Brāhmaṇas, no matter what sins they might have inflicted upon society. In fact, "There is no greater violation of the Law on earth than killing a Brahmin; therefore, a king should not even think of killing a Brahmin."[541] Since the universe in its totality, including the gods and every

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[535] *ĀpDh* 2.10.10-11.
[536] *ĀpDh* 1.29.6
[537] *MDh* 9.258-271.
[538] *MDh* 8.62-63.
[539] *MDh* 8.70.
[540] *MDh* 8.123.
[541] *MDh* 8.381.

mobile and immobile being, has to follow this eternal Law, the Brāhmaṇas are definitively in control as long as their king accept these terms.

6.3 Manu's Ārya Dharma and the Other

In the Dharmaśāstras, the term Ārya was used in linguistic, moral, and ethnic contexts, but also as designations for regions, as in Āryāvarta.[542] Encompassing both the religious and political sphere, Manu would identify the term with "someone's learning, country, caste, occupation, or physical features".[543] As in Jewish, Roman, and Islamic law, Manu's Law "presupposes that membership in a family is a natural condition among humans and that individuals will rarely become totally bereft of family connections."[544] Based on the authority of his Ṛgvedic "foundation", where the Āryas refer to themselves as *mā́nuṣa* and *manāva* (the sons and peoples of Manu),[545] Manu would only classify the three upper *varṇa*s as twice-born Āryas: "Three classes – Brahmin, Kṣatriya, and Vaiśya – are twice born; the fourth, Śūdra, has a single birth. There is no fifth."[546] However, Manu's definition of a twice-born Ārya were only related to men, as they were the only ones competent in studying the Law: "A man for whom it is prescribed that the rites beginning with the impregnation ceremony and ending with the funeral are to be performed with the recitation of vedic formulas – no one but *he* is to be recognized as entitled to study this treatise."[547] By denying women, the Śūdras, and everyone outside the four *varṇa*s from receiving the Vedic consecratory rite, as well as his prohibition of any Vedic mantras being used in their rites of passages,[548] Man(u) would certainly draw a strict line between the twice-born Āryas and the Anāryas.

"After spending the first quarter of his life at his teacher's, a twice-born man should marry a wife and spend the second quarter of his life at home."[549] At the rites for gods and ancestors, the Āryas should only invite and honour those "who have bathed after completing the Vedas, vedic learning, or vedic vows, who are vedic scholars, or who are householders, but

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[542] Deshpande, M. M. (2012) "What to do with the *Anārya*s? Dharmic discourses of inclusion and exclusion". In: Bronkhorst, J. & Deshpande, M. M., eds. (2012) *Aryan and Non-Aryan in South Asia – Evidence, Interpretation and Ideology*. New Delhi: Manohar Publishers & Distributors, p. 108.
[543] *MDh* 8.273.
[544] Weiss, B. G. (1998) "The Spirit of Islamic Law." Athens: University of Georgia Press, p. 154. Cited in: Davis Jr., D. R. (2010) *The Spirit of Hindu Law*. Cambridge: Cambridge University Press, p. 35.
[545] Jamison & Brereton, 2014, p. 54.
[546] *MDh* 10.4.
[547] *MDh* 2.16. My italics.
[548] Olivelle, 2004, pp. 237-238.
[549] *MDh* 4.1

avoid individuals different from these." To avoid the Anāryas from getting access to Vedic Truth, the Ārya householder "must never honour the following even with a word of welcome: ascetics of heretical sects, individuals engaging in improper activities, observing the 'cat vow', or follow the way of herons; hypocrites; and sophists."[550] While the Buddhist and the Jain Dhamma are clearly included in Manu's category of "ascetics of heretical sects," the Brāhmaṇa ascetics who had chosen to skip the householder state, though they were never considered Śūdras, were also seen as threath to the Āryas' way of life. Manu explains the "Superiority of the Householder" in the following terms:

> Student, householder, forest hermit, and ascetic: these four distinct orders have their origin in the householder. All of these, when they are undertaken in their proper sequence as spelled out in the sacred texts, lead a Brahmin who acts in the prescribed manner to the highest state. Among all of them, however, according to the dictates of vedic scripture, the householder is said to be the best, for he supports the other three. As all rivers and rivulets ultimately end up in the ocean, so people of all orders ultimately end up in the householder. [551]

As the householder were the backbone of Manu's ideal society and the only institution able to produce new Āryas, Manu's prime objective was to prevent a mix of these godly defined *varṇa*s.

> As a good seed sprouting in good field grows vigorously, so a child born to an Ārya man by an Ārya woman is worthy of receiving all the consecratory rites. … A seed planted in a bad field dies midstream; a field without seed also is just bare land. … The creator evaluated a non-Ārya who acts like an Ārya and an Ārya who acts like an non-Ārya and declared: 'They are neither equal nor unequal.'[552]

They are only equal by the fact that none of them can become a true Ārya and thereby have the right to receive all the Vedic consecratory rites. However, the unequal treatment of children born from mixed origin might have its origin in the Vedic theory of *bīja-kṣetra*, which treated the man as the giver of seed, which contained the identity-bearing characteristics of the child, while the women were only seen as the field. A child born with an Ārya father but an Anārya mother may therefore have the opportunity to "be treated as an Ārya child, if it displays Ārya qualities (*guṇa*)."[553]

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[550] *MDh* 4.19-31.
[551] *MDh* 6.87-90.
[552] *MDh* 10.73.
[553] Deshpande, 2012, p. 109-110.

The difference between the Āryas and the Anāryas were already a part of how the Dharmasūtras' had classified society. While Āpastambha list the value of behaving like an Ārya as among the virtues a man can practice to attain "the All",[554] a person who behaves like an Anārya has to be purified and cleansed "in proportion to the frequency with which he has committed these offences."[555] Even though some of the children of mixed origins might possess some Ārya qualities, none of them would be allowed by Manu to receive the Vedic initiation, thereby excluded from becoming "twice-born" Āryas. As this exclusion also denies them the possibilities of reaching heaven, or end the cycle of rebirths, they surely had to be patient and wait for their chance to be reborn as real Āryas, hopefully in their next life.

For the Anāryas, or what Manu mostly prefers to describe as Śūdras, the "highest Law leading to bliss is simply to render obedient service to distinguished Brahmin householders who are learned in the Veda." If the Śūdra keeps himself pure and "obediently serves the highest class, is soft-spoken and humble, and always take refuge in Brahmins," he will obtain "a higher birth" in his next life.[556] Since Manu denies the Āryas from both teaching the Law and perform Vedic observances for the Śūdras, as they will then "plunge along with him into that darkness called *Asaṃvṛta*",[557] the only way to become an Ārya in his utopia is by being the child of two Ārya parents.

With the rise of Jainism, Buddhism, Ājīvikism, and royal authorities like Aśoka who embraced their Dhammas, the privileged position of the Brāhmaṇas were threatened by Śūdras who would gain both religious and political power in this new era. Based on the assumption that history will repeat itself if it is forgotten, the historical memory of the Brāhmaṇas, or rather Manu's interpretation of history, would surely be refreshed when he chose to compose the first Dharmaśāstra. Contrary to Kauṭilya, who considered the Śūdras and most outcastes as Āryas, the only exception being the Caṇḍālas,[558] as well as Āpastambha, who classifies the knowledge found among women and the Śūdras as sources to the Law, Manu could not accept these pragmatic approaches to his Eternal Law

In Manu's worldview, the category of Śūdras consisted not only of the servants in the *varṇa*-hierarchy, but referred to everyone coming from the lower classes (the internal other), as well as foreigners and people on the outside of society (*mleccha*s and outcastes – the external

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[554] *ĀpDh* 1.23.6.
[555] *ĀpDh* 1.26.7
[556] *MDh* 334-335.
[557] *MDh* 4.81.
[558] McClish & Olivelle, 2012, p. lxiv.

other).[559] While Manu used the Sanskrit term *mleccha* in a more strict sense, referring only to foreign or barbarian groups who came from distinct geographical areas[560] and therefore spoke a different language,[561] they were all included as Śūdras.[562] Clearly aware of the threath they posed to the Brāhmaṇical hegemony in society, the monastic orders of both Jainism and Buddhism were probably also included when Manu decided who qualified as a Śūdra. In other words, the term "Śūdra" "identifies the enemy and it encompasses a wide cross-section of society, both past and present. It evoked the memories of bad old days; it heightened the anxiety that what happened under the Mauryas could be repeated."[563] In order to separate the real "twice-born" Āryas from the category of Śūdras, Manu instructs the king to cleanse his kingdom of heretical sects and Śūdras who pretends to be Āryas.

> The king should have anyone who engages in or facilitates gambling or betting executed, as also Śūdras wearing marks of twice born men. He should quickly banish from his capital gamblers, performers, entertainers, men belonging to heretical sects, individuals engaging in illicit activities and liquor. When these clandestine thieves remain in a king's realm, they constantly harass his decent subjects with their illicit activities.[564]

The strength of Buddhism in the northwestern regions of India in this period, where kings Manu would classify as Śūdras/Mlecchas both supported and embraced these new Dhammas, has clearly made an impact on him when he forbids the twice-born Āryas from living

> in a kingdom ruled by a *Śūdra*, teeming with unrighteous people, overrun by people belonging to heretical ascetic sects, or swamped by lowest-born people. … He must never live in the company of outcastes, *Cāṇḍāla*s, *Pulkasa*s, fools, arrogant men, lowest born people, or *Antyāvasāyin*s. He must never give a *Śūdra* advice, leftovers, or anything offered to the gods; teach him the Law; or prescribe an observance to him. [565]

In fact, even the foreign invaders had to fit into Manu's *varṇa*-hierarchy. Originally Kṣatriyas, these Mlecchas had fallen to the level of Śūdras because of their refusal to support the Brāhmaṇas.

> By neglecting rites and failing to visit Brahmins, however, these men of Kṣatriya birth have gradually reached in the world the level of Śūdras - Puṇḍrakas, Coḍas, Draviḍas, Kāmbojas,

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[559] Olivelle, 2004, p. xliv.
[560] *MDh* 2.23.
[561] *MDh* 10.45.
[562] MDh 12.43. See: Olivelle, 2004, p. 238.
[563] Olivelle, 2004, p. xliv.
[564] *MDh* 9.224-226.
[565] *MDh* 4.60-80.

> Yavanas, Śakas, Pāradas, Pahlavas, Cīnas, Kirātas, and Daradas. All the castes in the world that are outside those born from the mouth, arms, thighs, and feet – whether they speak foreign or Ārya languages–tradition calls Dasyus.[566]

No matter to what extent Manu might have despised these Śūdras, and especially those of foreign origin, the reason to why he cannot classify them as Dasyus or *ámānuṣa*s (non-men) is probably related to their influence and political power in different parts of Āryāvarta in this period. Even though Manu claim his Law is eternal, the names identified as Śūdras are clearly designations for different ethnic groups who made an impact on the Āryas' way of life.

The Coḍas and the Draviḍas "were ethnic groups of the south (Dravidians)." The Kāmbojas lived in an area covering "what is today north-western Pakistan." The Yavanas are the Greeks, while the Pahlavas designates the Parthians from Persia. The Cīnas are of course the Chinese.

Just like the Ṛgveda, where the Dasyus are presented as a people of non-men (*ámānuṣa*), non-deeds (*akarmán*), non-thought (*amantú*), who in their ignorance follow other commandments (*anyávrata*),[567] Manu would also classify everyone outside the four *varna*s as Dasyus. Presented as the extreme opposite of the Āryas, Manu has divided the term *Dasyu* into three different categories:[568] a particular ethnic group,[569] barbarians,[570] or simply bandits.[571] He even threatens the Āryas with the prospect of becoming servants of the Dasyus in their next life if they deviate from their respective duties as prescribed in his Law.[572]

Manu's Law cannot accept the confusion caused by Anāryas who acts like Āryas. In order to avoid this whole world being thrown "into confusion", the "king should strenuously make Vaiśyas and Śūdras perform the activities specific to them",[573] and punish those who "arrogantly" makes "false statements about someone's learning, country, caste, occupation, or physical features".[574] His separation between the external and the internal other were related to both occupations and places of residence. Among the activities specific to each *varṇa*, the most admirable acts are studying the Veda for the Brāhmaṇas, protecting the people for the Kṣatriyas,

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[566] *MDh* 10.43-45.
[567] *ṚV* 10.22.8.
[568] Olivelle, 2004, p. 292.
[569] *MDh* 10.32.
[570] *MDh* 10.45.
[571] *MDh* 7.143.
[572] *MDh* 12.70.
[573] *MDh* 8.418.
[574] *MDh* 8.273.

trade alone for the Vaiśyas,[575] while performing slave labour for the Brāhmaṇas "alone is declared to be the pre-eminent activity of a Śūdra, for whatever other work he may do brings him no reward."[576]

> If a man of inferior birth out of greed lives by activities specific to his superiors, the king shall confiscate all his property and promptly send him into exile. Far better to carry out one's own Law imperfectly than that of someone else perfectly; for a man who lives according to someone else's Law falls immediately from his caste.[577]

While the exact same warning is also presented in the Bhagavadgītā, clearly indicating the importance of this regulation, Manu insists even the presence of such people will quickly bring the realm together with its inhabitants to ruin.[578]

The Brāhmaṇas should live by six occupations, listed "in their proper order: teaching and studying, offering sacrifices and officiating at sacrifices, and giving and accepting gifts".[579] As the Kṣatriyas and the Vaiśyas were not allowed to interfere with the Brāhmaṇas' livelihood, their contribution to the Āryan way of life were restricted to "giving gifts, studying, and offering sacrifices."[580] Except during times of adversity, a Brāhmaṇa ought to sustain himself by following a livelihood that causes little or no harm to creatures.[581] To avoid some popular Brāhmaṇas becoming to wealthy, as they were the only ones worthy of receiving gifts, Manu instructs them to gather wealth "just sufficient for" their subsistence.[582] In times of adversity Manu has allowed the Brāhmaṇas to subsist themselves in five different ways. While agriculture and trade is allowed at the bottom of Manu's hierarchy, they should under no circumstances serve the other three varṇas:

> Gleaning and picking [583] should be considered the 'true'; what is received unasked is the 'immortal'; almsfood that is begged is the 'mortal'; and agriculture, tradition says, is the 'fatal'. Trade is the 'truth-cum-falsehood', and he may sustain himself even by that. Service is called the 'dog's life'; therefore, he should avoid it altogether. [584]

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[575] *MDh* 10.80.
[576] *MDh* 10.123.
[577] *MDh* 10.96-97.
[578] *MDh* 10.60-61.
[579] *MDh* 10.74-75.
[580] *MDh* 10.79.
[581] *MDh* 4.2.
[582] *MDh* 4.3.
[583] According to the traditional explanation, gleaning (*uñcha*) is gathering up ears of corn that have fallen along the road, while picking (*śīla*) is gathering corns that have fallen to the ground in the field, either before or after the harvest. See: Olivelle, 2004, pp. 248-249.
[584] *MDh* 4.5-6.

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Even though Manu clearly prefers to describe his context in terms of only four *varṇa*s, even the Brāhmaṇas had to be divided into social categories suitable for his Law: "He should comport himself in such a way that his attire, speech, and mind are in harmony with his age, occupation, wealth (artha), learning and family back ground."[585] As Manu's Āryāvarta would encompass a whole lot of different traditions and peoples who considered themselves the only true Āryas, he had no option but to include them all.

> When there are two contradictory scriptural provisions on some issue, however, tradition takes them both to be the Law with respect to it; for wise men have correctly pronounced them both to be the Law. After sunrise, before sunrise, and at daybreak – the sacrifice takes place at any of these times; so states a vedic scripture.[586]

The equation of different practises in terms of authority, though they clearly contradicts each other, were already "a basic principle of vedic exegesis."[587] I assume Āpastambha has described this process as accurate as possible:

> The Righteous (*dharma*) and the Unrighteous (*adharma*) do not go around saying, 'Here we are!' Nor do gods, Gandharvas, or ancestors declare, 'This is righteous and that is unrighteous.' An activity that Āryas praise is righteous, and what they deplore is unrighteous. He should model his conduct after that which is unanimously approved in all regions by Āryas who have been properly trained, who are elderly and self-possessed, and who are neither greedy nor deceitful.[588]

The contrast between the Āryas and the Anāryas are most visible their preordained duties. While the Kṣatriyas and the Vaiśyas had a common duty in giving gifts to the Brāhmaṇas, study the Vedas, and offer sacrifices,[589] they also had specific occupations connected to their own *varṇa*s. The prime duty of any Kṣatriya were to protect the Āryas and make sure their subjects followed their personal *varṇa*-duties, though Manu would certainly prefer they concentrated on protecting Brāhmaṇical interests: "The king should make Vaiśyas pursue trade, moneylending, agriculture, and cattle herding, and make Śūdras engage in the service of twice born-people."[590] In contrast to the Śūdras and other Anāryas, the king should protect the Āryas from doing slave labour.

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[585] *MDh* 4.18.
[586] *MDh* 2.14-15.
[587] Olivelle, 2004, p. 237.
[588] *ĀpDh* 1.20.6-8.
[589] *MDh* 10.79.
[590] *MDh* 8.410.

The twice-born Āryas should never be forced to do slave labour, not even for the Brāhmaṇas. "If a Brahmin makes twice-born men who have undergone vedic initiation do slave labour against their will through greed and to show off his power, the king should fine him 600."[591] As the Śūdras were not allowed receive Vedic initiation, the Law cannot give them any protection as concerns slavery. In fact, the Śūdras' slave status is a quality that is innate in them. Therefore, a Brāhmaṇa may

> make a Śūdra, whether he is bought or not, do slave labour; for the Śūdra was created by the Self-existent One solely to do slave labour for the Brahmin. Even when he is released by his master, a Śūdra is not freed from his slave status; for that is innate in him and who can remove it from him?[592]

Manu refer to seven kinds of slaves: "a man captured in war, a man who makes himself a slave to receive food, a slave born in the house, a purchased slave, a gifted slave, a hereditary slave, and a man enslaved for punishment."[593] Interestingly, being the property of others and therefore not allowed to own any property themselves, both wives and sons are grouped together with slaves:

> Wife, son, and slave – all these three, tradition tells us, are without property. Whatever they may earn becomes the property of the man to whom they belong. A Brahmin may confidently seize property from a Śūdra, because there is nothing that he owns; for he is a man whose property may be taken by his master.[594]

Śūdra men are allowed to cook for the Āryas if they "shave the hair of their heads, bodies, and beards; clip their nails; and bathe with their clothes on",[595] and are under the supervision of an Ārya man. In general, the "Śūdras employed by Āryas should shave their hair and cut their nails every fortnight or every month and follow the Ārya mode of sipping water."[596] A Śūdra may serve all the three twice-born *varṇa*s, though the service of a Brāhmaṇa "alone is declared to be the pre-eminent activity of a Śūdra, for whatever other work he may do brings him no reward."[597] Since a Śūdra is at the bottom of Manu's *varṇa*-hierarchy, he is not affected by any

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[591] *MDh* 8.412.
[592] *MDh* 8.413-414.
[593] *MDh* 8.415.
[594] *MDh* 8.416-417.
[595] *ĀpDh* 2.3.1-7.
[596] *BDh* 1.10.20.
[597] *MDh* 10.123.

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sin causing loss of caste, nor entitled to any consecratory rites, and therefore "has no qualification with regard to the Law, but he is not prohibited from following the Law."[598]

> Those who know the Law and yearn to follow it, however, incur no sin and receive praise when they imitate the practices of good men, *without reciting any ritual formulas*; for a Śūdra obtains this world and the next without enduring disdain to the extent that he imitates the practices of good men without giving way to envy.[599]

While the "Śūdras are not prohibited from doing some acts prescribed by Law, such as bathing, performing the five great sacrifices, and the like",[600] there is a crucial difference between the Āryas' Vedic rituals and those the Śūdras were allowed to perform. As they had to imitate "without reciting any ritual formulas," the ritual would have little effect. The only part of the Law that gave them access to worldly and otherworldly benefits, were by serving the Brāhmaṇas "for the sake of heaven or for the sake of both, for when he has the name 'Brahmin' attached to him, he has done all there is to do."[601] As servants of the Brāhmaṇas, the Śūdras were probably allowed to attach this occupation to their names, thereby in a sense having the right to call themselves Brāhmaṇas. Of course, this extension of name had to include their superior position, as in "servant of Brāhmaṇa."[602] The Śūdras are in other words part of the *varṇa*s but not Āryas, and therefore not in a position to receive Vedic salvation. In fact, Manu would use his Law to keep them from learning this sacred knowledge, as the Āryas were instructed to "never recite indistinctly or in the presence of Śūdras."[603]

In times of adversity, Śūdras who are unable to enter into the service of twice-born Āryas as servants, and is faced with the loss of both sons and wife, "may earn a living by the activities of artisans".[604] Nevertheless, even capable Śūdras "must not accumulate wealth; for when a Sudra becomes wealthy, he harasses Brahmins."[605] While the "internal other" or "low-born" among the twice-born should live by occupations that were despised by the twice-born; such as medicine, taking care of the women, horses and chariots, hunting, trapping, the killing of animals, as well as leatherworking and drum playing; they should also "live by memorial trees and in cemeteries, hills, and groves, well-recognizable".[606] Just as Nazi-Germany would

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[598] *MDh* 10.126.
[599] *MDh* 10.127-128. My italics.
[600] This is an explanation given by the commentators. See: Olivelle, 2004, p. 285.
[601] *MDh* 10.122.
[602] See: Olivelle, 2004, p. 285.
[603] *MDh* 4.99.
[604] *MDh* 10.99.
[605] *MDh* 10.129.
[606] *MDh* 10.46-50.

do two millennials later, Manu insists these low born "people should wear certain kinds of clothes and other marks that would identify their castes."[607] If the Śūdras should wear the marks of the twice-born Āryas, Manu instructs the king to execute them.[608] Clearly, those born outside the four *varṇa*s, or what I have chosen to call the "external other," would not be treated any better in terms of his Law.

Treated as outcastes even in the Arthaśāstra and the Dharmasūtras, the Caṇḍālas were clearly a threath to Manu's ordered society. Created in the reverse order of things as offspring of a Brāhmaṇa mother and a Śūdra father, the Caṇḍālas, whose mere touch pollutes,[609] were living testimonies to a crime created in opposition to Manu's own Law. To separate the Caṇḍālas from the noble Āryas who follow the Law, Manu instructs them to live outside the village,[610] keep all their transactions for themselves, and most important, to "marry their own kind."[611] Described as outsiders who depend on others for their food, though "they may go around during the day to perform some tasks at the command of the king, wearing distinguishing marks", they were not allowed to enter the Āryas' villages or towns at night.[612] As these tasks were all related to the sphere of human death, their occupations were surely one of the main reasons to why they were excluded from the society of Āryas.

> They should carry away the corpses of those without relatives – that is the settled rule. They should always execute those condemned to death in the manner prescribed by authoritative texts and at the command of the king; and they may take the clothes, beds, and ornaments of those condemned to death.[613]

The Cāṇḍālas are definitively in another category than the Śūdras. Even the "liberal" Āpastamba would consider even a touch, conversation, or just the glance of a Cāṇḍāla, as a sin that had to be removed from the pure minds of the Āryas: "for touching submerging completely in water; for speaking, speaking to a Brahmin; for looking, looking at the heavenly lights."[614] In order to protect the sacred knowledge contained in the Vedas, all "Vedic recitation is

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[607] Olivelle, 2004, p. 284.
[608] *MDh* 9.224-226.
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[610] *MDh* 10.51.
[611] *MDh* 10.53.
[612] *MDh* 10.54-55.
[613] *MDh* 10.55-56.
[614] *ĀpDh* 2.2.8-9.

suspended in a village in which there is a corpse or a Cāṇḍāla … and for the entire day when outsiders visit the village even if they are respectable people."[615]

Even though the Anāryas might confuse the authorities by changing their "distinguishing marks", Manu insists their lack of Āryan qualities (*guṇa*s)[616] will reveal them in the end. No matter if the father is a twice-born Ārya, a person "born from an evil womb is never able to conceal his nature".[617]

> An unknown man without the proper complexion [*varṇāpetam*], born from a squalid womb, a non-Ārya [*anārya*] with some measure of Ārya features [*āryarūpam ivānāryam*] – one should detect such a man by his activities. Un-Ārya conduct, harshness, cruelty, and the neglect of rites reveal in this world a man who is born from a squalid womb.[618]

The lack of proper complexion or *varṇāpetam* clearly indicates the person is on the outside of the four *varṇa*s. However, does this term also refer to the skin colour of the Anāryas? To cite Olivelle's opinion on this issue, since "the question at issue is how to identify a man who looks more or less like an Ārya. I think *varṇa* here means colour or complexion rather than caste or social class."[619] This interpretation is supported by Deshpande who argues that this verse is an example of the existence of "a prototypical expectation of how an Ārya person looks like, i.e. his physical features (*āryarūpa*)."[620] People who had the appearance of an Ārya (*āryarūpam ivānāryam*) but where not socially accepted as Āryas are also referred to in the Mahābhārata.[621] Nevertheless, even though the physical features of a person were clearly a factor when these texts defined who should be considered an Ārya, only the activities could reveal his true identity.

While only four Dharmaśāstras has survived in its entirety, the ones ascribed to Manu, Yājñavalkya, Nārada, and Parāśara, the citations and references to other texts on Dharma, as well as "the vast body of Dharmaśāstric material incorporated in the great epic *Mahābhārata* clearly point to a vibrant scholarly tradition of textual production."[622] The prime concern of all these Brāhmaṇical texts is to prevent a mix of the godly given *varṇa*s, as the Bhagavadgītā even warns about hell for those who cause such confusion upon society:

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[615] *ĀpDh* 1.9.14-19.
[616] Deshpande, 2012, p. 109-110.
[617] *MDh* 10.59.
[618] *MDh* 10.57-58.
[619] Olivelle, 2004, p. 284, note 10.57.
[620] Deshpande, 2012, p. 108.
[621] Referred to in: Deshpande, 2012, p. 108.
[622] Olivelle, 2006, p. 184.

Overcome by Adharma, O Kṛṣṇa, the women of good qualities are polluted. With the pollution of the women, a mixture of Varṇas occurs. The mixture of Varṇas takes the destroyers of family and family to hell. Indeed, their ancestors, deprived of the offerings of food and water, fall down. Due to these faults of the destroyers of families causing a mixture of castes, the long-standing religious obligations of the family and castes are uprooted. O Janārdana, we have heard from hoary traditions that the people with uprooted family duties permanently end up in hell. [623]

While the term "Mleccha" is often used in the Epics as a reference "for certain tribes living on the outer fringes",[624] the term Anārya is commonly used as "a condemnation of a person's character, with no suggestion that the person is being labeled Anārya in an ethnic sense."[625] The distinction between Āryas and Anāryas are seldom defined in ethnic terms in the Epics. In the story where Draupadī was disrobed and humiliated in the assembly of Kauravas, only a person outside the Ārya's *varṇa*s, Vidura, were considered a praiseworthy person. In other words, a person can become an "Ārya by his behaviour" and not necessarily "by his wealth or learning."[626] However, a person must never be *ati-ārya*, or "too Ārya" in his behaviour, indicating he is "naively too nice to those who do not deserve that treatment."[627]

6.4 Manu's Ārya Dharma and Women

While there is not much information about women in the Ṛgveda, one passage got my attention: "Manu's daughter, Parśu ('Rib') by name, gave birth to twenty at once."[628] Though both the Bible and the Ṛgveda relates the creation of women to the term "rib", I will definitively not suggest any one of these composers might have borrowed from the other. Nevertheless, women has a subordinate position in both of these creation myths. As the learned Brāhmaṇas' practice became the sole source to Manu's Law, a behaviour everyone should look up to and imitate, they were clearly the *mutatis mutandis* in the Āryas' way of life. While he has devoted the main body of his treaty to the "Law of the four social classes",[629] with 38,6 per cent of the text being related to the Brāhmaṇas, and 36 percent to statecraft and law,[630] Manu would only describe women as wives in his *varṇa*-hierarchy. As the main message from both the Dharmasūtras and

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[623] *The Bhagavadgītā* 1.40-43. Cited in Deshpande, 2012, p. 110.
[624] *Mbh* 0140720241ff. Referred to in Deshpande, 2012, p. 111.
[625] Deshpande, 2012, p. 111.
[626] *Mbh* 0050880521. Referred to in Deshpande, 2012, p. 111.
[627] *Mbh* 0050390501. Referred to in Deshpande, 2012, p. 111.
[628] ṚV 10.86.23
[629] Olivelle, 2004, p. xxvii.
[630] Olivelle, 2004, p. xix.

the Dharmaśāstras are directed to a male Brāhmaṇa, obviously, women are essentially invisible to these texts. Nevertheless, compared to the Ṛgveda, the information found in these legal texts can at least give us some information as to how they were treated in Manu's Āryāvarta. Just as my own text, what these authors chose to include or exclude, can give indirect and "telling evidence about certain social attitudes and facts."[631] One trend in the Dharmaśāstras is the growing recognition that women both can, and often desires, to act independently.

The Vedic *śrauta* ritual model were the wife acts as a ritual partner of her husband, and therefore presented one-half of a corporate household unit, would also be recognised legitimate in the first Dharmasūtra composed by Āpastambha. Joint control over property are stated several places in his text: "The household couple (together) has dominion over the property. With the approval of those two others may also deal with it, to their benefit."[632] "There is no division (of property) between wife and husband. For from their marriage there is togetherness in ritual acts, likewise in the fruits of good deeds, and in the acquisition of property."[633] "The 'two masters' should not refuse anyone seeking food at the proper time."[634]

Only the wife's participation in the ritual gives her authority, for "at the Establishment of the Fires the wife becomes bound together with the rituals of which this is a part."[635] The wife can even dispose over the property while her husband is absent, though I sense a bit of nervousness in the following phrase: "For when in the absence of her husband the occasion for a special gift (arises), they don't call it theft [if she makes the gift]."[636] Nevertheless, this had little to do with equality of sexes. Even though the wife and husband were considered a unit in terms of house rituals, she would be "entirely subsumed within it."[637] In short, the wife's ownership over property is bound together with her role as partaker in the house rituals. As this ritual and household partnership becomes rare and nearly erased in the later Dharmaśāstras, clearly, some men of Brāhmaṇical origin disliked their influence on the Āryas' way of life.

While different Dharmaśāstra texts "have minor differences on many issues," the ultimate "goal of the Dharmaśāstra literature is to define distinct categories and instruct its

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[631] Jamison, S. W. (2006) Women "Between the Empires" and "Between the Lines". In: Olivelle, P. (ed.) *Between the Empires – Society in India 300 BCE to 400 CE.* New York: Oxford University Press, p. 191.
[632] *ĀpDh* 2.29.3-4.
[633] *ĀpDh* 2.14.16-19.
[634] *ĀpDh* 2.4.13.
[635] *ĀpDh* 2.11.14.
[636] *ĀpDh* 2.14.20.
[637] Jamison, 2006, p. 192.

audience on how not to mix them."[638] This of how Manu explains his mission to protect the Law:

> When men violate the wives of others, the King should disfigure their bodies with punishments that inspire terror and then execute them, for such violations give rise to the mixing of social classes among the people, creating deviation from the Law that tears out the very root and leads to the destruction of everything.[639]

As the Āryan wife's main responsibility were to produce sons and be loyal to her husband, Manu would do his best to keep her within the household: "On account of offspring, a wife is the bearer of many blessings, worthy of honour, and the light within a home; indeed, in a home no distinction at all exists between a wife (*strī*) and Śrī, the Goddess of Fortune."[640] Nevertheless, the Vedic theory of *bīja-kṣetra* would only treat the wife as a field, while her husband's seeds contained all the Āryan qualities (*guṇa*) the child would inherit.[641] A seed planted in a bad field dies midstream, while a field without seed "is just bare land".[642] In another passage this Goddess of the household is only presented as a part of her husband's "self": "Wife, self, and offspring – that is the full extent of 'man'. Brahmins, likewise, proclaim this: 'The husband, tradition says, is the wife.'" [643] The same sentiment is also visible when Manu describes how a child is made: "The husband enters the wife, becomes a foetus, and is born in this world. This, indeed, is what gives the name to and discloses the true nature of 'wife' (*jāyā*) – that he is born (*jāyate*) again in her." [644] After having explained all the different Vedic initiatory rites a twice-born man has to perform in his life, Manu turns his attention to the women's consecratory rites:

> For females, on the other hand, this entire series should be performed at the proper time and in the proper sequence, but without reciting any vedic formula, for the purpose of consecrating their bodies. For females, tradition tells us, the marriage ceremony equals the rite of vedic consecration; serving the husband equals living with the teacher; and care of the house equals the tending of the sacred fires.[645]

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[638] Deshpande, 2012, p. 110.
[639] *MDh* 8.352-353.
[640] *MDh* 9.26.
[641] Deshpande, 2012, p. 109-110.
[642] *MDh* 10.73.
[643] *MDh* 9.45.
[644] *MDh* 9.8.
[645] *MDh* 2.66-67.

In order to prevent a mix of the *varṇa*s, even Āpastambha would sentence a Śūdra to death if he had sex with a Āryan lady.[646] However, in contrast to his followers, Āpastambha would only punish the wife with being "emaciated",[647]which was probably a penance or purification ritual. In addition, whether the wife performed this "emaciation" on herself or the husband imposed it on her, it remained within the household unit. In Gautama's Dharmasūtra, the offense has become public and the King is the one who impose the punishment: "In the case of sexual encounter with a man of lower *varṇa* the king should have the woman eaten by dogs in public."[648] In Manu's Law the same scenario is also described, only this time we are given a reason to *why* the adultery happened in the first place:

> When a woman, arrogant because of the eminence of her relatives and *her own female qualities*, becomes unfaithful to her husband, the king should have her devoured by dogs in a public square frequented by many. He [the king] should have the male offender burnt upon a heated iron bed …[649]

When Manu tries to describe these female qualities, I assume his personal feelings are deeply involved:

> They pay no attention to beauty, they pay no heed to age; whether he is handsome or ugly, they make love to him with the single thought, 'He's a man!' Lechery, fickleness of mind, and hard-heartedness are innate in them; even when they are carefully guarded in this world, therefore, they become hostile towards their husbands. [650]

One might wonder why these two verses have been included into a treatise about the Law in the first place. Well, the Law is all-inclusive and regulates both heaven and earth; surely, there is room for a warning about women's real "nature": "Recognizing thus the nature produced in them at creation by Prajāpati, a man should make the utmost effort at guarding them. Bed, seat, ornaments, lust, hatred, behaviour unworthy of an Ārya, malice, and bad conduct – Manu assigned these to women."[651] This list is almost similar to the different duties Manu has assigned for the four *varṇa*s.[652]

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[646] *ĀpDh* 2.27.9.
[647] *ĀpDh* 2.27.10.
[648] *GDh* 23.14.
[649] *MDh* 8.371-372. My italics.
[650] *MDh* 9.14-15.
[651] *MDh* 9.16-17.
[652] *MDh* 1.87-91.

Adultery is punished by the death penalty for everyone except the Brāhmaṇas:[653] "There is no greater violation of the Law on earth than killing a Brahmin; therefore, a king should not even think of killing a Brahmin."[654] Like modern legal discourse, Manu would also consider the intention behind the crime. For him adultery involves two parts who are both willing to do the heinous crime:

> If a man converses with the wife of another at a sacred ford, in a wild tract, in a forest, or at the confluence of rivers, he is guilty of adultery. Doing favours, dallying, touching the ornaments or clothes, and sitting together on a bed – all this, tradition tells us, constitutes adultery. When a man touches a woman at an inappropriate place or permits her to touch him – all such acts done with mutual consent, tradition tells us, constitute adultery.[655]

Manu leaves no doubt that the girls who wants to get married has to be virgins, since "[t]he ritual formulas of marriage are applicable only to virgin girls and nowhere among any people to non-virgins, for they are excluded from the rituals prescribed by the Law."[656] His punishments for abusing a virgin depends on both "willingness" and the social status of those involved.

> A man who defiles a virgin against her will merits immediate execution. When a man of equal status defiles a willing virgin, however, he is not subject to execution. … When a man of inferior status makes love to a superior woman, however, he merits execution; if he makes love to a woman of equal status, he should pay a bride-price if her father so desires.[657]

As Olivelle [658] explains in the notes to this sentence, it is unlikely that the man had to marry the girl he had defiled. Even a female virgin had to pay a "bride-price" if she violated another virgin: "If a virgin violates another virgin, she should be fined 200, pay three times the bride-price, and receive ten lashes."[659] The "willingness" of a virgin is also crucial for deciding the verdict in the Arthaśāstra as well. However, the distinction between willing and unwilling does not apply if the virgin was "made" (*pra-kurvant-*) before reaching puberty.[660] The reason is probably the same as in modern laws; the child is not capable of giving informed consent. Nevertheless, the day she reaches puberty, her choices becomes decisive. A willing virgin who

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[653] *MDh* 8.359.
[654] *MDh* 8.381.
[655] *MDh* 8.356-358.
[656] *MDh* 8.226.
[657] *MDh* 8.364-366.
[658] Olivelle, P. ed. (2004) *The Law Code of Manu – A new Translation by Patrick Olivelle*. Oxford: Oxford University Press, p. 276.
[659] *MDh* 8.369.
[660] *AŚ* 4.12-1-2, referred to in: Jamison, 2006, p. 199-200, note 22.

has been "made" by a man, are a part in the offense, and consequently has to contribute in paying the prescribed fine to her own father. Even prostitutes' mental agency are recognized in the Arthaśāstra. If she is unwilling to have sex, "enjoying a prostitute by force" is an offense that is punished with a fine. The more men involved in the rape of a prostitute, the higher the fine for each men involved.[661] However, if she willingly participates in the "crime", and has at least reached puberty, the woman has directly, or indirectly, given her "informal consent" and is punished accordingly. For instance, when a woman willingly participates in incest with a man, they are both sentenced to death.[662]

The growing textual representation of women's mental agency in the texts described so far, was also accompanied by the development of a new doctrine called (*a*)*svātantryam*, or (lack of) independence. The author of the first Dharmasūtra, Āpastamba, does not even mention the doctrine at all. However, something resembling 'bride-price' is mentioned in a *sūtra* describing "Law in previous times":

> The custom of donating or selling one's children is not recognized as legitimate. It is said in the Veda that at the time of marriage the groom should voluntarily give a gift to the bride's father in order to fulfil the Law … The term sale used in connection with this rite is only a figure of speech, for their union is brought about through the Law.[663]

The doctrine of (*a*)*svātantryam* appears for the first time in Gautama's *dharmasūtra*, which simply states: "Women lacks independence in *dharmic* activity".[664] Given the common restriction of the term *dharma* to ritual activity, Jamison suggests "it is quite possible this statement merely refers to the required ritual partnership of husband and wife, though the immediately following clauses have larger field of behaviour in view: 'She should not go against her husband – restrained in speech, sight, and action.'"[665] The context in which women are restricted depends in the end on how much the term *Dharma* encompasses.

For Baudhāyana and Vasiṣṭha, the meaning of Dharma was all-encompassing, and thereby women's freedom to act independently was totally denied. Where Baudhāyana declares that "It is not possible for women to act independently",[666] Vasiṣṭha adds the reason why: "she is under the authority of the man."[667] Then Vasiṣṭha presents a verse that will be quoted nearly

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[661] *AŚ* 4.13. 38-39, referred to in: Jamison, 2006, p. 200.
[662] *AŚ* 4.13. 30-31, referred to in: Jamison, 2006, p. 200.
[663] *ĀpDh* 2. 10-11.
[664] *GDh* 18.1.
[665] *GDh* 18. 2-3, cited in Jamison, 2006, p. 200.
[666] *BDh* 2.3.44.
[667] *VaDh* 5.1

unchanged in the other Dharma-texts: "Her father takes care of her in her childhood; her husband takes care of her in her youth; and her son takes care of her in her old age. A woman is not fit to act independently."[668] This is how Manu describe the same Law:

> Even in her own home, a female – whether she is a child, a young woman, or an old lady – should never carry out any task independently. As a child, she must remain under her father's control; as a young woman, under her husband's; and when her husband is dead, under her sons'. She must never seek to live independently.[669]

In modern times this *sūtra* has "become a *cause célèbre* in anti-Manu rhetoric, even though these or similar provisions are encountered in numerous other legal texts."[670] Nevertheless, the wife should not even think about living independently from her father, husband, or sons, "for by separating herself from them, a woman brings disgrace on both families."[671] The wife should even be faithful to her husband after he has died. Note how Manu describe the women as property:

> The man to whom her father or, with her father's consent, her brother gives her away – she should obey him when he is alive and not be unfaithful to him when he is dead. The invocation of blessings and the sacrifice to Prajāpati are performed during marriage to procure her good fortune; the act of giving away is the reason for his lordship/ownership [*swāmya*] over her. [672]

The Sanskrit term *swāmya*, which Olivelle has chosen to translate with the broad term "lordship", can in fact also mean "ownership" and is "regularly used with regard to someone's legal ownership of property".[673] In the eight chapter, Manu explains the Justice system and the eighteen "Grounds for Litigation". The third ground for litigation is sale without ownership, something Manu describes as theft.[674] Under the subtitle "Fraudulent Sales", Manu clarifies the Law with respect to

> If a man shows one girl to the bridegroom and gives another, the groom may marry both for the same price – so has Manu decreed. When a man gives a girl who is insane, suffers from leprosy, or has lost her virginity, he should not be punished if he has disclosed the defects beforehand. (8.204-205)

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[668] *VaDh* 5.3
[669] *MDh* 5.147-148
[670] *GDh* 18.1-2, *BDh* 2.3.44-46, *VaDh* 5.3, *ViDh* 25.13, and *YDh* 1.85-86. Referred to in: Olivelle, 1999, p. 258.
[671] *MDh* 5.149-150.
[672] *MDh* 5.151-152.
[673] Olivelle, 1999, p. 258.
[674] *MDh* 8.197-198.

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The father, husband or eldest son, depending on who are alive and where she lives, has *swāmya* or ownership/lordship over the girls and women in their family, whether their status is daughter, wife or widow. However, when these women are "given" to another man, he only has to pay the bride-price if she is still a virgin and has not reached puberty: "A man who takes a girl after she has reached puberty shall not pay a bride-price, for the father has lost his ownership of her by frustrating her menses."[675] If the bride-price has been paid but the husband dies, the widow "should be given to the brother-in-law, if she consents to it."[676]

Given all these references to the concept of "bride-price" in Manu's Law, I assume Olivelle is correct when he suggests, "the bride-price was a common practise in ancient India".[677] However, even though Manu is describing the selling of wives, and seems to tolerate this practice in his Law, he would certainly not recommend it for the Āryan men. Āryan fathers who would sell their daughters are compared with trafficking:

> A learned father must never accept even the slightest bride-price for his daughter, for by greedily accepting a bride-price, a man becomes a trafficker in his offspring. … Whether the amount is great or small, it is still a sale. When women's relatives do not take the bride-price for themselves, it does not constitute a sale. It is an act of respect to women, a simple token of benevolence.[678]

In fact, Manu dislikes the tradition to such an extent that "Even a Śūdra should not take a bride-price when he gives his daughter, for by accepting a bride-price, he is engaging in a covert sale of his daughter."[679] However, when Manu ends up denying that he has never "heard of such a thing" as the "covert sale of a daughter for a payment under the name 'bride-price'",[680] I assume this only a description of his Brāhmaṇical Utopia.

The difference in how forcible sex is punished, depending on whether the female victim had a guardian or not, had already become a well established practise by the time of Manu.[681] In chapter nine of his treatise, the "Law concerning Husband and Wife" is presented as the nineteenth "Ground for Litigation". The subject that concerns Manu the most in this context is clearly demonstrated in the nineteen verses he has chosen to put at the beginning of this chapter,

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[675] *MDh* 9.93.
[676] *MDh* 9.97
[677] Olivelle, 2004, p. 244.
[678] *MDh* 3.51-54.
[679] *MDh* 9.98.
[680] *MDh* 9.100.
[681] See: *MDh* 8.374-385.

where forms of the root *rakṣ* or "guardian" occur seventeen times.[682] The first and foremost duty of any Āryan husband is to protect his wife: "Day and night men should keep their women from acting independently; for, *attached as they are to sensual pleasures*, men should keep them under their control."[683] Women "in particular should be guarded against even the slightest evil inclination, for when they are left unguarded, they bring grief to both families."[684] In Manu's opinion, this is "clearly the highest Law of all social classes, even weak husbands strive to guard their wives; for by carefully guarding his wife, a man guards his offspring, his character, his family, himself, and the Law specific to him."[685]

In contrast to the Dharmasūtras who mainly viewed the women "as morally neutral (and indeed not terribly interesting from a moral point of view)", there "is a certain whiff of Victoriana in Manu's schizophrenic attitudes toward women."[686] As cited above, the women are attached to sensual pleasures and should be guarded against even the slightest evil inclination. However, since no men "is able to thoroughly guard women by force;" Manu presents a package of strategies that will make men "able to guard them thoroughly":[687]

> He should employ her in the collection and in the disbursement of his wealth, in cleaning, in meritorious activity, in cooking food, and in looking after household goods. When they are kept confined within the house by trusted men, they are not truly guarded; only when they guard themselves by themselves are they truly well guarded.[688]

As a warning to future husbands, Manu has also created a list of "six things that corrupt women": "Drinking, associating with bad people, living away from the husband, travel, sleep, and staying in the houses of others – these are the six things that corrupt women."[689] In fact, even though she might have the honour of being the wife to a Brāhmaṇa, she would not be allowed to use Vedic mantras when she performed her rituals:

> No rite is performed for women with the recitation of ritual formulas – that is the well-established Law. 'Without strength or ritual formula, women are the untruth' – that is the fixed

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[682] *MDh* 9.2-21, referred to in: Jamison, 2006, p. 202.
[683] *MDh* 9.2. My italics.
[684] *MDh* 9.5.
[685] *MDh* 9.6-7.
[686] Jamison, 2006, p. 192.
[687] *MDh* 9.10.
[688] *MDh* 9.11-12.
[689] *MDh* 9.13.

rule. … When a woman contemplates anything harmful to her husband in her mind, this is said to be a thorough expiation of that infidelity.[690]

As the most important duty of all Āryan wives were to produce sons, they could be repudiated if their obligation was not fulfilled:

> When a wife drinks liquor or is dishonest, cantankerous, sick, vicious, or wasteful, she may be superseded at any time by marriage to another wife. A barren wife may be superseded in the eight year; a wife whose children die in the tenth; a wife who bears girls, in the eleventh; but a foul-mouthed wife, at once.[691]

In contrast to how Manu's orthodox Law regulated the Āryan marriage, Kauṭilya would allow the wife to abandon her husband if he could not produce sons or were of a low condition: "A husband who has gone to a low condition or to another country, has offended against the king, harm [/intends harm] to life, is fallen from caste or a eunuch – he may/should be abandoned."[692] Since the Āryan men were bounded by the same Law as their wives, and therefore had to produce sons, their lack of such qualities would be accepted as a legitimate reason for her to leave him in the Dharmasūtras as well.[693] Manu reversed the two conflicting duties of producing sons and staying faithful to a sterile husband. No matter his qualities or behaviour, Manu would only allow the wife to despise him, but never leave him:

> If a wife commits a transgression against her husband who is deranged, drunk, or sick, deprived of her ornaments and belongings, she should be cast out for three months. If a wife loathes a husband who has become insane, fallen from caste or impotent, who is without semen, or who has contracted an evil disease, she must neither be abandoned nor deprived of her inheritance.[694]

While a drunk or sick wife can be superseded whenever the husband chooses, she is the one who is punished if she transgresses against a husband who does the exact same. Not exactly an equal treatment of the sexes. If the wife dies first, after the husband "has given his sacred fires to his predeceased wife at her funeral, he should marry a wife again and establish anew his sacred fires."[695] This practice is not allowed for the wife. Even when her husband dies, the widow is denied the right to remarry another man. Manu describe such hoary practices as "the Law of beasts":

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[690] *MDh* 9.18-21.
[691] *MDh* 9.80-81.
[692] *AŚ* 3.2.48, referred to in: Jamison, 2006, p. 212.
[693] Jamison, 2006, p. 213.
[694] *MDh* 9.78-79.
[695] *MDh* 5.168.

This Law of beasts, despised by learned twice-born men, was extended to humans also during the reign of Vena (7.41-42). He was a pre-eminent royal sage, who once ruled the entire earth and, his *mind overcome by lust*, created the inter-mixing of classes. Since that time, good people denounce anyone who is senseless enough to appoint a woman to have children after her husband dies.[696]

By imitating the celibate Brāhmaṇical ascetics who have gone to heaven without producing any sons, a sonless widow will also go to heaven if she "steadfastly adheres to the celibate life after her husband's death."[697] Manu even threatens the widow with being "disgraced in this world and excluded from the husband's world" in heaven, if she is unfaithful to him "because of her strong desire for children."[698] She is not even allowed to abandon a husband of lower rank for a man who comes from a higher caste, as "she only brings disgrace upon herself in the world and is called 'a woman who has had a man before'. By being unfaithful to her husband, a woman becomes disgraced in the world, takes birth in a jackal's womb, and is afflicted with evil diseases."[699] Children produced outside the first marriage, no matter the status of their father, were not accepted By Manu's Law: "No recognition is given here to offspring fathered by another man or begotten on another's wife".[700] Nevertheless, if the family line is about to die out and the widow is still a virgin, Manu would allow her to have a son with one of her husband's brothers, or a relative belonging to the same ancestry:

> If the husband of a virgin dies after their betrothal, her brother-in-law should take her in the following manner. Obtaining her according to rule, as she is dressed in white and devoted to pure observances, he should have sex with her once every time she is in season (3.45) until she bears a child.[701]

The appointed man should smear himself with ghee and approach the widow at night in silence. When the ultimate goal of producing an Ārya son has been accomplished, the widow should raise him and remain celibate for the rest her of life.[702] This union was only allowed in order to produce an Āryan son and must therefore not involve any feelings that would lead to a relationship between the two parts. "[T]hey should behave towards each other as an elder and a daughter-in-law. If, on the contrary, the appointed couple disregard the rules and behave

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[696] *MDh* 9.66-68. My italics.
[697] *MDh* 5.159-160.
[698] *MDh* 5.161.
[699] *MDh* 5.163-164.
[700] *MDh* 5.162.
[701] *MDh* 9.69-70.
[702] *MDh* 9.59-60.

lustfully with one another, both become outcastes, he as a molester of a daughter-in-law, and she as a violator of an elder's bed."[703]

Manu's message is clear: the Āryan family line comes first, but within an extremely controlled environment. The one and only son must be made in the silence of the night, and the only duties of the widow is to raise him and remain celibate for the rest of her life. Remarriage is not even an option. In fact, "she must never mention even the name of another man" after her husband dies.[704]

However, when Mahāvīra, Buddha, and Aśoka made the concept of Dharma identical to their own messages, Manu's response were to depict the female ascetics as women of "dubious morals, associating with questionable people dwelling on the fringes outside respectable life."[705] The growing anxiety found in the texts from this period, that women both can, and will act independently if they are given the chance, are probably the main reason to why Manu will not let the wife outside the house without a guardian. "Day and night men should keep their women from acting independently; for, *attached as they are to sensual pleasures*, men should keep them under their control."[706] Presented as creatures driven by their instincts and desires, women could not be trusted to act for the common good of the Āryas on their own.

In Manu's worst-case scenario the Āryan wife or daughter might leave the household and join one of the new "heretical sects" instead of protecting and carry on the Āryan family line. Notice what kind of people Manu has chosen to include in this passage: "Libations are omitted in the case of people born trough capricious caste mingling; those living in ascetic orders; suicides; and women who have joined heretical sects, roam about at will, harm their foetus or husband, or drink liquor."[707] While women of all four classes are to be guarded always with the utmost care; mendicants, bards, artisans, and men consecrated for sacrifice may converse with other women, unless they have been explicitly banned.[708] By lumping the female wandering ascetics together with prostitutes and other wayward women who seduces men, Manu presents them as women of dubious morals:

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[703] *MDh* 9.62-63.
[704] *MDh* 5.157.
[705] Jamison, 2006, p. 206.
[706] *MDh* 9.2. My italics.
[707] *MDh* 5.89-90.
[708] *MDh* 359-360.

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> The above rule does not apply to wives of travelling performers or to wives who earn a living on their own, for such men get their women to attach themselves to men and, concealing themselves, get them to have sexual liaisons. When someone engages in secret conversations with such women, as also with female slaves serving a single master and with female wandering ascetics, he shall be compelled to pay a small fine.[709]

By comparing how these female ascetics has been presented in Manu's Law, the Arthaśāstra, and the Kāma Sūtra, Jamison has found that the textual evidence

> demonstrates that the female religious, heterodox or not, is viewed either as sexually available or as a cunning agent encouraging illicit sexual behaviour in others, and this depiction shows the deep unease about this type of woman, who violates Brahmanic categories. Male ascetics, in contrast, fit neatly into the system and therefore pose no such threat.[710]

Even though Manu's Law were composed after the creation of the Jain, Buddhist, and the Aśokan Dhammas, none of them would be described as anything but "heretical sects" and only given marginal attention in the Dharmasūtras and -śāstras. With the rise of different female ascetics and nuns, though there is a change in attitude toward more supervision of the wife, these women "is essentially invisible, certainly marginal, in these texts. We can infer her influence only from its effects. As usual, the history of women in ancient India must be reconstructed from 'between the lines.'"[711]

Concluding Summary

Textual evidence that Indians of all periods took an interest in complexion is abundant. While Vasiṣṭha's Dharmasūtra claimed a "wife belonging to the dark class is only for pleasure, not for the fulfilment of the Law",[712] matrimonial advertisements in Indian newspapers are also a clear indication that skin complexion is crucial for deciding whom one can marry even in modern India. From the Ṛgvedic passages that refers to the black skins *tvácaṁ kṛṣṇā́m* as subjects to Manu,[713] and evil doers who are hated by Indra,[714] Manu himself would also describe the Āryas in terms of complexion and Ārya features:

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[709] *MDh* 8.362-363.
[710] Jamison, 2006, p. 209.
[711] Jamison, 2006, p. 213.
[712] *VaDh* 18.18.
[713] *ṚV* 1.130.8.
[714] *ṚV* 9.73.5-9. My italics.

An unknown man without the proper complexion [*varṇāpetam*], born from a squalid womb, a non-Ārya [*anārya*] with some measure of Ārya features [*āryarūpam ivānāryam*] – one should detect such a man by his activities. Un-Ārya conduct, harshness, cruelty, and the neglect of rites reveal in this world a man who is born from a squalid womb.[715]

The colour of a person's skin and hair was also used as an identifier by the Sanskrit grammarian Patañjali. In his *Mahābhāṣya,* the Brāhmaṇas are described as *gaura* or fair/white in colour, of pure conduct, and with hair that is yellowish or reddish brown,[716] while no dark person can normally be identified as a Brāhmaṇa.[717] A similar description of skin color can also be found in the *Kāvyamīmāṃsā* of Rājaśekhara, where "the people of northern India are *gaura*, 'fair', those of eastern India are *śyāma*, 'dusky', of the south are *kṛṣṇa*, 'dark', and of the west are *paṇḍu*, 'pale, yellowish-white', while the Middle Country is a mixture of *gaura*, *śyāma*, and *kṛṣṇa*."[718]

However, the concept of Dharma, as well as the division between the Āryas and the Anāryas, were used deliberately in the ancient politics of knowledge to "distinguish the claims of one tradition or community against the claims of other traditions or communities."[719] As a consequence of this process, the religious or cultural aspects would eventually claim priority over ethnicity.

To sum up the information I have presented from the Ṛgveda, the external "other" consisted of Anāryas, referred to as Dasyus or Dāsas, which were overlapping categories of peoples opposed to the Āryas, or "obstacles" the poets calls on their gods to remove. Even though the poets sharply distinguishes between the Āryas and the Dāsas in most instances,[720] their cultural differences from the Āryas were not insisted upon in the same manner as with the Dasyus. The Dāsas are not described as *akarmán*, *amantú*, *anyávrata*, nor *ámānuṣa*, like the Dasyus were, and they were allowed to give gifts to the Āryan poets.

While some of the references in the Ṛgveda indicates the Dasyus and the Dāsas were of another ethnicity than the Āryas, this is only natural, considering they were a seminomadic people constantly searching for new and fertile ground. However, their slow migration into new areas, either destroying or absorbing the peoples and cultures they met, indicates the Āryas

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[715] *MDh* 10.57-58.
[716] Olivelle, 2004, p. 254.
[717] Deshpande, 1991. Referred to in Trautmann, 2012, p. 289.
[718] Deshpande, M. M. (1993) *Sanskrit and Prakrit: sociolinguistic issues*. Delhi: Motilal Banarsidass. Referred to in Trautmann, 2012, p. 289.
[719] Deshpande, 2012, p. 124.
[720] See for instance *ṚV* 5.34.6, 9.25.2, and 10.86.19.

would have been fairly similar to the population of northwestern India "in terms of their physical appearance and culture" when they arrived and settled.[721] Where there is "sufficient context for interpretation, we find that the notions can be at least equally well be read as an 'ideological'[722] distinction between the dark/black world of the dāsas/dasyus and the light/white world of the āryas."[723] This argument is also supported by references to the Āryas and the Dāsas participating on both sides in conflicts, how their enemies and allies are separated into the categories of related "*jāmi*" and unrelated "*ajāmi*" people, and the fact that some groups of Anāryas came to be included among the Āryas.[724] The category of "race" was therefore not appropriate for distinguishing the Āryas from the "other", who through the course of history could also become a Jain or Buddhist Ārya.

By presenting their teachings as a Dharma without *varṇa*s, the Jains and the Buddhists opened their religion for everyone interested in converting, an option not available for those who wanted to join the Āryas' way of life. When Emperor Aśoka expressed his "civil-religion" as Dharma, the close bond between Brāhmaṇical and royal authorities would be broken. The Brāhmaṇas, however, was definitively not united in their responses to this discourse of inclusion. While the earliest Dharmasūtras suggested the Śūdras and women could be used as sources to the Law, though they were not included in the category of twice-born Āryas, the pragmatic Kauṭilya would go even further and consider almost every indigenous communities to be Āryas, including the Śūdras and most outcastes. His only exception being the Caṇḍālas, who may originally have been a tribal group.[725]

Clearly, the terms Ārya and Dharma are unstable and various in their referents, historically contingent, and socially construed.[726] While they might have been ethnic designations in some passages of the sources I have presented, most often they are used as declarations of a social, political, moral, and spiritual high or low status. While some scholars are searching for the Ārya skeletal types in the remains of the Indus valley, so far without success, the usage of the terms Ārya and Anārya in ancient India has revealed a complex reality

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[721] Hock, 2012, p. 160-161.
[722] Hoch use the term "ideology" in "a rather loose sense, as something like a folk belief or implicit world view, different from the much more self-conscious and 'theoretical' ideologies of modern times." See Hock, 2012, p. 154.
[723] Hock, 2012, p. 154.
[724] Witzel, 1999, pp. 359-60.
[725] McClish & Olivelle, 2012, p. lxiv.
[726] Bronkhorst & Deshpande, 2012, p. vii.

surrounding these terms. I assume Deshpande has described the context surrounding the use of these terms as precise as possible when presents a future discovery of an Āryan skeleton:

> The usage of the terms reveals to us, not an answer to a (by-now) naive question of 'where are the true Aryans?', but a far more complex reality. Even if we were to find a skeleton in ancient India with a label 'here lies a true Aryan,' we will not know what to make of that label until we know who called this person Aryan for what reason, and to make what assertion and to counter what claims.[727]

While there is only supposed to be four *varṇa*s in the Āryas' ideal society, in today's India there exists hundreds of different castes. Of course, one of the reasons, and probably the main reason, to why the Brāhmaṇical literature in general were so occupied with preventing the mixing of classes, indicates the practice was already common in ancient India. After all, the main reason for making a law against a practice, even in modern law, is to prevent actions that is already considered a threath to society. Given all the information I have presented in this ancient politics of knowledge, I agree with Trautmann who claims: "That the racial theory of Indian civilization has survived so long and so well is a miracle of faith. It is high time to get rid of it."[728] As concerns the racial theory of the modern Āryas in the Hindu nationalist movement, I assume the "facts" I have presented will not make any impact on their discourses. In a similar way as Klass distinguishes between an *assumption* and a *fact*, Singh describes the difference between *belief* and *history* in relation to the Vedic Golden Age:

> Whether or not there was a "Golden Age" in the past is immaterial for our present discussion. We will certainly miss the point if we raise objection that tradition is not always faithful to actual facts. What counts is history as a people actually understands it, and for most Aryas that history dwells in the present as much as in the past. In other words, what people 'believe to have happened' is more significant in their lives than 'what actually happened'.[729]

No matter how convincing the textual evidences and argumentation I have presented might seem for the reader, I assume my own text will not influence the Hindu nationalist discourses that claim the Āryas were the original inhabitants of ancient India. The idea of a Vedic Golden Age, and a decline caused by the Buddhists and the Jains giving hope for personal salvation outside the four *varṇa*s, thereby causing a loss of "national" feelings, a mix of classes, and

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[727] Deshpande, 2012, p. 124.
[728] Trautmann, 2012, p. 290.
[729] Singh, 2012, p. 275.

confusion when people were led away from the Law, is a common theme in the Hindu nationalist discourses. According to Professor Cristopher Jaffrelot:

> the idea of decline is not related to the loss of racial purity. And the quest for revival does not imply any racial purification. On the contrary, the consolidation of Hindu society is presented as a preliminary stage likely to enable the Hindus to absorb the Muslims (descendants of non-Aryan invaders as well as 'natives'). The conception of decline expressed by the Hindu nationalist leaders of the 1920s and 1930s confirms a certain indifference towards racial purity compared to social unity.[730]

The Hindu nationalist response to the European biological race theories was ambivalent, and in the end suppressed to the needs of national unity. The main ingredient in all of the Hindu nationalist discourses are the Vedic organic *varṇa* as protected by the Law. The Hindu nationalist ideologues advocated a racism of domination, not of extermination. Given all the sources I have presented in this text, I am quite convinced Jaffrelot is right when he has chosen to call it a form of "upper caste racism":

> This specificity [of domination instead of extermination] was again in accordance with the 'traditional xenology': the Other is not excluded but he can be only integrated at a subordinate rank. The members of minorities who refuse to become Hinduised are bound to remain statutory second-rate citizens from the Hindu nationalist point of view. This kind of discrimination is, indeed, nothing but a form of 'upper caste racism'. [731]

The biological racism of domination as used by the Nazis, where the "other" is something that has to be terminated in the name of racial purity, is not compatible with how the Hindu nationalist organise their ideal society. As with every "invader" of the Indian subcontinent, the share number of people make manslaughter the last option. The "other" is allowed, but only at a subordinate rank.

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[730] Jaffrelot, 1995, p. 354.
[731] Jaffrelot, 1995, p.354.

Appendix

	HINDUISM	BUDDHISM	ISLAM
1. *Theory of history*. Indifference to history would make political arrangements like the secular state more acceptable	History is metaphysically at a lower level of reality, and is ultimately not significant. +	Metaphysically, similar to Hinduism. In practice, history is taken more seriously. +	History is decisive. A certain pattern of life must be established on earth. −
2. *Attitude toward other religions*. An attitude of tolerance is important in developing a secular state.	**Extremely tolerant philosophically, and generally so in practice**. +	Missionary religion, but tolerant. +	**Theologically intolerant, and often so in practice.** −
3. *Capacity for ecclesiastical organization*. The more highly organized a religion, the more difficult to establish a secular state.	Practically no ecclesiastical organization. +	Relatively well organized monastic order, the Sangha. −	*Ulama* (doctors of the law) not effectively organized. +
4. *Political and religious functions*. Tradition of separation of these two functions supports the secular state.	Two functions performed by separate castes. +	Principle of renunciation of world – monks cannot rule. +	Tradition of Prophet, Mohammed and Caliphs – fusion of temporal and spiritual authority. −
5. *Tendency to regulate society*. The stronger this tendency, the more difficult to establish a secular state.	Caste system, Hindu law. −	No attempt to regulate society. +	Islamic law – detailed regulation of society. −

+ = favourable to secular state   − = unfavourably to secular state

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