

Dynamics of Morality and Justice in the Smritis

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THERE ARE MOMENTS when we wonder whether we are on the right path regarding morality and immorality. We question the idea of morality and justice in society and wonder about others' right and wrongdoings. We compare ourselves with others and ask whether we deserve to judge or to be judged in the way it is done. To understand the severity of the inner moral conflicts that can assail a person, one may look at Sri Ramakrishna's life. He was established in truth and also in complete renunciation. However, once, when he was about to start for Calcutta from Dakshineswar, Narendranath—later Swami Vivekananda—arrived. Sri Ramakrishna cancelled his trip and started saying: 'Naren has come. Will it be proper to go?' After seeing that Naren has arrived, Sri Ramakrishna preferred to keep company with him there, although he had fixed up another programme in Calcutta.

In another incident he told Naren, with tears in his eyes, that he was ready to beg from door to door for him. This, despite the fact that Sri Ramakrishna was established in renunciation and would never accept anything for himself. We also read about Swami Vivekananda worrying about his mother and even asking for monetary help from a devotee for her basic needs. Does this not contradict monastic principles? Not at all.

The acts of divine beings like Sri Ramakrishna and Swami Vivekananda must not be judged by the standards of the common morality practised by society. Lord Shiva drank deadly poison; that

does not mean that if others try it, they will not be harmed. But the instances mentioned above do allow us to peep into the dynamics of morality—what it is and what it should be. Is morality universal or personal? Can justice be equal for all or is it by nature subjective?

The Idea of Universal Morality

The Vedas speak about *ritam* as the universal moral law that makes everything operate the way it does. Everyone and everything is expected to obey this law, and whatever is untruthful or unlawful or immoral is considered the opposite of this law: *anritam*.

In the scriptures, like the Upanishads and the Bhagavadgita, as well as in the scriptures of every religion, the concept of morality lies rooted in universal principles. Swami Vivekananda comments on an aphorism of Patanjali's *Yoga Sutra*: 'These practices—non-killing, truthfulness, non-stealing, chastity, and non-receiving—are to be practised by every man, woman, and child; by every soul, irrespective of nation, country, or position.'¹

Great philosophers who spoke about morality based their concepts on the lines of a universal moral principle. The great historian Will Durant writes: 'Morality, said Jesus, is kindness to the meek; morality, said Nietzsche, is the bravery of the strong; morality, says Plato, is the effective harmony of the whole.'²

The Babylonian code, composed during the reign of Hammurabi (1792–50 BCE), dictated

‘an eye for an eye’ and ‘an arm for an arm’. This echoes the idea of equal justice for all. Later this code, combined with the laws given by Moses, became the basis for the idea of universal morality and justice that permeated the religion, philosophy, ethics, and judiciary of Judaism, Christianity, and Islam.

The German philosopher Immanuel Kant believed that goodwill is the characteristic of one who acts from a sense of duty in accordance with the universal moral law. He considered values as an end in themselves rather than being merely means to some end. Socrates believed in the absoluteness of morality and gave up his life, refusing to escape from the prison, for the sake of truth.

On the other end of the spectrum is Confucius, the great lawgiver of China, whose idea of morality stemmed from his respect for the strict hierarchy of family and society. This means that morality and justice in China was more on the personal side.

How does the Indian tradition look at this sensitive issue? For this we need to access the Smritis, the law books of the Hindus.

Shastras and Smritis

The framework of the Hindu way of life has been stated in the Vedas, but its details were worked out only in the Smritis. Works like the Mahabharata, the Ramayana, the Puranas, and the Dharma Shastras—law books—are all Smritis. These Smritis are systemically arranged dharmas, way of life and codes of conduct, scattered over different texts of the Vedas. They supplement and explain the Vidhi, what one should do, and the Nishedha, what one must not do, of the Vedas, which when followed properly can lead a person to mukti, liberation. These dharmas also regulated Hindu national, social, and individual obligations.

The main purpose behind any social or criminal law is to safeguard the interests of a community, whereas religious commandments are aimed at making ordinary people outgrow their savage nature. If there is no higher purpose behind a law, that law becomes a wall of imprisonment instead of becoming a wall of protection.

Smritis are neither law books nor are they like the constitution of a country; these are not even commandments, but are Shastras. The word ‘Shastra’ means ‘to govern’ and is applied to a book only if it teaches the ways and means to attain mukti. Books like the *Manu Smriti* are considered a Shastra because they teach how a person who performs his *svadharma*, own duties, faithfully can attain mukti. Thus, the Smritis show the way to realization through good conduct, morality, and the idea of justice.

The principles of religion present in the Vedas are unchangeable, but the religious practices that are based upon social positions and correlations have to evolve with the changes in society. Therefore, the Smritis have varied from time to time and place to place. There are eighteen main Smritis in Hinduism, and Manu, Yajnavalkya, and Parashara are the more celebrated lawgivers of the Hindus. Of these three Manu is the greatest, most authoritative, and oldest lawgiver. His work the *Manu Smriti* is the most famous law book of the Hindus.

Philosophy of the Smritis

There is a very precise and clear philosophy of life, both individual and social, behind the scheme of the Smritis. Like any other Hindu philosophy, these works treat the universe as an integral whole pulsating with life. According to them, the manifestation of that life is not the same everywhere: it sleeps in dead matter, is awake in plants, moves in animals, and is self-conscious in humans. The human being is considered to be the highest

expression of life, but it also has to evolve culturally, which includes spiritual growth. This evolution is possible through various means, of which the practise of *svadharma* is the best.

The writers of the Smritis accepted inequality in the universe as an inviolable fact. They believed that the real equality is possible only at the spiritual level. Therefore, they did not try to found a society on a theoretical possibility of equality. Instead, they struggled to work with the individuals and groups that they had at hand. They neither believed the inequality among humans, the castes, to be real or even presumable. But to perform indispensable functions in society each person had to be assigned a fixed role according to certain criteria. And these criteria were never fixed with greediness or materialistic motives. The existing social pattern and the ultimate spiritual goal were kept as the guiding principles of every Smriti.

The *Manu Smriti*, as well as other Smritis, mostly codify the practices of the majority of people of the period in which they were written, without contradicting the spiritual principles of the Vedas. It was obvious to these sages that to make a society run smoothly, it was necessary for all the members to follow a common code of conduct, which has been classified according to six kinds of duties: varna dharma, general caste duties; ashrama dharma, general duties related to the station of life; varna-ashrama dharma, based on the particular station of a particular caste; *nimitta* dharma, in this case penances and the like; *guna* dharma, duties related to particular social functions like those of kings, ministers, businessmen, and the like; and *samanya* dharma, duties common to all. They laid down the laws that regulated national, communal, family, and individual obligations in general, *samanya*, as well as in particular, *visheshha*. A person's *svadharma* comprised the combined duties of that person at the six levels mentioned above.

One very important concept of dharma that developed in the Smritis is the acceptance of a lower kind of dharma, in which it is prescribed to act in one way, and a higher kind of dharma, where staying away from that very act under certain conditions is considered to be more meritorious. For example, telling the truth is considered to be meritorious, but not telling the truth when it is unpleasant or harmful is considered to be more meritorious. Similarly, preaching dharma is meritorious, but not preaching dharma when it harms or injures others is considered to be more meritorious.

The *Manu Smriti* accepts that there is hardly any activity that is not prompted by kama, desire. But to act solely on such urges is tamasic, demeaning. To curb these base tendencies the sages promulgated dharma. Manu stressed the importance of dharma by saying that one is born alone, one dies alone, and one enjoys the fruits of one's deeds alone. Father, mother, wife, children, and friends would not come to one's help in the other world, but it is dharma alone that would come to one's aid at the end. He sums up his instructions on dharma by saying that of all the dharmas the attainment of knowledge of the Self is supreme, since that is the only way to attain immortality.

Manu's Treatment of Morality and Justice

Many of the statements of the *Manu Smriti* are considered healthy and acceptable, and nearly all the later Smritis were based on this work. It was considered so useful that South East Asian countries accepted the norms set by it. In it the approach towards various issues has one fundamental rule: quality is more important than quantity. Manu gives tremendous freedom and licences to the educated and the cultured, but he also demands huge sacrifices from them. While giving privileges to the brahmanas, he repeatedly

asserts that a brahmana who is not devoted to the Vedas and to austerities is not to be treated as a brahmana but as a sudra.

Manu accepts the existence of customs peculiar to place, class, and family. He advises the conquering king to safeguard and maintain the customs of the conquered people, and yet consolidate his own empire. In contrast, one may look at the various conquering barbarians and kings, including Alexander, whose first act after victory was to destroy the local culture. Today's India, despite all its diversity, is an integrated country because most of the Hindu kings of the past followed the political principles of Manu.

For Manu, the universal moral law is important, but it is not the only principle by which a person's conduct is to be regulated. He treats morality and justice as case-specific and context-specific. This means that morality and justice are for him not static, but dynamic. Swamiji presents the dilemma beautifully: 'Two ways are left open to us—the way of the ignorant, who think

that there is only one way to truth and that all the rest are wrong, and the way of the wise, who admit that, according to our mental constitution or the different planes of existence in which we are, duty and morality may vary.'³

That is the reason why Manu prescribes different treatments for different kinds of persons. For example: 'The seniority of brahmanas is from (sacred) knowledge, that of kshatriyas from valour, that of vaisyas from wealth, and that of sudras from age.'⁴ 'For a crime of theft, a sudra should be penalized 8 times, the penalty should be 16 times if he is a vaisya, 32 times if he is a kshatriya and 64 times if he is a brahmana. The punishment can be even 100 times or 128 times if he is a brahmana' (8.337–8). 'When the punishment for an ordinary citizen is 1 *pana*, coin, the punishment for those in the ruling class should be 1000 *panas*' (8.336).

On the other hand, Manu advises not to give the punishment of death to a brahmana. Instead, the convict's head should be shaven in public, which is equivalent to a death punishment for

*'Indian Law, Manu', sculpture by Henry Augustus Lukeman
in the Appellate Court Building, Madison Square Park and Vicinity, New York*



a brahmana.⁵ After all, greater responsibility comes with greater understanding, and with it comes greater accountability.

While explaining the role of the Smritis Swami Vivekananda said: ‘The ideal at one end is the Brahmin and the ideal at the other end is the Chandala, and the whole work is to raise the Chandala up to the Brahmin. Slowly and slowly you find more and more privileges granted [by the Smritis] to them. ... Then gradually we find in other Smritis, especially in those that have full power now, that if the Shudras imitate the manner and customs of the Brahmins they do well, they ought to be encouraged.’⁶

Manu, who was a great worshipper of truth and condemned any kind of untruth, went on to list the conditions in which one may tell a lie. The most important of these conditions was to save the life of a person, irrespective of his or her caste. Telling lies was also permitted while getting one’s daughter married off. The Holy Mother Sarada Devi did not tell the truth to Sri Ramakrishna about how much milk was being used to feed him. Later she told Golap Ma, ‘A white lie for feeding one has nothing bad in it. I feed him by cajoling him thus.’⁷ Indeed it is customary all over the world to indulge in deception for the welfare of children and also for those who are in danger.

Then there is the concept of *apat* dharma, practices during an emergency, when one must give up one’s set of religious practices to save one’s life. Manu prescribes penances for such compromises. Manu believed in rebirth, but he treated life as extremely valuable. That is the reason he was willing to give licence even to immorality for saving one’s life and for bringing new life on this earth.

This approach towards life is not something unique to Manu. We find in the Mahabharata the story of Vishvamitra, who stole the meat of a dead dog from the house of a chandala, outcaste, due to severe hunger during a famine. When reminded

of his dharma by the chandala, Vishvamitra argued that his life was much more important than his dharma. If he survived by eating the prohibited food, he could perform *prayaschitta*, penance, and go ahead with his journey of life; but if he died, it would be for a foolish cause!

Tribe and Morality

Was Manu right in defining law in this partisan way? Most judicial systems of the world like the British, French, American, and Indian believe in ‘equality of all before justice’. Manu particularizes morality instead of generalizing it. It is unfortunate that we have come to associate punishment with suffering rather than penance and purification. When punishment is accepted with grace by the punished, it becomes penance for him or her. In turn, it takes the punished to the next level of spiritual evolution. This is the principle behind punishment and justice according to Manu.

This may seem surprising or even shocking to all those who have grown up with the generalized approach to law and justice. ‘All are same before the law’ has become a truism, although it has no significance anywhere. When one looks closely at the two approaches of generalization and particularization of values, one is bound to feel surprised at the honesty and the insight of Manu and the sheer dishonesty and hypocrisy of those who take a generalized approach.

To give an example, every society and religion values truth. And yet, every country has covert agents who are masters of lies and deception to find out the truth inside and outside the country. Are these spies punished in their own country for their lies and deception? Never. Why? Because every country professes generalization of values, but practises particularization of them.

Swami Vivekananda says: ‘We often talk of right and justice, but we find that in the world right and justice are mere baby’s talk’ (1.59). This

kind of hypocrisy and the duplicity of the 'civilized world' and the 'chosen religion', whichever it may be, has done more harm to the world than the practical approach of Manu towards morality and punishment. Morality, ethics, and justice are always practised on the principle of tribe concerns, which can also be termed as 'in-group' ethics or 'tribe ethics'. Here 'tribe' means the group to which one intrinsically belongs.

A monk or a person living alone, away from any tribe, can indeed practise values without ever making any compromise. The *Mundaka Upanishad* instructs spiritual aspirants to stick constantly to truth, tapas, right knowledge, and brahmacharya. But this is difficult for a person who belongs to a 'tribe'. Socrates did not belong to a tribe, nor did Kant; that is why it was easy for them to preach and practise 'universal moral principles' with consistency.

Sri Ramakrishna's attitude, as mentioned in the beginning of this paper, has to be seen in the light of personalized values. That is the only way to understand the true meaning and significance of values. Sri Ramakrishna and Swamiji belonged to the 'in-group', and so their values during their interaction are unique to themselves. The direct disciples of the Master used to joke and tease each other in various ways, but that does not mean they interacted in the same way with others.

For evolved souls, who belong to some 'in-group', the judge for the rightness of their actions is their own conscience. But, what is the way out for common people who belong to the 'tribe' and whose conscience is not evolved? What about those who are driven mostly by selfish aims? Here Manu's greatness is displayed. At the time of Manu (c.200 BCE) a large number of outsiders, mainly from Central Asia, were getting admitted into Hindu society. Then there were the jatis, castes and sub-castes, of Hinduism. The whole country had literally lakhs of

'tribes', each having its own code of conduct and moral principles. A person of one class or profession would hesitate to cheat a member of the same class or profession, but would not hesitate to do the same with another belonging to a different class or profession.

Manu put a stop to all the confusion and divided people into four 'tribes', known as the four varnas. The varna system already existed, and so did the moral principles and the legal system. Manu simply did away with the ghetto 'tribe' mentality and broadened the mental horizon of all by forcing people to follow one of the four varnas. These four sets of morality and justice got rid of lakhs of 'tribe' practices by establishing many common laws and principles. That is how the 'Indian' identity was concretized by him.

Manu's code of conduct is essentially a manual to practise unselfishness. Manu knew that not everyone can be equally unselfish. Therefore, there can be neither a uniform civil code nor the same criminal laws for all. Even the same person may not act on the same principles of morality on which he or she had been acting for so long. In his compassionate understanding of people's weakness lies Manu's greatness. His Smriti takes people beyond the worldly ethics of Confucius and saves them from the impracticality of the idealism of ethics as preached by great philosophers like Kant.

Conclusion


Going through the succession of Smritis one can see that the lawgivers were conscious of the struggle of the downtrodden in order to move up through education and achievement. Whenever this mobility became more pronounced the lawgivers gave it legality and acceptability. It was thus that the untouchable became a fit candidate for the knowledge of Brahman, the highest goal of human life.

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being beaten up by the world. We just want to relax and play with our toys. There is no time for japa and meditation. A swami once said: 'No time means no interest.' If we want God, we have to *make* time. We have to be tough on ourselves. If we are overwhelmed by too many worries and responsibilities, we have to ignore some of them, push them aside, carve out a little space, and save a corner of our minds for God. Let us not short-change him. He has given us a whole lifetime—seventy, eighty, sometimes ninety years or more. We give hours of our time to our jobs and families; surely we can spare an hour or two a day for God. People who can spend some time meditating at least once a day, in addition to spiritual growth, can make their work a lasting success.

Feed the Ishta

Most of us have a mantra and an Ishta Devata, Chosen Ideal. It would be shameful to neglect this great gift. If our guru has given us a mantra and we do not use it, we are cheating the guru who gave it to us. If we have a Chosen Ideal and we do not pay attention to it, if we ignore it and let it gather dust within us, we might as well be slapping it in the face. We would not starve our child to death by not feeding it. The Chosen Ideal is like our child. We starve it when we do not feed it. With what food should we feed it? With loving attention, worship, prayers, japa, and meditation.


Joy and bliss belong to us. We do not need to search for what belongs to us and is within us. Let us worship, pray, repeat the mantra, and meditate on the Chosen Ideal for as long and as often as we can. And, as Sri Ramakrishna assures us, God will come. 

References

1. See M, *The Gospel of Sri Ramakrishna*, trans. Swami Nikhilananda (Chennai: Ramakrishna Math, 2002), 273.

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In recent times the *Manu Smriti* is blamed for creating caste-based differences and also for being unfair towards lower castes and women. But most of these critics hardly read it, and those who read it, forget that Manu was just the chronicler and codifier of what existed in society more than a thousand years before Jesus Christ walked on earth. Rather, he should be credited for creating an environment of spiritual growth for all, despite the steel frame of social order.

Today the lawmakers of India pass a bill and in no time make amendments to it or repeal it. And here is Manu, whose laws are majestically dictating the personal and social life of India. By personalizing values and combining them with universal values Manu attempted to create in Hindu society a moral and judicial system more in tune with the human behaviour for all its members than with a general 'idealized' system. For an individual and also for a society to survive it is imperative to give up the hypocrisy of sticking only to universal moral values and the 'equality of all before justice', and instead admit the role of dynamic morality and justice in life. 

References

1. *The Complete Works of Swami Vivekananda*, 9 vols (Calcutta: Advaita Ashrama, 1–8, 1989; 9, 1997) 1.261.
2. Will Durant, *The Story of Philosophy* (New York: Pocket Books, 1960), 40.
3. *Complete Works*, 1.37.
4. *Manu Smriti*, 2.155, ed. Pandit Hargovind Shastri (Varanasi: Chaukambha, 1998), 75. Translated from Hindi by the author.
5. See *Manu Smriti*, 8.379.
6. *Complete Works*, 3.295–6.
7. Swami Gambhirananda, *Holy Mother Sri Sarada Devi* (Chennai: Ramakrishna Math, 2004), 89.