
UNIT 6 MANU SOCIAL ORDER AND LAWS*

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6.0 OBJECTIVES

The aim of this unit is to acquaint you with the ideas of *Manusmriti* on preservation of social order and polity. After studying this unit, you should be able to:

- Explain what Manu means by social order
- What are the main social laws prescribed by Manu
- Place *Manusmriti* in a social context
- Recount the main criticisms against *Manusmriti*

6.1 INTRODUCTION

The *Manusmriti*, or 'The Laws of Manu', is considered to be one of the most authoritative texts in the Brahminical tradition which lays out social and civil laws and codes of conduct which are necessary for the maintenance of *dharma*. It prescribes the conduct for men and women of the four social classes or *varnas* – Brahman, Kshatriya, Vaishya, Shudra – and rules of interaction between them. In addition, it lays out rules of conduct for people in the four stages of life, *ashramas* – *brahmacharya*, *grihsthashrama*, *vanprastha* and *sanyasa*. It also

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prescribes rules and obligations for the King – *rajadharma* – and laws related to civil matters like business and contract. The purpose of these rigid social rules and boundaries is to preserve *dharma* – the social order marked by hierarchical *varna* system, where the Brahman enjoys most social privileges and Shudra the least. The proper sphere of activity for the Brahmin is study of the Vedas and begging, for Kshatriya is statecraft, for Vaisya it is trade and moneylending, and for Shudra is to serve the above three. The Shudras are not entitled to an education. All four *varnas* enjoy *complete* control over the women of their social category. Thus the ‘Laws of Manu’ do not contain a distinction between secular and religious laws. It is the social law which dominates the political as well as the personal sphere. Even the kingly functions are aimed towards preservation of the social order.

Historians do not consider ‘Manu’ to be *one* historical person. Rather, what we know as the ‘Laws of Manu’ is handiwork of several Brahmin individuals, which was compiled in early centuries of the Common Era in Northern India. Manu appears to be a mythological figure in Brahminical tradition and later in the Hindu religion, who has often been called the first human being.

The 2694 stanzas divided in twelve chapters of *Manusmriti* talk about a range of issues: caste restrictions, dietary restrictions, restrictions on women, rites of marriage, death and sacrificial ceremonies, purification rituals, penalties for breaking these rules and rules of polity to be followed by kings. The social laws of Manu offer us a glimpse into how the powerful sections of early India, the Brahmins who composed the work, desired the society to be. A study of Manu’s social laws will also provide a glimpse of how society was sought to be organized, because the ideas contained in the book were *not* entirely new, but culmination of Brahminical tradition of social thought which traced itself to the Vedas. Such detailed and elaborate rules of social control were made to avoid chaos, or what Vedic texts have called *Matsyanyaya*, an anarchic situation where only the law of the stronger exists. Thus, *Manusmriti* appears to be an attempt by socially powerful sections of Indian society to retain and preserve the social order of their privilege, at a time when rapid historical changes were taking place.

6.2 SOURCES OF LAW

The *Manusmriti* forms part of the *smriti* canon of Hindu religious corpus, which refers to knowledge received from tradition. The other canon is *shruti* which refers to revealed knowledge or divine knowledge. The Vedas belong to the *shruti* group and occupy a somewhat superior position. The classification of religious knowledge between *shruti* and *smriti*, ultimately indicates two sources of law – the divine and traditional. Although, repositories of traditional knowledge claim that revealed texts are their source.

The Laws of Manu claim *four* sources of sacred law; the Vedas, conduct of virtuous men learned in the Vedas, conduct of holy men and self-satisfaction. It also claims that all the social laws prescribed in it are in strict accordance with the Vedas.

Tracing the origin of law to the divine is a way to command obedience, and to claim that the law stands above human scrutiny. Such a source also enables the dominant social sections of society to claim that they are eternally entitled to respect, wealth and political power. Because divinely ordained laws are unchanging and depend on the conduct of those already in power, they seek to bolster their position privileged position. For instance, historian *K.P. Jayaswal* explained that the divine origin theory of kingship was furthered by Brahmin king Pusyamitra Sunga in order to make his family's claim to the throne permanent, and to discredit the Buddhist theory of state which emphasized contract amongst people to decide their ruler.

Check Your Progress Exercise 1

Note: i) Use the space given below for your answer.

ii) Check your progress with the model answer given at the end of the unit.

1) Why is *Manusmriti* considered to be a part of 'smriti' tradition?

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6.3 RAJDHARMA: THE DUTIES OF THE KING

Why was the king created? The king was created to protect and control chaos and fear which prevailed in a society without a ruler. A Kshatriya who has received training in Vedic tradition and has gone through all the prescribed religious practices from childhood – the initiation (*upanayana*) and studentship – is fit to be king, according to Manu. A king is superior to all other living beings because he is made out of divine elements from the gods. Manu demands total obedience to the laws of the King. It is the king who preserves and protects the social order of the four *varnas*, the *dharma*. Hence, disobedience of the king is akin to sacrilege and invites severest reprisal. The instrument employed by the king to preserve and protect the social order is *danda* or punishment. Echoing *Arthashastra*, the *Manusmriti* claims that punishment is the king itself. It is punishment which watches over, which governs, and which protects. Manu warns that *danda* has to be applied after due consideration in order to lead towards happiness. Recklessly applied punishment destroys everything.

If *danda* is not employed, then 'the stronger would roast the weaker, like fish on a pit,' 'the crow would eat the sacrificial cake and the dog would lick the sacrificial viands, and ownership would not remain with anyone, and the lower ones (would usurp the place of) the higher ones.' These metaphors explain that the social order, where wealth, property ownership, education and religious

training is reserved for the three higher *varnas*, would crumble. 'All castes (*varnas*) would be corrupted (by intermixture), all barriers will be broken through.' Manu fears that in absence of punishment, the endogamous rules of marriage within the same caste, or between the male of a higher caste and female of a lower caste, would be broken and caste hierarchy and entitlement over power and resources would lose all meaning. An ideal king, therefore, has to be truthful to the social order and should observe justice and *dharma* by making sure that the social and economic restrictions placed by the *varna* order are not broken. A king who is of unsound mind, who is addicted to sensual pleasures and who is partial and deceitful will not be able to govern or adhere strictly to the caste order. Manu, therefore, spells out that 'The King has been created to be the protector of the castes and orders, who, all according to their rank, discharge their several duties.' A just King has to ensure that the castes do not break ranks – do not intermarry and do not take up occupations which are not prescribed for them. In addition, in dispensing of justice the King ought to 'with rigour chastise his enemies, behave without duplicity towards his friends, and be lenient towards the Brahmanas.'

The King should always remember his role as the protector of the social order. For this purpose, 'Let the king, after rising early in the morning, worship the Brahmins who are well versed in the three-fold sacred science and learned in (polity), and follow their advice.'

In order to strictly protect the caste order, the King should not only worship learned and aged Brahmins, but should also cultivate virtue and shun vice. Only a king who has mastered self-control and is free of envy, wrath and resentment will be able to ensure that each caste follows its stipulated occupation and does not come in contact with others socially through marriage. The *only* relaxation to this strict system of social rules could at times be made for the *brahmin*.

The king should shun all sorts of vices like excessive love for hunting, gambling, company of women, singing music and dancing, because they can lead him astray from ruling and cloud his judgement according to *Manusmriti*. Women for Manu are similar to property and other objects of desire, who should be possessed, but their 'use' should be controlled. This shall be elaborated upon in the section on Social Laws for women.

Thus, Manu not only invokes the divine theory of kingship, he also extols *danda* as the instrument of *rajadharma*. It is through punitive violence that things are kept in their place.

In order to carry out the everyday administration of the state, the *Manusmriti* offers a great deal of detailed practical advice to the King regarding appointment of ministers, foreign relations, conduct of war, system of spies and other juridical and civil functions.

Manu advises that the King should employ seven or eight ministers from families who have served him well, who belong to *noble* (upper castes) families, who are trained in the use of weapons and whose worth has been proven. The king should daily consult with them on matters of war, peace, administration of towns and

kingdom, treasury and revenue, defence and tributes. Tasks which are difficult for the King alone become far easier with the aid of trusted assistants. The most important issues should be discussed with the most trusted and distinguished Brahmin among his ministers.

Security from external enemies from outside is as important as maintenance of social order within the kingdom. The Laws of Manu advise the King to have skillful and knowledgeable ambassadors for conduct of diplomacy. For the ambassador enables the king to have allies – they negotiate peace or war. The king should rely on ambassadors to inform him beforehand of the enemies' designs. Defence should be the uppermost concern of a kshatriya king and by employing the four

expedients – conciliation, bribery, dissension and force – the king should protect his kingdom. As *Arthashastra*, *Manusmriti* advocates that against a powerful enemy conciliation should be tried first, followed by bribery and discussion. If all else fails, only then coercion should be adopted. Yet, the king ought to be prepared for any eventuality and is advised to build forts at convenient locations in towns and hills, well stocked with soldiers and weapons.

Regarding war, *Manusmriti* has a range of practical advice. The principle of *saam* (conciliation), *dam* (bribery), *dand* (force), *bhed* (dissension) is to be employed. Force is to be used only when other three strategies have *failed*. A king should only wage war when he is assured of his superiority and his enemies' weakness and all other forms of diplomacy have been exhausted. It is always advisable to have a weak but trusted friend than to make him an enemy. The text advises against waging war if the army of the king is weak and his ammunitions inadequate. In case the enemy is too strong, it is advised that the king should divide his armies into two and take refuge in some other friendly kingdom.

After the war if the King has managed to win, his aim should be to win friends rather than acquiring wealth and lands. *Manusmriti* seems to favour self-defence and friendship in inter-state relations rather than a doctrine of imperial expansion. In this regard, it differs from the *Arthashastra* which lays emphasis on imperial conquest.

The Laws of Manu advice the King to be extremely cautious of getting poisoned and assassinated, should have an elaborate system of spies to watch over not just the external enemies, but also the enemies within.

The *Manusmriti* envisages a system of administration which extends from village to the king. Village is the *unit* of local administration as each village is to have a lord, who shall report to the lord of ten villages, who in turn shall report to the overseer of twenty villages. The lord of the village shall see to it that the expected amount of – food, drink and fuel – is being supplied from the village under his command to the King. A minister of village affairs will oversee the functioning of all these lords. Similarly, a superintendent is to be appointed in each town who shall look after the work of officials in each department of town administration.

The king is advised to impose moderate taxes, just like the bee or a leech take only moderate amounts of food. The king who exploits his subjects digs his own grave. Different kinds of taxes in the form of revenue, fees, fines are to be levied. The property of corrupt officials is to be confiscated. In *no* circumstance though, the king can tax a *srotriya* – a brahmin who studies Vedas. In fact, the king is advised to donate and gift generously to the brahmins. Without a strong financial base and an efficient and honest administration to collect taxes, no kingdom can exist.

The *Manusmriti* expounds on the organization of justice functions to be performed by the king in civil and criminal matters. As already explained, 'justice' for Manu is primarily the proper maintenance of the four-fold *varna* order, with the brahmin male occupying the most privileged position, shudra the least, and with women being treated as property. Justice would also mean that the powerful positions of brahmin and the king, are retained. Thus, Manu writes, the Kings court of justice would comprise himself 'together with Brahmanas and experienced councillors.' And 'let him examine the causes of suitors by the order of castes (*varna*).' In case the king is not able to personally attend to the suits, then the responsibility should be delegated to a brahmin. Matters of civil suits concern: non-payment of debt, deposit and pledge, sale without ownership, concerns among partners, resumption of gifts, non-payment of wages, non-performance of agreements, recession of sale and purchase, disputes between the owner (of cattles) and his servants, dispute regarding boundaries, assault, defamation, theft, robbery and violence, adultery, duties of man and wife, partition of inheritance and gambling and betting.

Interpretation of the law should only be done by a *Brahmin* and never a Shudra. For 'The kingdom of that monarch, who looks on while a Shudra settles the law, will soon sink like a cow in a morass.' And 'The kingdom where Shudras are very numerous, which is infested by atheists and destitute of twice-born, soon entirely perishes.'

The king should see to it that minors, women, widows, and men of all castes are not robbed of their property. In general, men of all castes could be called as witnesses. Only in specific and urgent situations should sick men, women and minors be admitted as witnesses.

The punishments prescribed by *Manusmriti* reflect the caste order, with the leniency being reserved for the Brahmin and severity for the three lower *varnas*. For giving false evidence fine and banishment should befall on the three lower *varnas*, while a Brahmin can only be banished.

Similarly, Brahmin is exempt from corporeal torture and capital punishment. 'A Shudra who insults a twice born man with gross invectives shall have his tongue cut out; for he is of low origin.' While a Brahmin will be fined 12 panas for defaming a Shudra.

The laws place special restrictions on Shudras insulting the twice-born men, and prescribes severe corporal punishments. For instance a Shudra who spits on a

twice born man is to have his lips cut-off. In case a twice-born man insults a Shudra, only a fine may be imposed.

The civil and criminal law system prescribed in *Manusmriti*, while prescribing punitive measures for everyone determines the nature of punishment according to the caste of the accused, and the nature of violation of caste boundaries.

Check Your Progress Exercise 2

Note: i) Use the space given below for your answer.

ii) Check your progress with the model answer given at the end of the unit.

1) What is divine theory of the state and why is it important for Manu?

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6.4 SOCIAL LAWS

The preservation of social order – the hierarchy of caste system coupled with the control of women – is the main concern of *Manusmriti*. That is why we saw that even the *rajdharm* laid out by the text largely concerns itself with the King using the instrument of punishment to maintain this social order. However, special attention needs to be paid to how the *Manusmriti* idealized the social system. It advocated a social system where each caste stuck to its allotted profession, and interaction between them was bare minimum. Therefore, it restricted marriages between different castes, and saw mixed castes with contempt. This also required that additional restrictions be placed on women. Let us study these in more detail

6.4.1 Marriage

Marriage laws prescribed by *Manusmriti* adhere strictly to the caste ranking. It lays down that a Brahmin's first marriage should necessarily take place to a woman of equal caste. For his subsequent marriages he may take a woman from the three lower *varnas* as a wife. But the text strongly advises against a Brahmin man marrying a Shudra woman, warning that such a union will result in misfortune for the man. 'Twice-born men who, in their folly, wed women of the low (Shudra) caste, soon degrade their families and their children to the state of Sudras,' says the sage Manu. Technically, the Law of Manu states that a woman is permitted to marry those of her own caste and those of the higher castes. Similarly, a man may marry within his caste or to a woman from the lower castes.

Manusmriti elucidates eight rites of marriages that are recognized in the Brahminical tradition –, **Brahma** **Diava**, **Rishi** (Arsha), **Prajapatya**, **Asura**, **Gandharva**, **Rakshasa** and **Paishacha**. The gift of a daughter along with costly jewelry to a man learned in the Vedas is the Brahma rite. The gift of a daughter along with costly ornaments to priest who has come to perform a sacrifice ceremony is called the Daiva marriage. The giving away of the daughter in return of a pair of cow and bull from the bridegroom is the way of the Rishis. The gift of the daughter with blessings and honour shown to the couple is the rite of Prajapatya. When a bridegroom receives the woman after having given her and her kinsmen as much wealth as he could afford, is called the Asura marriage. The voluntary union of the woman and her lover from a desire of sexual intercourse is called Gandharava marriage. The forcible abduction of the woman from her home after slaying her kinsmen, is the way of the Rakshasas. Stealthy seduction of a woman who is intoxicated, sleepy or disoriented has been described as the most base and sinful way of union called Paishacha. The first six methods are approved for the Brahmins, the last four methods are approved for a Kshatriya, and the last four, with the exception of Rakshasas rite, are lawful for Vaisyas and Sudras.

As can be easily seen, marriage is supposed to maintain the superior position of the higher caste male. The *Manusmriti* recommends those forms of marriages where the bride's family offers costly gifts to the daughter, which along with her goes to the groom's household.

6.4.2 Women

From the foregoing discussion, it can be learnt that women have been depicted as beings who need to be guarded and controlled primarily by their families. The *Manusmriti* sees them as treacherous entities who can lead a virtuous man astray from *dharma*, and down the path of desires. They have been portrayed as assets which, if suitably controlled, can lead to pleasure and prosperity of the owner – the husband.

The duties prescribed by *Manusmriti* for women, expect women to train themselves and learn to take pleasure in their position as property owned by men. 'In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent,' say the Laws of Manu. A woman who leaves her father or husband to pursue her free will brings contempt upon herself and her family. *Manusmriti* prescribes that not only a woman should manage the household, but she should do it with cheerfulness. 'She must always be cheerful, clever in (the management of her) household affairs, careful in cleaning her utensils, and economical in expenditure.'

A woman is not only to be treated as valuable property by men, but the text goes on to demand that she should cultivate herself to be treated as such. That is the *dharma* for women. Thus, the foremost duty of a married woman is to be unconditionally loyal to her husband. Even if the husband possesses no good qualities the wife should cling to him. 'Though destitute of virtue, or seeking

pleasure (elsewhere), or devoid of good qualities, a husband must be constantly worshipped as a god by a faithful wife.' 'A faithful wife who desires to dwell (after death) with her husband, must never do anything that might displease him who took her hand, whether he be alive or dead.' Even after the death of her husband, the woman ought not to remarry, and should maintain her 'chastity'. No such burden is placed upon men who lose their wives.

The control of 'their' women must be exercised by men of all castes. 'Women must be guarded against their evil inclinations.' A woman's desire, howsoever trifling needs to be controlled. Manu is careful to note that 'No man can completely guard women by force.' Therefore, he suggests that the best means to control women is to assign them responsibility: collection and expenditure of man's wealth, 'keeping (everything) clean, in religious duties, in preparation of his food, and in looking after the household utensils.' It is not force but woman 'who of their own accord keep a guard over themselves, are well guarded.'

The social order prescribed in *Manusmriti* rests on the basis of control over women and their labour. It is through control of women that *varna* boundaries are sought to be maintained. In addition, this control secures the woman's body and labour for the exclusive enjoyment and use of men. This order of control of women across *varnas* creates the situation where the woman herself would learn to value the control exercised over her by a man as a form of protection and recognition.

6.4.3 Mixed Castes

Although *Manusmriti* lays great stress on maintenance of social order, it seems to recognize that a perfect order where each caste maintains conjugal boundaries and sticks to its stipulated profession, is more of an ideal than what concretely exists. It suggests that in the time of composition of *Manusmriti*, inter-caste marriages did take place. In its attempt to establish a complete social order, the *Manusmriti* strives to take into account all permutations and combinations of marital relations that could possibly take place between different *varnas* and tries to place the offspring out of such unions into proper social categories. Inter-marriage between men and women of *varnas* leads to production of what can be referred to as mixed castes. The *Manusmriti* not only defines which castes are produced out of unions across *varnas*, but also fixes the personal qualities of such castes, the occupations they ought to occupy and the social restrictions that should be placed upon them. In *anuloma* marriages, between a higher caste man and a lower caste woman, the progeny although associated with the father's caste are still considered base-born (*apsada*). The *Manusmriti* considers progeny out of *pratiloma* marriages, between lower caste man and higher caste woman, as even more base.

The detailed description of mixed castes seems to be an attempt by writers of the *Manusmriti* to place various categories of people who may have existed at that time in the hierarchies of *varna* order, defining their occupation and social position.

Check Your Progress Exercise 3

Note: i) Use the space given below for your answer.

ii) Check your progress with the model answer given at the end of the unit.

1) Why and what kind of restrictions does *Manusmriti* place on women?

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6.5 CRITICISM

Manusmriti is a text which attempts to weave the diverse peoples of Indian subcontinent of its time into one social whole, by describing the obligations and duties of each and how they were to relate to each other. It was an attempt to create social order in a diverse social field, It will, however, be inadequate if we conclude our assessment of this ancient text with this charitable view which sees it as an attempt to unify a diverse reality. The text needs to be placed in its historical context. *Manusmriti*, thus, is not a simple commentary on religion, politics, ideas of justice, administration and society. It is, infact, a text produced by Brahmins to consolidate their social and political position, and to place themselves at the very top of a graded society. The ideas of virtue, religion, justice, law and ethics propounded in the *Manusmriti* are all geared towards maintenance of a social order which secures political, social and economic power in the hands of the three upper *varnas* – the Brahmins, Kshatriyas and Vaishyas, while extracting labour and service from shudras and women. The instrument for maintaining this social order is *danda*, which explains the significance attached to political power in the text.

In addition to being a manual for rule, the *Manusmriti* is also an ideological text because it seeks to self-validate itself by claiming divine source. By virtue of being recognized as a religious text within the Hindu tradition, it exerts great power over how people think and what they believe. It is for this reason that after hundreds of years, it continues to be relevant because the hierarchy advocated by *Manusmriti* still afflicts India. On December 25, 1927 Dr. B.R. Ambedkar led the burning of the ancient text. In his historic speech at Mahad Satyagraha he said, “It is not that all the parts of the *Manusmriti* are condemnable, that it does not contain good principles and that Manu himself was not a sociologist and was a mere fool. We made a bonfire of it because we view it as a symbol of injustice under which we have been crushed across the centuries. Because of Manu's teachings, we have been ground down under despicable poverty. The counts in the indictment of the hereditary Hindu priest are numerous and appalling. He is a

clog on the wheel of civilization. Man is born, becomes the father of a family and then in time dies. All along the priest shadows him like an evil genius."

Check Your Progress Exercise 4

Note: i) Use the space given below for your answer.

ii) Check your progress with the model answer given at the end of the unit.

1) Whose interests do the Laws of Manu serve? Give examples.

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6.6 LET US SUM UP

The social laws enshrined in *Manusmriti* allow us to study ideas and practices on politics, statecraft, social organization, religion and ethics which were prevalent in early India. As a text, it is a valuable source to explore the history of early India. The fact that *Manusmriti* is the culmination of hundreds of years of thought by Brahminical thinkers adds to its value as a historical text. A study of *Manusmriti* also teaches us the value of locating such texts in their social context, which also helps us in understanding its continued relevance in religion and politics. The elaborate rules prescribed in the text for conduct and obligation of individual reflect the pressing concern to maintain the social order. As the book itself admits the purpose of statecraft, of ethics and of punishment is to ensure that the *varna* system continues in the form in which it is idealized in the text. As possessors of great social privileges, the Brahmins of that time seem to have been fearful of change which might undermine their powerful position, hence, their great fear of chaos which referred to a situation where *varna* rules will not be observed. The thrust of the book is towards preservation and protection. Even in inter-state relations, the *Manusmriti* exhorts rulers to prefer friendship and peace rather than enmity and conquest.

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6.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) Your answer should highlight the following points
 - Difference between *smriti* and *shruti* texts with examples
 - The multiple authorship of *Manusmriti*
 - The fact that it is part of Brahminical tradition of thought

Check Your Progress Exercise 2

- 1) Your answer should highlight the following points:
 - The claim that Kingship is divinely created hence sacred
 - The identification of king and his actions with God's actions
 - It is used to generate legitimacy among the masses
 - It is used to suppress critics of the King

Check Your Progress Exercise 3

- 1) Your answer should highlight the following points:
 - A woman is never to be independent and must always remain subservient to men
 - No freedom to make life choices for marriage and work
 - Woman should cultivate loyalty towards husband
 - No freedom even after husband's death

Check Your Progress Exercise 4

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1) Your answer should highlight the following points:

- The interests of the Brahmins/Kshatriyas/Vaishyas vis-à-vis Shudras
- The interests of men vis-à-vis women

