

INDIA'S INTELLECTUAL TRADITIONS

Attempts at Conceptual Reconstructions

Revised and Enlarged Edition

Edited by

DAYA KRISHNA

INDIAN COUNCIL OF PHILOSOPHICAL RESEARCH
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Dedicated to
THE MEMBERS
OF THE INTERDISCIPLINARY GROUP
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RESULT OF THEIR JOINT ENTERPRISE

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PREFACE TO THE SECOND EDITION

It is almost fifteen years since the book was first published. 1987 seems so far off and 1983, when the first formal meeting was held at Delhi, still farther. To read about the 'Jaipur experiment' and the interdisciplinary group which started meeting sometime in the early eighties seems to 'enter' some prehistoric past whose 'reality' is difficult to retrieve, were it not for the evidence that is found in the pages of the book itself. Where have all the 'friends' gone, and why has the 'enthusiasm' evaporated? Have the 'sceptics' been proved right? Was the 'enterprise' unmeaningful, even impossible, just a waste of time as some had warned.

But the work has survived the passage of time; there has been a demand for it and that is why there has been felt the need for bringing out a second edition which otherwise would have been unnecessary. The awareness that India has had a long history of intellectual traditions and that these are differentiated depending upon the field of knowledge they were concerned with, has slowly grown over the period. There are sceptics still, as they were fifteen years before, but their arguments remain the same as they were before, showing little awareness of the sea-change that has occurred in the climate in the west regarding the enterprise of 'knowledge' during these intervening years. The first and foremost is the reluctant acceptance of the fact, or at least a suspicion, that the current western enterprise in the field of 'knowledge', particularly in the social sciences and the humanities, may be as 'ethnic' and 'culture-bound' as those which were 'produced' by other civilizations earlier. The clearest evidence of this may perhaps be found in McKim Marriott's article published in *Contributions to Indian Sociology*.¹ He not only attempts to construct an Indian Ethno-Sociology, but argues

that all sociological constructions are basically "ethno-centric" and hence have to be 'ethnic' in character. He has tried to see India's intellectual enterprises as a unity by unifying them together around the theory of the *puruṣārthas* and relating them to the theory of the three *guṇas* in Sāṃkhya, the *vāta-pitta-kafa* constitution of the human body in the *Āyurveda* and the five gross elements or the *mahābhūtas* in the Indian theory of matter.

Dr. Virendra Shekhawat of the University of Rajasthan, on the other hand, has constructed a unified, integrated, 'wholistic' picture of India's intellectual enterprise and traced the important paradigmatic shifts in it from the Vedic times onwards.² He has used Kuhn's idea of paradigm-shift and the notion of 'model' for understanding the changes that have occurred over this long period of time and pointed out the radical shifts that took place in late medieval times under the influence of *tantra* on the one hand and the departures that were taking place in the basic theory of disease in the *Āyurveda*, on the other. The bringing of *all* the *Śāstras* together in one unitary focus and seeing the changes in them in a systematic manner, is a unique feature of this work and deserves to be critically examined and evaluated by historians of thought and culture alike.

The story of the Jaipur experiment of which this work was the fruit has been told in detail in the *Introduction* to the first edition of this book. The shape that the intellectual enterprise took after that may be seen in the *Introduction* to the work entitled *The Problematic and Conceptual Structure of Classical Indian Thought about Man, Society and Polity*.³

The task of conceptual articulation of traditional thought in the contemporary context has however taken a significant turn in the work of Kapil Kapoor who has tried to build a conceptual framework for literary theory based on Indian thinking on the subject.⁴ His work gets an added importance as it suggests that the contemporary trends in western literary theory are themselves rooted in Indian thinking on the subject. The person who perhaps became the unconscious transmission-source of this cross-civilisational influence was

de Saussure, Professor of Sanskrit at the Universities of Geneva and Sorbonne who shifted the attention of linguists from language as written to language-as-spoken from '*langue*' to '*parole*' and initiated the movement called 'structuralism' in the study of language. Prem Singh in an article entitled "Rethinking history of linguistics: Saussure and the India connection" has argued in detail regarding this and Professor Kapil Kapoor has placed this in the general context of Indological studies pursued with vigour and depth in different centres of learning in Germany, France and the U.K. at that time. There is thus some indirect evidence of a possible influence of Indian poetics and linguistics on contemporary literary theory. But the importance of Kapil Kapoor's work lies not just in pointing out this. Rather, it consists in a sustained attempt to articulate the theoretical concerns and the conceptual structures of Indian thought in the realm of Poetics.

The work of articulation of conceptual structures and finding the cognitive puzzles and problems that lay behind them in some other fields of knowledge has been attempted in the author's *Problematic and Conceptual Structure of Classical Indian Thought about Man, Society and Polity*. The work carries the task that the Jaipur Experiment had set for itself further, and challenges one to develop India's intellectual enterprise in these fields, including that of law, in the contemporary intellectual milieu that prevails in modern times.

Professor M.P. Rege had already attempted this in his pioneering experiment of a bi-lingual dialogue between traditional and modern scholars on a contemporary philosophical issue whose results have been published in the volume entitled *Saṃvāda: A Dialogue between two philosophical traditions, Indian and Western*.⁵

The exploration of the rich complexity and baffling diversity of India's diverse Intellectual Traditions and a dialogue with them has been attempted by the author in two works, one of which forms part of a multi-volume Project on History of Indian Science, Philosophy and Culture, under the General Editorship of Professor D.P. Chattopadhyaya. The volume is entitled *Developments in Indian Philosophy from Eighteenth*

*Century Onwards: Classical and Modern*⁶ and deals with the creative innovations in thought in the field of *Mīmāṃsā*, *Sāṃkhya*, *Vedānta*, *Nyāya*, *Dharma Śāstra*, *Alaṅkāra Śāstra* and Jaina thought during this period. Normally, this period is supposed to be intellectually barren and bereft of any new insights regarding the issues discussed in these disciplines during the earlier periods. The investigations undertaken in the course of this project and presented in this volume suggest that this widespread belief is unfounded.

The dialogical strategy exemplified in *Samvāda* has been carried in a new direction, with results that are even more startling than the ones achieved in this dialogue. Living practitioners of traditional knowledge are, after all, carriers of an 'orthodoxy' frozen and fossilised at some period in the past. They generally view themselves, and are viewed by others, as 'preservers' of the tradition so that it may not be lost to the present and future generations. A dialogue with them results generally in a restatement of these positions. A retrospective look at the way tradition 'developed' however, tells a different story, and a 'return' to the 'original' founding text of the tradition and a 'dialogical engagement' with it tells a different tale. 'Thought in the making' has a living quality and a close questioning of it rooted in the desire to know and understand reveals aspects ignored or underplayed or forgotten for various reasons. A detailed scrutiny of successive commentaries from this point of view reveals the shifting focus that mirrors the changing intellectual and cultural history of the times. The idea of a '*prasthāna bheda*' is known in the tradition, but it has not been seen that the so-called '*prasthāna*' undergoes radical modification and even distortions as it is carried forward by those who have their own 'interests' and 'insights' to foster and axes to grind.

Such a 'return' to the foundational text of a tradition and the questioning-dialogue with it has been attempted in the case of the *Nyāya-Sūtra*. A methodology has been developed where the movement of thought in the text is sought to be grasped as it develops *sūtra* by *sūtra* and then is seen in the light of the whole of which they form a part. The inner

conflict in the text, the tensions and the pulls and counter-pulls gradually reveal themselves along with the internal evidence of the *context* in which the thought of the thinker took shape and achieved a more or less definitive form, laying the foundation of a *śāstra* in the tradition.

The methodological strategy of a dialogue with the text, however, cannot cease with the text alone. It has to go forward and see how the 'text' was seen by successive commentators in the tradition. In the case of the *Nyāya Sūtras*, Vātsyāyana, Uddyotakara, Vācaspati Miśra I and Udayana are the obvious examples. One may add Jayanta and Bhāsarvajña to the list though, in the strict sense, they cannot be considered as commentators on the founding text of the *Nyāya* tradition. The prospective and the retrospective perspectives create a dialogical understanding of a kind that is very, very different from the one achieved in the Rege experiment. The two are, however, complementary and need to be carried together.*

The Jaipur experiment whose results were presented to the wider public in the first edition of *India's Intellectual Traditions* has, thus, not been entirely fruitless. Some of the persons associated with it are now no more. Their absence is a loss, both personal and otherwise, though it is difficult to say whether even they fully shared the belief in the feasibility or desirability, or even in the worthwhileness of the project. The 'understanding' and articulation of the conceptual structure of India's intellectual enterprises in different fields of knowledge is one thing; their internalisation and utilisation for understanding of the same phenomena in modern times, another. Without the latter, the former is meaningless. And, if it is to genuinely fecundate the intellectual understanding today, it must result in policy recommendations for bringing about change in the private and public life of the people. If this cannot be done, then it is at best, a historical exercise, an intellectual luxury which can

*The Dialogue with the text of the *Nyāya Sūtras* has ended, at least for the present. Hopefully, it will be available soon in a published form for the interested reader.

be indulged in only by those who have little concern with the ongoing life around them.

It may seem strange that anyone can seriously entertain even the 'possibility' of such a change occurring in the intellectual climate today. Even in India, the interest in India's past has visibly declined. The lure of the west, the desire to go abroad and settle there, the dream of getting a 'green card' and find a 'place' in the U.S. and the overwhelming obsession amongst the 'young' for getting an M.B.A. degree even if they have specialised in science or engineering or anything else, is an evidence of this. And though one would have expected a different situation in the arts or literature but, to one's surprise, what dominates the scene is the latest fad in the west, as if there had been no 'thinking' about these things in any non-western civilisation and as if that thinking threw no light on man or his creations.

Yet, though these *are* the dominant trends, there are counter-indications also. And, 'fashions' do not last, however widespread they may seem to the consciousness that 'lives' in the present. A little retrospective look may reveal a different truth and the emerging popular thinkers in the west such as Ken Wilbur and Rudolph Steiner suggest that the attraction and 'engagement' with 'older' forms of thought has not entirely ceased. It is true that the attraction and the fascination is for forms that are anti-intellectual or trans-intellectual in nature. But it would be well to remember that the spiritual traditions of the non-western world are not only rooted in a tradition of 'rationality' that is both ratiocinative, argumentative and dialectical in nature, but was accompanied by *śāstric* formulations in many fields of knowledge which showed an intense awareness of the problems and dilemmas that are posed for man who has to 'live' in a world that does not seem very 'spiritual' in nature. The realms of polity, economy and legality have been explored and the fact that they are antagonistic in some fundamental sense to the 'spiritual' seeking of man attempted to be dealt with and resolved to the extent it seemed possible.

In any case, large parts of the conceptual apparatus

evolved by man to understand himself and his situation is fairly neutral in respect of temporality as the 'demand' for the second edition of this work shows. It is being reprinted without any change except for a 'longish' note at the end which tries to give a unified and unitary picture of India's Intellectual Traditions as seen through the eyes of one person. It is hoped that others will build their own 'picture' and that something 'objective' and 'unified' will emerge out of the 'collective effort' of all who will take the work of each other seriously.

Similar enterprises, let me add, are needed for other civilisations and if this pioneering attempt helps in bringing that about, it will be something to be thankful for, as what more can one wish, at least at the intellectual level, than that the intellectual traditions of the world become the common heritage of mankind today.

NOTES

1. McKim Marriott's "Constructing an Indian Ethno-Sociology", *Contributions to Indian Sociology*.
2. V. Shekhawat, *On Rational Historiography: An Attempt at Logical Construction of a Historiography of Sciences in India*, Project of History of Indian Science, Philosophy and Culture, Munshiram Manoharlal, New Delhi 1997, p. 151.
3. Daya Krishna, *The Problematic and Conceptual Structure of Classical Indian Thought about Man, Society, and Polity*, Oxford University Press, New Delhi, 1993.
4. Kapil Kapoor, *Literary Theory: Indian Conceptual Framework*, Affiliated East West Press Pvt. Ltd., New Delhi, p. 209.
5. *Saṃvāda—A Dialogue between two Philosophical Traditions*, Ed. Daya Krishna, M.P. Rege, R.C. Dwivedi, Mukund Lath, Indian Council of Philosophical Research, in association with Motilal Banarsidass, New Delhi, 1991, p. 227.

INTRODUCTION

About four years ago, Professor S.C. Dube, the well-known social anthropologist, visited Jaipur and delivered three lectures which were later to be presented at the World Congress of Sociology at Mexico. I happened to be present at the occasion and when asked to comment upon the presentation, said something to the effect that we would discuss the matter when the baby was born.

There has been so much talk of 'indigenization', and so little real attempt at doing it, that one wonders if those who talk are really serious about it. It reminds one very much of those who talk and write incessantly about 'revolution' and 'praxis' without engaging in any action to change things where they happen to be located. Yet, reflecting the next day on what I had said, I felt why should we not start the game ourselves. And so, what may be called 'The Jaipur Experiment' was born. Sometimes in early eighties, a meeting of persons from various disciplines in the social sciences and the humanities was called and, initially, the group met every week to keep the flame alive and the enthusiasm going. The group called itself 'The Interdisciplinary Group' and later met at more infrequent intervals, fortnightly or monthly. Since my retirement from the University, the meetings have become even more infrequent, though these are still held to remind ourselves of the promises that we had made and the task we had undertaken. Many of the early members of the group have lost interest; some even turned 'hostile' to the very spirit of the enterprise. One such person recently remarked to me that it was a 'racist enterprise'. But a 'hard core' remains and, hopefully, might attract new enthusiasts in the future.

In fact, it was to attract such new enthusiasts that we persuaded the Indian Council of Philosophical Research to fund a seminar on the subject. The idea that there is a hardcore

intellectual tradition in India, and that it is differentiated according to different fields of knowledge is so alien to the prevailing intellectual ethos of the country, that we did not even know who amongst the scholars in the social sciences and the humanities would be interested in the enterprise. To find out and locate such persons, I wrote to a number of friends and every person whose name was suggested was invited to the preliminary meeting. As most of the names suggested were of persons who were clustered around Delhi and Pune, we decided to hold the preliminary meetings there. Professor T.N. Madan kindly took the responsibility of organizing the first meeting at the Institute of Economic Growth and Professor M.P. Rege at the Institute of Education, Pune. The Delhi meeting was held on 5 February 1983 and was attended by Professor S.C. Dube, Dr Leela Dube, Prof. Ashish Nandy, Professor A.N. Pandeya, Dr Veena Das, Dr Devahuti, Dr Bhuvan Chandel, Professor Ravinder Kumar, Professor Rajni Kothari, Professor T.N. Madan, Professor P.C. Joshi, Professor Satish Chandra, Dr Mukund Lath and some others.

The Pune meeting was attended by Professor K.J. Shah, Professor Ashok Kelkar, Professor R.N. Dandekar, Professor M.P. Rege, Professor R.B. Patankar, Dr S.S. Deshpande, Dr S.E. Bhelke, Dr Mukund Lath, Professor K. Krishnamoorthy, Professor Indra Deva, Professor V.Y. Kantak, Shri P.K. Nijhawan, Shri A.M. Ghose, Pandit Laxman Shastri Joshi, Professor Raghavendra Rao and some others.

The idea of these preliminary meetings with persons from various disciplines in the social sciences and the humanities was to acquaint them with the enterprise and invite them to participate in it, if they thought it worthwhile. The initial response of most of the participants was of deep scepticism about the whole endeavour. Prof. Ravinder Kumar said at the Delhi meeting held on 5 February 1983: 'I always find the term "Indian tradition" problematic. Also, the term "Intellectual tradition" does not make sense to the historian.' He also said that he 'would like to know why one should stop at just identification of Indian concepts; why not try to understand the categories of thought in a more universal condition?

Should we not try to see this undertaking in a wider sense? Are there existential specificities which can be related to wider generalities? Ideas should be universal, though born of specific contexts. We already have universal ideas—from wherever we might have them. Developing our own conceptual framework will only create an unnecessary island within a universal world of concepts and ideas.' And Dr Dube had remarked: 'This debate is old. It is not a question of the recovery of the tradition. What is important is to ask, for whom are we doing this exercise.' Dr Veena Das had objected that 'Daya's methodology is problematic in that he seems to be looking at concepts as if they are frozen. But we have to allow for a development of these conceptual structures. In Daya's conception the implication is that there was no structure of argument in ancient texts.' And Dr Bhuvan Chandel had warned that 'as long as we speak in English, how can we think of the process of indigenization?'¹ Even earlier, some persons had warned of the 'obscurantist and revivalist' possibilities inherent in the enterprise.¹

The participants at both the meetings were asked if they would be willing to join the enterprise and write a paper for the final seminar which was to be held at Jaipur. Those who agreed to do so were formally invited to the Jaipur Seminar. The following persons attended the meeting from places outside Jaipur: Professor S.C. Dube, Professor Indra Deva, Professor M.P. Rege, Professor V.Y. Kantak, Professor R.B. Patankar, Prof. K. Raghavendra Rao, Prof. K.J. Shah, Prof. K. Krishnamoorthy, Professor Lloyd Rudolph, Dr Rekha Jhanji, Shri S.E. Bhelke and Dr P.K. Nijhawan. Besides, research students and faculty members participated in the discussions which were held from 2nd to 4th October, 1983. Sixteen papers were presented, out of which ten papers were selected for publication as they seemed to address themselves relatively more focally to the central concern of the seminar, that is, the conceptual articulation of India's

¹ The notes were taken by Dr Francine E. Krishna and supplemented by Dr Mukund Lath.

Intellectual Traditions in different fields of knowledge. The other papers were interesting, and at least two of them—those of Dr Virendra Shekhawat and Professor Raghavendra Rao have already been published elsewhere. All the papers, except that of Shri A.M. Ghose, have been revised by the authors for publication. Some editorial corrections have been made, mainly linguistic in nature.

II

The need for the enterprise of which this volume is a halting instance has been felt by many in recent times in this country. In fact, as early as 1929, K.C. Bhattacharyya, perhaps the most original philosopher India has produced in this century, gave a talk entitled *Svarāja in Ideas* which has recently been the subject of intensive discussion in a special issue of the *Indian Philosophical Quarterly* (Oct.-Dec., 1984), specially edited by two well-known philosophers of contemporary India, K.J. Shah and Ramachandra Gandhi. Earlier, J.P.S. Uberoi had written *Science and Swaraja* which had made a plea in the same direction. Veena Das in the 'Introduction' to her well-known work entitled *Structure and Cognition* has argued for the articulation of both the manifest and the implicit conceptual structures embedded in the texts and the use of them for the understanding of Indian social reality. But as her interest was limited, she confined herself to two texts only, and even within them only to those concepts which seemed to serve her limited purpose. Brahmanhood, householder-ship, kingship and asceticism are not usually the type of concepts which a cognitive enterprise deals with. And in case it does accept them for conceptual purposes, it would perhaps have to understand them at a more abstract level in functional terms. Yet, whatever may be one's dissatisfaction with the particular concepts chosen for articulation and the inter-relationships worked within them, there can be little doubt that the move is in the right direction.

Sudhir Kakar's *Shamans, Mystics and Doctors* takes the enterprise of confronting conceptual structures of the west, i.e.,

of psychoanalysis in this case, with those of the healing traditions of India further. And though Kakar tends to identify the universalistic 'psychological approach' with that of 'psychoanalytic knowledge' in his 'Introduction' to the book, he shows far more sensitivity and appreciation of the ambiguities and ambivalences involved in the confrontation of alternative conceptual structures in one's own psyche in the main body of the book. One of these conceptual structures emanates from one's formal training in the cognitive tradition of an alien culture and the other, from that into which one has been born and bred and grown up since childhood onwards. As for the claim of 'psychoanalytic knowledge' to be 'universal', everyone knows that not only are there different schools of psychoanalysis but that psychoanalysis itself is not accorded the status of science by most psychologists. Yet, there can be little doubt that this is the most sustained attempt to take seriously the conceptual structures involved in the diverse practices of mental healing in this country by a person trained in the western tradition in this very area and articulate a continuing dialogue between the two and record it for others concretely in a book. It is a methodological achievement of the highest order and is a path-breaking exercise which should be followed by sensitive practitioners in other fields of knowledge.²

These are not the only works which give evidence of a search analogous to ours. The search 'for a sociology of India' and the debate around it is well known. The latest, perhaps, is the article by T.N. Madan in the book *Way of Life: King, Householder, Renouncer*, edited by him and which serves as an epilogue to it. The work of Ashish Nandy, Claude Alvarez and Dharm Pal tries to do the same thing, though in a different direction. A similar search, with more fruitful results, can be found in the arts, particularly theatre and other allied art forms. But the attempt that we are trying to make and which is only faintly reflected in this work is in

² An interesting critique of the work of Veena Das, Sudhir Kakar and others is presented by Leela Dube in her paper, 'The Challenge of Indigenization' presented at the Tenth World Congress of Sociology, Mexico.

many ways significantly different from all these in that it seeks a conceptual articulation of the intellectual tradition in different fields of knowledge in order to use it creatively for extending, deepening and enhancing knowledge in these domains. Thus, its primary purpose is not to *understand* the texts in which these conceptual structures are embedded, but rather to free these structures from their moorings so that they may become *available* for diverse cognitive purposes. It is true that concepts find their meaning in interrelationship with other concepts and in the context of their applicability to the fields they refer to. But both the applicability and the interrelationships go on changing over time in response to the cognitive needs of the thinkers and the times. There is, therefore, nothing sacrosanct about the concepts or their interrelationships or the way they were understood or applied at a particular time in a particular text by a particular thinker. The task, thus, is neither exegetical nor historical, though these are important in their own right and, in a sense, presupposed by the exercise we are engaged in. Rather, it is to discover the intellectual idiom of the past or, to vary the metaphor, to take possession of the intellectual patrimony which is ours by right and use it to advance the cognitive enterprise of mankind today.

There is, of course, the feeling so well articulated by Ravinder Kumar that all the parochial conceptual structures of the past stand superseded by the conceptual structures of the present in all fields of knowledge as these alone are universal in character and have already shown their power and fecundity by supplanting all the intellectual structures of the past. The self-proclaimed universal character of these so-called modern conceptual structures in the field of knowledge, however, is a myth believed in only by those who have been trained and intellectually socialized in them. To any impartial observer of the contemporary intellectual scene in the west, particularly in the social sciences and the humanities, it would be difficult to believe that there is any *one* conceptual structure in any discipline which is accepted by all its practitioners. Leaving aside the great divide between the Marxist and the

non-Marxist approaches in almost all fields of knowledge, there is the radical difference between the continental and the Anglo-American approaches in most fields also. Even within the continent, the French and the German work shows substantive differences with respect to the same field of knowledge. There are, of course, always some practitioners of a discipline in all these countries who show a marked affinity to the dominant trend prevailing elsewhere, but they are generally out of the mainstream of intellectual current dominant in their own country.

These facts are so well known that one need not belabour the point. Even the ideal of a unified science lies shattered today, and one does not even know how to distinguish between genuine science and pseudo-science. The Popperian enterprise has come to a grinding halt and the history and philosophy of science on the one hand and the sociology of knowledge on the other, have made it almost impossible even to make sense of the claim of knowledge to be unitary and universal. Even the natural sciences have not remained immune from the critique launched by Kuhn and his successors and we have reached a stage where the criterion for selection between hypotheses is not the truth they might have but the research programmes they engender and the amount of funding they may obtain. And scientists being human always prefer those research programmes which require more funding. As for 'truth' which used to be the goal of knowledge, there is now only the consensus of a community of scientists who share a certain paradigm, agree on a certain methodology and abide by some conventions. If there are dissidents, they may form another club of their own and propagate what they consider to be 'truth'. And, according to present philosophy of science, there is and perhaps can be no rational scientific way to decide between them. The choice will always be on grounds that are extra-rational. As Mary Hesse writes: 'It has been sufficiently demonstrated that the language of theoretical science is irreducibly metaphorical and unformalizable, and that the logic of science is circular interpretation, re-interpretation,

and self-correction of data in terms of theory, theory in terms of data'.³ Or, as Richard Rorty hopes: 'Modern science will look like something which a certain group of human beings invented in the same sense in which these same people can be said to have invented Protestantism, parliamentary government, and Romantic poetry'.⁴

I do not wish to make capital out of such statements for the simple reason that they are basically suicidal in nature. If everything is as arbitrary as it is made out to be, then the opposite of what is being said is as correct or true or valid as what is being said by these persons. If all systems are closed and self-justifying or if there are no trans-subjective or trans-social or trans-cultural grounds for any cognitive claim, then anyone else's claim is as good as Rorty's or anybody else's. But the universality of a claim does not mean that the claim need be necessarily accepted; rather it only implies that the claim has been entered into the cognitive arena for consideration by others.

Conceptual structures in the Indian intellectual tradition, elaborated, refined and developed over millennia, also claim universal applicability just as those elaborated in the west in the last few centuries or others deriving from classical Greece with Christian admixtures do. The relative strengths and weaknesses of these conceptual structures can, however, only be ascertained when they are contrasted, compared and confronted with each other. But this can only be possible if alternative conceptual structures elaborated and developed in those non-western cultures which have had a long history of intellectual pursuit in which hundreds and thousands of persons have taken part over millennia are articulated, critically evaluated and creatively developed by the intellectuals of those countries.

³ Mary Hesse, *Revolutions and Reconstructions in the Philosophy of Science* (Bloomington, 1980), p. 173. Quoted by Richard Rorty in his article 'Habermas and Lyotard on Post-Modernity', *Praxis International*, Vol. IV, No. 1 (April 1984), pp. 32-43.

⁴ Richard Rorty, p. 36. The western intellectuals always tend to think everything was invented by them. Rorty is no exception.

Concepts, however, are not just tools for the understanding of what exists as is usually thought by many people. Rather, they are modes of organizing what we experience in a particular manner and give it a certain meaning and significance, thereby making it intelligible in a distinctively human sense. Beyond this, they also constitute reality in a certain sense, particularly at the level where the reality they ostensibly seek to articulate or understand is itself the creation of human beings. And, even beyond the *constitutive* function of concepts in certain domains, there is the other function of determining our attitudes towards what we perceive and guide our actions with respect to it. But if this is so, then the acceptance of conceptual structures that have originated in the west tends to implant an unconscious acceptance of the western way of *looking at* things resulting in the adoption of the western way of *judging* those things also. Another consequence of this is the unconscious acceptance of the western perception of the direction in which that reality ought to be changed. Nothing else seems feasible, as one has to work with whatever is available rather than find fault with it and not do anything at all.

But, if what is regarded as desirable is itself determined by the conceptual structures through which we apprehend reality and give meaning and significance to it, then it is even more imperative that we develop our own conceptual structures so that we may have our own way of life. It may, of course, be said that a 'way of life' is not determined by the 'conceptual structures' that men use, but by 'compulsions of technological innovations' on the one hand and 'relations of production' on the other. But this itself is a way of looking at social reality and hence open to the same considerations as any other.

III

The articles selected for publication in this volume relate to the *Arthaśāstra*, the *Nāṭyaśāstra*, the *Manusmṛiti* and other various *Smṛitis*. The interdisciplinary group had concentrated on the first three texts only, as they seemed to be concerned

with what is dealt with these days in disciplines such as political science, poetics and sociology. It was felt that as these are some of the key areas in the social sciences and the humanities, even a minimal success in the articulation of conceptual structures in these domains would prove the viability and feasibility of the project. Much of the material that is available in the notes taken by some members of the interdisciplinary group, particularly those relating to the notions of *śāstra*, *tantra* and *yukti* as well as the ones concerning the discussion about polity in the *Rāmāyaṇa*, the *Mahābhārata*, the *Śrīmad-bhāgavata*, the *Arthaśāstra* and the extensive and exhaustive documentation in the five volumes of *Rājanītikāṇḍa* of the *Dharmakośa*, the little known but monumental reference work brought out by Pt. Laxman Shastri Joshi from Wai, has hardly found any place in these pages. One reason for this is that this is not directly a report on the findings of the group. The other, and more important, reason is that the group itself feels its findings to be so tentative, halting and groping that it does not consider the time ripe enough to crystallize its findings.

The challenge of the Seminar and the decision for publication have, however, forced its members to put into writing, however tentatively, what they had been doing in the sessions of the interdisciplinary group all these years. The papers of those who have been active members of the group, N.K. Singhi, K.L. Sharma, A.M. Ghose, Mukund Lath and R.S. Bhatnagar, show the difference in palpable ways. The methodological queries Singhi raises have been discussed many times amongst the members of the group. The main theme of his paper is both methodological and substantive. The discussion on the *Arthaśāstra* and the comparative assessment of its treatment of bureaucracy with the one given by Weber shows the fruitfulness of the approach, though there can be little doubt that it needs to be pursued in greater depth than has been done in the article. The articulation of *Mīmāṃsā* principles of interpretation by K.L. Sharma is helpful in understanding the traditional exegesis of texts in India. The principles, though developed by Jaimini in the context of

Vedic texts, are of wider relevance and were in fact extended to cover, with suitable modifications, the interpretation of other texts. Kishori Lal Sarkar had already extended them to the interpretation of law in his famous lectures delivered in the early years of this century and also compared them with the principles of interpretation as developed by English jurists in the interpretation of law. But the *Mīmāṃsā* principles had in fact achieved almost as universal an acceptance in India in the context of textual interpretation as *Nyāya* in the field of logic or *Vyākaraṇa* in the field of studies relating to language.

These two, however, are mostly background papers to the main enterprise of the book, though Singhi's remarks on the *Arthaśāstra* directly pertain to it. With A.M. Ghose's article on the *Manusmṛti*, we are in the thick of the enterprise. This is the sort of enterprise we have been engaged in. Ghose lists all the concepts he can lay his hands on in the *Manusmṛti* and divides them into two classes: the *Givens* and the *Key-concepts*. The 'Givens', according to him, comprise the following concepts: (1) *ṣṛṣṭi*, (2) *varṇa*, (3) *āśrama*, (4) *dharma*, (5) the supremacy of the Vedas (*svataḥprāmāṇya* of the Vedas), (6) the doctrine of rebirth (*punarjanma*), (7) the goal-seeking nature of man, (8) the notion of hierarchy, (9) the notion of kingship or monarchy, (10) the five cardinal virtues, (11) the concept of mobility (*gati*) and (12) *karma*. The 'Key-concepts', on the other hand, are (1) *ācāra*, (2) *śauca* and *śuddhi*, (3) *daṇḍa*, (4) *vinaya*, (5) *dāna*, (6) *pāpa*, (7) *prāyaścitta*, (8) *anutāpa* and *santāpa*. It is not quite clear how the author has picked up the concepts, particularly those that are given in English. Also the distinction between the 'Givens' and the 'Key-concepts' does not seem to have been clearly formulated by the author. At one place, he writes: 'by the "Givens" I refer to Manu's assumptions. They form, as it were, the starting point. The 'Key-concepts', as I have found them in the *Smṛti*, are mostly borrowed from the tradition, largely Vedic' (p. 6). However, later (p. 32) he seems to suggest that 'if something is a matter of human will and effort, it is a "Key-concept"'. Discrepancies aside, the classificatory distinction could perhaps be construed in a different way. The

'Given concepts' could be treated as those which a discipline borrows from other disciplines which it presupposes in some sense or from the larger culture which all disciplines equally share. The contrast, then, would be between concepts which were specific to a particular discipline and those which are accepted by it from other disciplines or from culture in general. Amongst the concepts which are found to be specific to a discipline, one could perhaps make a further distinction between those which are key concepts and those which play an auxiliary or subsidiary role in the system. In any case, Shri A.M. Ghose has drawn our attention to an important distinction which may contribute fruitfully to the task of the conceptual articulation of not merely the *Manusmṛti*, but any text whatsoever. Ghose, however, only lists the concepts, explores their meanings through the contexts in which they occur and points to the various types of ambiguities in them. He does not explore their interrelationships or discuss the various ways in which they form clusters or sub-clusters of their own.

The paper by Indra Deva and Śrī Ramā takes the articulation in the direction of juridical concepts as found in the *Smṛti* texts. It would be interesting to explore the relation of juridical to non-juridical concepts in the *Smṛti* literature of India. However, this must await a later exercise. Another thing that could be explored is the way the *Smṛti* texts concretize their abstract concepts in the judicial context. However, the focus of Indra Deva and Śrī Ramā is not so much on the specific concepts relating to the judicial context as on what the various *Smṛtis* have said about them and the differences amongst them. There is little interest in the interrelationship between the concepts they have mentioned in the course of their paper. The rest of the papers deal with the *Nāṭyaśāstra* and in most of them the focus is directly on the concepts and, to a certain extent, on their interrelationships also. As they have been the subject of detailed comment elsewhere, there will be little point in discussing them here.

On pure *a priori* grounds, one would have expected to find greater enthusiasm regarding the enterprise amongst

social scientists who have talked so incessantly about indigenization in this connection. But it is the students of literature who seem to have responded more enthusiastically. Perhaps, the publication of this volume might generate that larger awareness of the need for such work by practitioners of different disciplines. Our own experience is that it is not an easy task to perform. A working knowledge of Sanskrit is minimally essential for undertaking the project. One should be able to judge whether a translation is adequate or not. Beyond this, one should be able to judge what is cognitively significant and contemporarily relevant to the knowledge-enterprise as it exists in the concerned discipline to-day. This involves not only a thorough and deep acquaintance with the western conceptual structures in and behind the different formulations in various disciplines, but also a sensitivity to the cognitive possibilities underlying the classical texts. Besides this, there has to be the ability to ask new questions and to seek their answers from the text. In fact, the whole attitude to the texts has to undergo a radical transformation if the enterprise has to make even a little headway. For this, there has to be a subtle blend of criticism, empathy and cognitive imagination which simultaneously rejects, appreciates and creatively extends what is found in the text.

We have developed a tentative methodology for what we have come to call 'creative encounters with the texts'. But, it is too premature to spell it out in full, though vague hints of it are available in certain articles in the book. But, as everyone knows, methodologies are interesting only to the extent that they deliver results which are significant from the cognitive point of view. For this, a methodology has to be seen in application and judged in terms of the result obtained. We hope to present such results with respect to some specific texts in the near future. Till then, let the articles in this volume be a sample of the direction that the work has taken uptill now.

PRELIMINARY MEETING ON INDIA'S INTELLECTUAL TRADITIONS:
SUMMARY OF THE DISCUSSIONS⁵

DAYA KRISHNA: In India we have a unique problem in that we happen to be in this country. We have an Indian tradition, a tradition which many countries do not have. The difficulty is what to do with it. As we examine it closely we feel that the basic texts do not move beyond classification. Nevertheless, there are strands in the Indian tradition which are purely intellectual. Should it not be our task to conceptually articulate the tradition in intellectual terms? This task need not necessarily be done in the way the west has ordered and seen our tradition. We should try to derive the concepts from within by seeing what is implicit and what is embedded in the texts. We can try to do this by asking new questions, or by attempting to free the texts and the tradition so that they can be seen in a secular or objective way.

A situation has often arisen in the field of social sciences when western models and concepts do not seem to apply to the Indian experience. It is quite possible that if our Indian social scientists had a clearer understanding of the conceptual nature of the tradition, they might have had a sounder basis on which to build alternative models or a conceptual framework to explain the Indian reality. It does not, of course, mean that there is simply one framework by which we must work. But if we can introduce some other frameworks it might be helpful.

T.N. MADAN: These days young people have very little understanding of the tradition. Recently I asked them what Gandhi meant to them and they frankly admitted that he hardly meant anything to them. Is the issue of the recovery of the Indian tradition really relevant? Or, is it an issue of trying to understand it in itself? What are we trying to do? We have to

⁵Preliminary meeting held in Delhi at the Institute of Economic Growth on February 5, 1983. Summary of the discussions was reconstructed from the notes taken by Dr Francine Krishna and Dr Mukund Lath.

deal with a revived understanding of the Indian consciousness—the concern with secularism. The recovery should mean the recovery of a number of traditions and the possibility of a dialogue between them and the other traditions. The problem of the recovery of the Indian tradition raises problems of (i) competence, and (ii) ethics. Are we competent or rightly situated to do it? The recovery involves not just getting back what we have lost. Rather, it should mean the establishment of a dialogue between our identity and that of others.

DAYA KRISHNA: Part of the problem has arisen as a result of the way we have been teaching our students. See the way we have been teaching Indian philosophy. It is not presented in a way in which we can be critical of it. As far as the question of credentials is concerned, we all feel that those who are in the field are not fit to do the job. Sanskritists know the texts, but they cannot conceptualize them. We can do it, as we know what questions to ask. But we must have a criterion of what is cognitively relevant. We should be modest, but we should also not underestimate our capacities. Also, the tradition must be so stated as to become a part of living thought and discussion.

VEENA DAS: It is not that there has been no attempt to solve this problem, as there has long been a debate between the traditionalists and the modernists. The tradition presents only a representation of the texts. Also, while the modernists have wanted to have a critical dialogue with the traditionalists, we should also try to encourage those working in the tradition to have an active dialogue with the modernists. However, it can also be dangerous to make a complete split between the traditionalists and the modernists. I agree that we do have the credentials to undertake this task. In fact, it is often a question of putting the questions to the Sanskritists in terms in which they understand them. We must define our questions in terms in which they are translatable. It is important first to structure properly a dialogue between Sanskritists and modern theorists, because Sanskritists do understand and can creatively respond if properly questioned.

DAYA KRISHNA: In regard to the question of having a dialogue with the traditionalists we, in the Department of Philosophy, University of Rajasthan, have had several experiments of this kind. Firstly, in the Department we have had an exchange of teachers between our Department and the Sanskrit College in Jaipur City. One of their traditional pundits has come to the Department and has held a long series of seminars with our colleagues and we have studied some texts with him. On the other hand, some of our teachers have offered to go to the Sanskrit College in the town to do courses in western philosophy with their students. However, that part of the exchange has not been so successful as they do not seem to be interested in what we have to offer.

The other experiment we undertook also as a project with funds from the University Grants Commission was to try to establish a dialogue with some of the pundits in Varanasi, Calcutta and Pune. Several scholars, mainly those who were familiar with western philosophy and who also could read and speak Sanskrit fluently, were requested to take part in this. They were to spend time with the pundits and raise some of the problems that had been troubling modern western philosophers and to try to get the pundits to respond to those issues in the light of the Indian tradition. Professor G.C. Pande, Professor Sibajiban Bhattacharyya and Professor N.S. Dravid held a series of sessions with the pundits of Varanasi. Then in Calcutta, Professor Bhattacharyya, Professor Dravid and myself met the Bengali pundits. There we had a very lively meeting and the pundits responded creatively to what we were trying to do; in fact they reversed the process and asked us to try to deal with traditional problems in the light of modern philosophy. One began to have a sense that the tradition was active and alive and one also became aware of the immense complexity of the different schools, a sense that the usual textbooks on the different systems of Indian philosophy just do not reveal.

But to return to the problem of what we are trying to do here. Let me make it clear. We are not trying to understand the classical tradition as the pundits apprehend it. We are

trying to see if there is an implicit conceptual structure in the Indian tradition which can be brought to the surface and stated in modern terms. Groups such as ours are trying to reformulate ancient ideas. Other groups can approach the issue differently and enter into a dialogue with the traditionalists.

TUSHARKANTI SARKAR: Are we asking the impossible?

A.N. PANDEYA: I feel that the attempt is relevant. First, let us reflect on the overall situation in our academia. The adverse reaction in the academic community is, of course, a problem. Most of us are ourselves outsiders to the tradition and we have to see our own limitations. Secondly, we increasingly feel that what we have been doing in our own work is problematic and questionable. We have to broaden our framework to have a dialogue with an active tradition.

If you try to make yourself understood to anyone outside the academic circle, in *their* language, you make a fool of yourself. There is a living tradition and the issue is one of recovering not a dead but a living tradition.

DAYA KRISHNA: What we are doing is contemplating a study of the intellectual conceptualization of the tradition. We are not concerned with having a dialogue nor in making an empirical study. That is already being done. It may be an important task to study actual behaviour and arrive at a hidden structure. But our own task, at least for the present, is to articulate and debate what the written tradition itself has to say. We are also making an empirical study of certain key concepts to see how they are understood by different people. But, let me emphasize, what is missing today is a cognitive enterprise concerning ancient texts.

ASHISH NANDY: Let me give the example of Michael Madhusudan Dutt; he was a Hindu who converted to Christianity. He was, deeply influenced by the west. He was anti-Hindu; he wrote a Bengali epic, *Meghnād Badh Kāvya*, in which Ravana

was a hero. There have been other examples of the *Rāmāyana*, that of Acharya Tulsi or a Tamil version. There are many versions of a counter-culture available in the Indian tradition. What are we to do with these? Here in India we talk of alternative traditions. But the alternatives actually exist. However, the crucial question is, has our present generation not gone west? We have also to see the indigenous construction of the west by us.

T.N. MADAN: Where does the reconstruction actually begin? In education?

RAVINDER KUMAR: I always find the term 'Indian tradition' problematic. Secondly, the term 'intellectual tradition' does not make sense to the historian. But I would mainly like to know why one should stop at just identifying the Indian concepts; why not try to understand the categories of thought in a more universal condition? Should we not try to see this undertaking in a wider sense? Are there existential specificities which can be related to wider generalities? Ideas should be universal, though born of specific contexts. We already have universal ideas from wherever we might have them. Developing our own conceptual framework will create only an unnecessary island within a universal world of concepts and ideas.

DAYA KRISHNA: If I may make a clarification, one can conceptualize and generalize about the human condition, but our task here is limited. There is also the question of a differential tradition which we have to see.

TUSHARKANTI SARKAR: It is necessary to create an environment where native concepts can develop and acquire new dimensions of meaning of their own. Such a development will give us a mooring. We should allow philosophy to grow from our contact with people.

VEENA DAS: Daya's methodology is problematic in that he

seems to be looking at concepts as if they are frozen; we should allow for a development of these structures. We should not say that these categories are true ultimately of the human condition. It is not a problem of self-identity merely. In Daya's conception the implication also is that there was no structure of argument in ancient texts.

S.C. DUBE: This debate is old. It is not a question of the recovery of the tradition. What is important is to ask for whom we are doing this exercise. Certainly it is a question of traditions. It is a question of identity. The issue of theoretical concepts is alright, but it also has to address itself to the theoretical level. How to ask the questions is very important?

DEVAHUTI: The task of conceptualizing the Indian tradition should be left to philosophers.

A.N. PANDEYA: In the tradition there were always certain ground rules as to who is doing and why. But we have to continually look back at the tradition to see what is active and what makes it continue to live.

LEELA DUBE: We should go into detail to articulate some of the concepts which are there and have not yet been articulated. We have used western concepts and feel we need to develop more indigenous concepts.

RAVINDER KUMAR: The question of east-west is not relevant, to my mind. We should try to devise new theories which will be applicable to any tradition.

BHUVAN CHANDEL: In my opinion as long as we speak in English, we cannot think of the process of Indianization. How can we translate terms which have their roots in the Indian language?

A.N. PANDEYA: Let me make a few concrete suggestions. First, the texts and disciplines that could be fruitfully explored:

1. The *Arthaśāstra*
2. The *Kāvyaśāstra*
3. The *Dharmaśāstra*
4. The *Āyurveda*

Secondly, there are certain concepts of common currency crucial in the self-awareness of the people that should be explored, concepts such as *prajñā*, *puruṣa*, *prayoga* and the like.

We must have a three-level enterprise for the purpose:

1. We must delimit the implied domain of self-awareness within which a concept is articulated and remains meaningful. This must be done in alternate ways.

2. Concepts must be so articulated as to relate them to parallel concepts in the west.

3. To identify thus the identity shared by the many cultural traditions of India.

SOME ISSUES IN THE CONCEPTUAL ARTICULATION OF THE INDIAN CULTURAL TRADITION

With special reference to the *Arthaśāstra*

PART I

From the point of view of a scholar of Indian culture, the ancient Indian tradition is a complex of many different kinds of knowledge, both theoretical and practical, and institutionalized in many different ways, and diffused in many different ways.

Social sciences, in particular, have been concerned with the theoretical and practical aspects of the Indian tradition, and have been concerned with the institutionalized aspects of the Indian tradition, and have been concerned with the diffused aspects of the Indian tradition. The social sciences have been concerned with the Indian tradition in many different ways, and have been concerned with the Indian tradition in many different ways. The social sciences have been concerned with the Indian tradition in many different ways, and have been concerned with the Indian tradition in many different ways.

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N.K. SINGHI

SOME ISSUES IN THE CONCEPTUAL ARTICULATION OF THE INDIAN INTELLECTUAL TRADITION:

With Special Reference to the *Arthaśāstra*

From the perspective of the social sciences, the study of ancient Indian texts raises several issues. The categorization of knowledge into well-defined, formalized disciplines having institutionalized mechanisms for creation, communication and diffusion in the present form is basically a western model.

Social sciences with distinct conceptual categories and theoretical formulations, unlike certain other categories of knowledge, did not exist in the classical intellectual traditions of India. Although there is an elaborate discussion of philosophical, theological, literary, aesthetic, medicinal and other sciences, the social sciences did not assume an organized, systematic and distinct orientation, despite the fact that there are texts dealing with polity, economy, medicine, aesthetics, the normative ordering of society and other societal dimensions. This assumption, however, can be debated. If, however, the answer is in the affirmative, a further question in the realm of the sociology of knowledge becomes relevant. If it didn't exist, how can it be accounted for?

The second question relates to the perspectives in which the Indian classical scriptures should be analysed. The Indian social reality has been viewed by social scientists within the framework of conceptual categories and theoretical orientations as developed and given by western scholars. The dominance of such a perspective created an intellectual colonialism and led to the trained incapacity of the contemporary Indian intellectuals to construct cognitive alternatives and to examine their own intellectual traditions as revealed

in classical texts. Thus the dominance of western paradigms in the understanding of the specificity of the Indian social reality at a certain level of abstraction has led to the inability of Indian social scientists to develop ethno-social sciences. It has further led to a distortion in the analysis of social reality which was the result of dissonance between the western paradigms and the reality of Indian society. To illustrate the point, it is usually stated that even the development of theoretical approaches is in a certain sense structurally determined. The formulation of the structural-functional approach, which dominated conventional sociology for a long time, was the consequence of the ahistoricity of American society. This approach negates the historical perspective. Sociologists in India have been using the structural-functional approach as a dominant mode of inquiry for a long time. As a consequence, Indian social reality has been constructed in a way which is not adequate and integral as the historicity of the society has been neglected. A society which has a fathomless historical past and whose present is based on cumulative historical traditions cannot be adequately understood and analysed through an approach which negates history.

One other consequence of the dominance of western paradigms has been the neglect of the study of Indian classical texts. Such a neglect has had academic consequences at institutional level. Both in the realm of research and course-contents, the social sciences hardly have anything about the classical texts which have dealt with society and polity in the classical intellectual tradition of India.

The discussion about indigenization and ethno-sociology is a recent one. It emerged as a result of discontent arising out of a cognitive failure to grasp Indian reality. The entire issue is still at the level of conceptual discussion and there is very little effort to operationalize the idea.

To illustrate the point regarding the use of western models in understanding Indian reality, the Action Frame of Reference for societal analysis may be taken. Parsons' theory is both general and grand and hence is universalistic in character. The situation towards which action is oriented

consists of physical, social and cultural objects. Physical objects are empirical entities which do not interact with or 'respond' to ego. Cultural objects are symbolic elements of the cultural tradition, ideas or beliefs, expressive symbols or value-patterns so far as they are treated as situational objects by ego and are not internalized as constitutive elements of the structure of his personality. Action has been defined as a process in the actor-situation system which has motivational significance to the individual actor, or in the case of a collectivity, its component individuals. The attainment of gratification and avoidance of deprivation are the concerns of the actor. The situational complex of Parsons does not make any mention of the transcendental realm as an object of possible orientation. But transcendental orientation has been an important attribute of Indian social reality. It is interesting to find a certain parallelism in the attributes of Action, viz. action, consequence and constraint in certain classical Indian texts and the Parsonian attributes of Action Frame of Reference, viz., action, goal, constraints, means and situations. The rich tradition of categorization and classification as revealed in the *Nāṭyaśāstra*, Pāṇini's grammar, *Carakasamhitā* and several texts in Jain and Buddhist literature have not been discussed or analysed by contemporary social scientists. Even accidental readings reveal that categories which are used in contemporary social sciences exist in classical Indian texts and are more comprehensive, precise and logically adequate than those constructed by contemporary western thinkers. Parsons' writings reflect elaborate conceptual schemata in the context of system and action designed and claimed to be universalistic which, if examined in the context of empirical realities of several cultures, manifest comprehensive limitations.

In fact, the inadequacy of several western conceptual schemata and theoretical formulations in the context of understanding Indian social reality necessitates a more careful and deeper analysis. However, the discontent arising out of it may provide the possibility of a major breakthrough in the growth of knowledge in the social sciences in India.

With these observations in the background, we may turn

to the basic question of social science paradigms for the analysis of Indian social reality. An attempt to identify issues of inquiry in relation to classical texts is being made here. Essentially there are two realms of understanding in this field:

1. Substantive-theoretical,
2. Methodological.

In the substantive field, one of the major issues relates to the sociology of knowledge. Through this approach an attempt can be made to construct the social reality of a particular epoch through an examination of the description and analysis as contained implicitly or explicitly in the classical texts. The relationship between knowledge and society has to be viewed as independent, i.e., it is not merely that social forces determine knowledge, but knowledge also determines social structure.

Conceptual articulation of the Indian classical texts is an area which has assumed importance due to its neglect despite the rigour and profundity with which it has been presented in them. A lot of myth has been built around the claims of originality of western intellectual traditions in social sciences. This has been further buttressed by the ignorance and apathy on the part of Indian scholars for the study of their own intellectual traditions, which is the result of academic socialization that itself is a legacy of its colonial past.

Therefore the questions which can be posed in this context are:

- I. What types of Socio-cultural, economic and political milieu prevailed in the society as revealed in the text? *Socio-cultural context.*
- II. Study of the text as a creative work within the context of socio-cultural milieu of that particular era. *Sociology of Knowledge context.*
- III. How can that reality be constructed and what conceptual classificatory schemata should be used for such a construction? *Methodological dimensions: Classificatory context.*

- IV. The conceptual and theoretical dimensions regarding society and culture both within the matrix of transcendental and mundane aspects of life, as presented in the text. *Theoretical-conceptual context.*

This would imply identification of conceptual categories and theoretical formulations along with underlying assumptions and axioms which have been used in the text.

The specific dimensions of theory and concept and their interrelationships may be examined as follows:

1. The construction of conceptual categories which would help in understanding the reality of Indian society as it exists today. (This task would be different from that of discovering the conceptual categories present in the text, and even from those which are constructed on the basis of the text or those which would help in understanding the text).

2. The discovery of conceptual similarities between classical texts belonging to different fields of knowledge.

3. To examine if a broad category exists which could possibly provide a general theory of culture, personality and society. Thus to examine the possibility of construction of a general theory of society, culture, personality and nature on the basis of conceptual categories used in different texts.

4. An examination of the universalistic conceptual categories as formulated by western scholars in the light of the conceptual categories revealed in the Indian texts.

5. Categorization of concepts on different bases and to examine them in terms of precision, consistency, level of abstraction and definiteness. This would lead to classification of concepts in certain neat categories, viz.:

1. Classificatory
2. Comparative
3. Quantitative
4. Enumerative
5. Summative
6. Statistical.

There are, however, three major limitations to the exercises as proposed above.

(a) The very idea of the conceptual articulation of Indian texts is due to western influence. This influence is the result of the academic socialization of western models as part of our cognitive structures.

To free oneself from this, one will have to make a conscious mental effort to academically desocialize oneself. A process which, though difficult, is necessary for any innovation and creativity.

(b) How to construct the psycho-social reality of the past with our present mentality? We always tend to read our own mentality into those of our forefathers.

(c) The third difficulty is institutional. The diffusion of any innovative and creative process necessitates adequate institutional mechanisms and instrumentalities or their readjustment so that new ways of looking become a part of the teaching-and-learning process.

II

This is a general and broad poser and paradigm which provides a framework for inquiry. In this section, an attempt will be made to examine the *Arthaśāstra* in the perspective of Weber's contribution to bureaucracy. The *Arthaśāstra* not only provides an understanding of sociology at a particular period of history but also delineates characteristics which are rational and appropriate in the management of a state. Thus from the perspective of the sociology of knowledge, an ab-extra extrinsic analysis of the relationship between knowledge and society is possible and from the ab-intra intrinsic epistemological perspective, a construction of the characteristics of the bureaucracy is feasible.

THE ARTHAŚĀSTRA

The *Arthaśāstra* is a text which primarily deals with state administration. The societal forces which led to its creation were diverse and hence do not admit of any indisputable answer. It has been suggested that the *Arthaśāstra* was written to strengthen the weakening states. It was a reaction to Buddhistic teachings which negated life and was oriented to

strengthen the Vedic teachings. Further, it was written to create a powerful centralized administration which was necessitated in the wake of foreign invasions. It was written to delineate a detailed account of the administration and formulation of such an administrative system which would strengthen the functioning of the state more effectively. It was based on both the earlier texts in this regard and practical personal experience.

Although the *Arthaśāstra* does deal with the details of administration, it also shows an awareness of the social structure in which the system of polity existed.

There is an emphasis on a pragmatic orientation to the management of state affairs. The administration of the state dealt with in the work relates to

- (a) Allocation of duties to various levels of officials,
- (b) Clear-cut hierarchical division,
- (c) The process of decision-making,
- (d) The nature of recruitment of officials,
- (e) Professional training,
- (f) The documentation of decisions,
- (g) Continuous tests to determine the work and quality of administrators.

The activities of the state were not restricted to the maintenance of the conditions necessary for the existence of the society. Apart from regulatory and protective duties, developmental activities were also to be undertaken by the state.

The regulatory functions give a detailed account of procedures to collect village tax, to undertake elaborate land surveys, to award punishment for corrupt practices, regulate weights and measures and adopt a proper policy of taxation.

The protective functions deal with the maintenance of order and protection from foreign invasion. There is a detailed account of spying, an elaborate discussion on war strategies, a description of arms, types of bows and arrows, types of chariots, regional and seasonal considerations in the march of army, types of warfare and the treatment of prisoners of war.

Diplomacy has been dealt with as an institution. Negotiation, persuasion, conciliation and threat of war were the main attributes of diplomacy.

The State gave assistance for trade. Loans were given for the purchase of seeds, cattle, etc. There were well-formulated programmes to deal with famine. Emigration was encouraged; irrigational facilities were provided for.

The policy of taxation has been dealt with in detail and can be considered as an authoritative text on public finance. Certain categories of people were exempted from taxes, such as women, minors, disabled persons and students. Taxes were levied in accordance with irrigation facilities; war loans were floated.

Taxes from different professional groups like actors, dancers, musicians, soothsayers, *ganikās* (prostitutes) were collected.

Medical relief was organized. Schemes for pension for aged and orphans existed. There is also mention of the age of marriage which was considered as 12 for girls and 16 for boys. Divorce was permitted in special circumstances and so was marriage for women. There is some discussion about *Tirtha* who must have been reformers and responsible for improving the social order. There is a distinct classification of the spheres of state activities. It was to be organized on adequate and systematic knowledge. The other-worldly orientation is merely incidental and not substantive. Thus the emphasis of the *Arthaśāstra* has been on the rational formulation of administrative structures and functions with the delineation of neat classificatory categories, emphasis on certain personality traits and training, with adequate techniques of tests, and spying for effective regulation of the State. The *Arthaśāstra* has given comprehensive and elaborate details of the nature of economy, polity, diplomacy, corruption, social welfare measures both at individual and collective levels and also reveals the nature of social stratification, status of women, organized wars and normative framework of inter-personal relationships operative at that period of history.

III

We briefly delineate ideal type characteristics of administration in the *Arthaśāstra* and compare them with those of Weber. The ideal typical characteristics formulated by Weber are ideal not in the Platonic sense but they are constructed from historical documents at cross-cultural levels and rationally designed so as to lead to maximization of efficiency.

The Weberian characteristics of bureaucracy are as under:

1. There is a specific sphere of competence based on systematic division of labour. Necessary authority is given to the incumbent to carry out the functions.
2. The organization of office follows the principle of hierarchy.
3. The official functions are bound by rules which are formal and written.
4. There is complete separation of property belonging to the organization and personal property of the official.
5. The officials observe impersonal and formal official duties.
6. The officials are recruited through universalistic procedures.
7. The officials are subject to systematic discipline and control in the office.
8. The office is treated as the primary occupation of the incumbent.
9. The officials get salary according to rank.

Through delineation of these ideal-typical characteristics Weber attempts to present a universal model of bureaucracy.

The construction of the characteristics of bureaucracy through the *Arthaśāstra* provides a more comprehensive and universalistic format. Weber, the most influential of the founders of structuralism, was concerned with the distribution of power amongst the organizational positions in the bureaucratic structure and his structural emphasis neglects the behavioural aspect of the bureaucratic functioning. The *Arthaśāstra*, on the contrary, gives details of behavioural

dimensions. Weber was so concerned with the functional unity of rational-legal bureaucratic system that he failed to pay attention to those internal characteristics that inhibit the rational goal achievement. Weber has neglected both the dysfunctions of bureaucracy as well as the role of informal relations in bureaucratic functioning.

Another point of difference relates to the level of adequacy of the Weberian model. Weber's concern has been essentially with the microscopic level where internal processes of control, communication and decision-making are involved. The *Arthaśāstra* gives details of bureaucratic functioning at different levels and the linkages between them.

The *Arthaśāstra* also discusses in details the dysfunctions of bureaucracy and suggests internal mechanisms of its control. The *Arthaśāstra* distinguishes between protective, regulatory, developmental and fiscal types of bureaucratic organization. The mode of recruitment emphasizes both the technical competence as well as personality traits which are appropriate to a particular task. There are internal in-built mechanisms of checks and controls for possible deviance in the bureaucratic functioning.

The particularistic qualities like familial background were considered significant in the process of recruitment. The types of test are not merely formal-technical but also lay emphasis on character and personality. There were allurements tests—love allurements test, monetary allurements test and religious allurements test.

The *Arthaśāstra* presents details which seem relevant even in contemporary India. The above comparative framework between Weber and Kautilya has been attempted to examine the theoretical constructions of the two works. This could be further pursued in terms of formulation of distinct concepts as they emerge from the *Arthaśāstra*.

As a microscopic-specific illustration the understanding and analysis of the *Arthaśāstra* is a poser for elaborate and in-depth works on different Indian classical texts. Efforts in this direction can help in building ethno-social science as well as in construction of historical-social reality—an attempt

to go back to the past so that contemporary empirical social reality can be comprehended meaningfully. This would help in the synthesis of the textual with the contextual in the understanding of Indian social realities.

HERMENEUTICS IN THE *MĪMĀMSĀ SŪTRAS* OF JAIMINI: Principles of Interpretation and Authority of *Smṛti* Texts*

The four principal questions which have been discussed in the *Mīmāṃsā Sūtras* of Jaimini (200 BC) are: (i) Dharma, (ii) Action and its relation to Dharma, (iii) the subject matter of the Vedas with special reference to Dharma and Action and, (iv) the method of Interpretation (hermeneutics) of the Vedas and other classical texts.

This paper aims to present, firstly, the *Mīmāṃsā* hermeneutics or the principles of interpretation and, secondly, it shows how to understand the authority of *Smṛti* and other classical texts in the light of these principles of interpretation.

I

Hermeneutics¹ of the *Mīmāṃsā Sūtras* helps in bridging the gap between the familiar world in which we live and the alien or strange world that we strive to understand. Thus, *Mīmāṃsā* hermeneutics is concerned with all those situations in which we encounter meanings that are not immediately understandable but require interpretative effort.

The subject of interpretation or hermeneutics, according to *Mīmāṃsā*, involves two questions: (i) what is the meaning and intention of a particular word or sentence or passage? and (ii) whether it constitutes an obligatory rule of any kind or a quasi-obligatory rule of a non-obligatory matter?

* This paper owes a great deal to Kisor Lal Sarkar's work entitled *The Mīmāṃsā Rules of Interpretation*, Calcutta: Thacker, Spink & Company, 1909. At many places, the author has used the formulation of axioms and principles as given by him.

The principles and the rules of hermeneutics or interpretation given by Jaimini may be considered as an answer to these questions. These principles and rules may be divided into the following five classes:

- (1) axioms of interpretation (these include *Sārthakatā*, *Lāghava*, *Arthaikatā*, *Guṇapradhāna*, *Sāmañjasya* and *Vikalpa*);
- (2) general principles as regards the interpretation of words and texts (*Śruti*, *Liṅga*, *Vākya*, *Prakaraṇa*, *Sthāna* and *Samākhyā*);²
- (3) general principles of the application of texts;
- (4) the specific rules called *Nyāya*; and
- (5) rules which specially bear on the character and interpretation of the *Smṛti* texts and usage.

Before discussing the *Mīmāṃsā* rules of interpretation of the *Smṛti* texts and usage, it may be helpful to discuss the general principles of interpretation and their application in brief.

The elementary principles of the *Mīmāṃsā* which are connected with properties of words, sentences and passages, may be regarded as self-evident principles in the same way as the axioms of Euclid. These elementary principles or axioms of interpretation are:

- (1) Every word and sentence must have some meaning and purpose. (The *Sārthakya* axiom).
- (2) When one rule or proposition would suffice, more must not be assumed. (The *Lāghava* axiom).
- (3) To a word or sentence occurring at one and the same place a double meaning should not be attached. (The *Arthaikatā* axiom).
- (4) If a word or sentence which, on the face of it, purports to express a subordinate idea clashes with the principal idea, the former must be adjusted to the latter or altogether disregarded. (The *Guṇapradhāna* axiom).

- (5) Contradiction between words and sentences is not to be presumed if it is possible to reconcile them. (The *Sāmañ-jasya* axiom).
- (6) When there is a real contradiction, any of the contradictory matters may be adopted at option. (The *Vikalpa* axiom).³

The above six axioms are elementary propositions regarding interpretation and they may be taken as self-evident principles. The general principles are those principles which are arrived at after an examination of those materials with which an interpreter has generally to deal, viz., meaning of words, structure of sentences, the relation of topics, etc. These principles are *Śruti* principle, *Liṅga* principle, *Vākya* principle, *Prakarāṇa* principle, *Sthāna* principle and *Samākhyā* principle.⁴

When a verb and the case governed by it has a self-evident meaning and thus form a complete and independent sentence, this is called *Śruti*. No attempt should be made to strain or twist its meaning. When meaning of a word or expression is not clear on the face of it and its latent form of suggestive power or indicative power has to be brought out by the suggestive power of some other word or expression, that is called *Liṅga* principle of construction. Where what is apparently a complete sentence has, in order to make out a satisfactory sense, to be read as a part of a sentence connecting it with some other clause, this is called a matter of *Vākya* or syntactical arrangement. When a sentence or clause by itself does not indicate its purpose but becomes clear when read with some other text belonging to any other topic discussed elsewhere then it is called a case of *Prakarāṇa*. *Sthāna* (position) means commonness of place. *Sthāna* has the same meaning as *Krama*. The question of *Krama* (order) is of great importance as regards the Vedic ceremonies. *Samākhyā* means a connection established between different passages by the indication afforded by a derivative word or a compound name.

What is the connection of these principles of interpretation (*Viniyoga pramāṇas*) with generally accepted *Pramāṇas*, viz.,

Pratyakṣa, *Anumāna*, *Upamāna*, *Arthāpatti*, *Śabda*, *Śiṣṭācāra* (approved usage) and *Abhāva*. *Śabda Pramāṇa* is the basis of the *Śruti* principle and *Anumāna*, *Upamāna* and *Arthāpatti* together are the basis of *Liṅga*, *Vākya* and *Prakarāṇa* principles. *Śiṣṭācāra* is the foundation of those principles of construction which have reference to usage and which are discussed by Jaimini in his chapter on the *Smṛtis*.

Interpretation and application of a text are not quite the same. The general principles of application include such questions as whether a text is obligatory, or partially obligatory or non-obligatory. Two classes of obligatory texts are *Vidhi* (injunction) and *Niṣedha* (prohibition); the two classes of statements *Arthavāda* (explanatory statement) and *Nāmadheya* (nomenclature) are non-obligatory. *Mantra* is between the two. It also includes those rules which determine the persons to whom particular texts apply or not, the order in which the texts apply, and the order in which the texts mentioned in one connection are to be applied to other cases and the necessary variations and omissions in making such applications.

The general principles of application of a text may, in brief, be expressed under the following heads:

(1) The principles of distinguishing between obligatory, quasi-obligatory and non-obligatory texts. (*Mīmāṃsāsūtra*, I.2.19-25).

(2) The principles of *Adhikāra vidhis* (the rules indicating rights, as opposed to rules imposing duties) show to whom the *Vidhi* texts are applicable. (*Mīmāṃsāsūtra*, VI.1.6-16).

(3) The principle of *Krama vidhis* regulates the order in which things are to be done. (*Mīmāṃsāsūtra*, V.1.1-8).

(4) The principles of *Atideśa* (rules of reference, general and special) are concerned with the rules by which rules regarding one matter are made to bear on another matter. (*Mīmāṃsāsūtra* V.1.1-8).

(5) The principle of *Ūha* (the principle of adaptation. *Mīmāṃsāsūtra*, IX.2.40). *Ūha* means reasoning. It comes into play in relation to *Arthavāda* and *Niyama Vidhis*, which chiefly relate to the material environment of a spiritual duty. It is

not applicable to *Vidhis* proper enjoining the spiritual duties themselves.

(6) The principle of *Bādha* (the principle of bar) primarily means barring a thing owing to inconsistency (MS, Chapter X). It helps in the reconciliation of conflicting texts. *Tantratā* and *Prasaṅga* principles have also been mentioned by Jaimini. *Tantratā* involves the principle of avoiding repetition of acts when a single act would serve the purpose. *Avāpa* is the reverse of *Tantratā*. It is the repetition of a thing many times to make it intelligible to some people. *Prasaṅga* denotes something incidental. It imports the principle that the performance of the major duty dispenses with the performance of minor duties which are involved in it (MS, Chapter X). In other words, *Prasaṅga* may be considered as an extended application of *Tantratā*. In it the performance of the subsidiaries is with the main purpose of one primary, but it benefits other primaries indirectly. It differs from the *Tantratā* in which the performance of subsidiaries is with the object of benefiting many primaries once for all, while in the former the performance of the subsidiaries is mainly for the benefit of one primary only, but it ensures the benefit of other primaries as well.

Vidhi texts, which are obligatory in nature, may be classified on the basis of their degree of obligatory force—*Vidhi* proper, *Niyama* and *Parisaṁkhyā*. A *Vidhi* indicates an absolute necessity and is in the form of “you shall do it”. The form of *Niyama*, which is not so urgent, may be understood as, “you shall do it unless there be a good reason to the contrary”. A *Parisaṁkhyā* is hardly required as a rule of law. Its form is, “you may do it”. The classification contemplates only positive injunctions and not prohibitions. A *Vidhi* is a perfect (imperative) command. A *Niyama* is an imperfect (directive) rule. A *Parisaṁkhyā* is a monitory precept.

The Vedas deal with both the supernatural and transcendental as well as natural and ordinary matters. The *Vidhi* and *Niyama* are applied to both supernatural and ordinary matters. But their meaning varies in the two contexts. *Niyama* is only a directive rule. Sometimes *Vidhi* may be lowered to

the position of a *Niyama* according to circumstances.⁶

Mīmāṃsā also distinguishes between *Kratudharma* and *Puruṣa dharma*,⁷ or *Manuṣyadharmā*. The *Puruṣadharmā* consists of the social and moral rules which bind a man always during his ordinary course of life, but the *Kratudharma* are those rules which are binding while one undertakes to perform a sacrifice and the breach of which entails a sin removable by the performance of a penance. The distinction between *Kratudharma* and *Puruṣadharmā* may be understood as a rule of positive law and a rule of conscience or quasi-law (which is something of a general character). The *Mīmāṃsakas* also distinguish between *Arthakarma* (work for the main purpose) and *Pratipattikarma* (works which are merely incidental).⁸

In the next section an attempt will be made to present the *Mīmāṃsā* principles of interpretation of *Smṛti* and usages.

II

The *Mīmāṃsā Sūtras* of Jaimini, as has been said earlier, are mainly concerned with the investigation of the nature of *Dharma*. Jaimini says that *Dharma* itself is an object and its binding character is by reason of Vedic injunction.⁹ But if it is so, then what is the authority of *Smṛtis* in matters relating to *Dharma*? There are cases, where though there is no support from any Vedic text, the *Smṛtis* lay down that ‘an act should be performed in such and such a manner and for such a purpose.’ As examples of such *Smṛti* injunctions we have (a) ‘the *Aṣṭaka* should be performed’, (b) ‘the teacher is to be followed’, (c) ‘tanks should be dug’, (d) ‘drinking booths should be set up’, (e) ‘one should keep a tuft of hair on the head’, and so on.

Jaimini in his *Sūtra* (chapter I, *pāda* 3) discusses the authority of *Smṛti*. The propriety of introducing the discussion on *Smṛti* and custom by Jaimini requires explanation. It has been said that ‘we can form no idea of the authority of the Veda until we have understood it in all its bearings, and as it is only with the help of *Smṛti* and custom that it can be so

understood, it is necessary that the exact nature of these latter should be investigated'.¹⁰ Jaimini's purpose here is to ascertain how far *Smṛti* and custom may be allowed to interfere with the Veda in matters relating to *Dharma*. He tries to show that these (*Smṛti* and custom) are based upon the Veda from which alone they derive their authority.

But, the following objections were raised against the authoritative character of the rules of *Smṛti*:

1. Duty arises only from the Vedic commands. Everything outside the Vedas must be disregarded.¹¹ These *Smṛtis* are the work of human authors and are dependent upon their memory which cannot be infallible. Further, their authority is not inborn or self-sufficient as that of the Veda.

In response to this objection, Jaimini says that the authoritativeness of the *Smṛti* law is a matter of inference because the promulgators of it were the same as those of the Vedas.¹² Kumārila also says that '*Smṛtis* are found to be accepted as authoritative by an unbroken line of Vedic scholars from time immemorial, hence they cannot be altogether wrong or untrustworthy'.¹³

2. The second objection is that 'since both the meanings are found to be signified by the word, the acceptance of one or the other is optional. We may accept whichever we choose.' In other words, why can't we regard the two rules (*Smṛti* and *Śruti*) as optional alternatives?

Jaimini is of the view that the sense in which the word is used by persons who take their stand upon the scriptures should be accepted as authoritative, because it is more reliable than any other. In other words, that signification of words which is based upon the scriptures is decidedly more authoritative because the knowledge of *Dharma* is obtained by means of the scriptures alone.¹⁴ A signification accepted and sanctioned by the Vedas is irrevocably fixed and can never be set aside, while that sanctioned by ordinary usage is variable and liable to change.

Is the authority of customs local or universal? This question has been answered by the *Pūrvapakṣa* by admitting that the authority of *Smṛti* and custom is held to depend

upon the assumption of corroborative Vedic texts; this very fact which establishes their authority also proves that their authority is limited and localised. Jaimini's answer to this question would be that injunctions apply to all persons and hence the absence in the assumed Vedic texts of such all-comprehensive words cannot be rightly urged as a reason for restricting the authority of the custom. Why so? Because all that the basic authority (i.e., the assumed Vedic text) says is that such and such an act should be done and there is no authority for restricting its application to any particular group of persons.

Jaimini gives seven principles for the constructive understanding of *Smṛti*.¹⁵ These principles are as follows:

- (1) *Smṛti* is presumed to be authoritative and binding (*Smṛtiprāmāṇyādhikaraṇa*).
- (2) In the event of conflict between *Śruti* and *Smṛti* the latter fails. (*Śruti-prābalyādhikaraṇa*).
- (3) A *Smṛti* text, the origin of which can be traced to perverse motives, is not binding, i.e., authority does not attach to *Smṛti* prompted by wordly motives. (*Duṣṭa-mūlaka-smṛti-aprāmāṇyādhikaraṇa*).
- (4) A usage has the force of law if not originated in any perverse motive. (*Padārtha-prābalyādhikaraṇa*).
- (5) Between two conflicting usages (either as regards the application of words or in matters of conduct) that which is conformable to the *Śāstra* is to prevail (words used in the *Śāstra* are authoritative).
- (6) An authorised matter expressed in foreign words must be understood in the sense that these words carry with the foreigners (*Mleccha-prasiddha padārthādhikaraṇa*).
- (7) A usage or *Smṛti* must be reduced to the short, simple and general form of a Vedic *Vidhi* (*Sāmānya-Śruti-Kalpanādhikaraṇa*).

Before discussing the above-mentioned principles, it would be helpful to present the basic frame of reference of interpretation of these principles.

In the case of the *Śruti* the matter was embodied in set forms of language, mostly in meters so that words could be recited and sung. There were elaborate rules known as *Śikṣā* which taught the mode of learning the Vedas by rote and the manner in which they should be recited. But in the case of the *Smṛti* it appears that what was communicated was the substance of a matter—information and thought—in which language was not of much consequence. So the one was primarily a matter of speech and the other a matter of memory. One represented the revealed law which admitted of no change; the other the floating traditions of customs and practice which naturally influence the conduct of society. The former was naturally of superior authority to the latter and as a matter of course, when both covered the same ground, the revealed law prevailed over the unrevealed. But there is no doubt that both came down side by side. This is clear from the fact that many of the great Rishis with whose names the *Śrutis* are associated, are identical with the names of those with which the *Smṛtis* are associated, such as Manu, Atri, Angiras, etc.

It may be interesting to see the relationship between the *Smṛti* and the *Śruti* in the light of legal terminology, with special reference to western legal terminology. In western legal literature we have the Statute Law and the Common Law. In Hindu law literature what corresponds to these is the *Śruti* and the *Smṛti*. The Statute Law is in set language and is in itself authoritative. So is the *Śruti* law. The Common Law or the customary law may or may not be in writing; at any event it is not in the shape of set language. It is also not in itself absolutely authoritative, as its authoritative character depends on certain conditions. The *Smṛti* law which is associated with the Customary Law of the Hindus is almost of the same character. But as there are additional principles of constructing the Common Law and the Customary Law in European Law literature, so additional rules have been framed by Jaimini for constructing the *Smṛti* Law and *Prayoga*, i.e., Usage Law. Common Law is also regarded as identical with case law. As regards the interpretation of the Statute

Law there are certain principles of literal construction, construction by context, special rules of construction, etc. In interpreting case law there are other rules to be observed. As regards customs and usages there are the conditions of antiquity, certainty and reasonableness. The special rules of interpretation laid down by Jaimini regarding the *Smṛti* or customary law more or less partake of the character of rules used in the interpretation of law.

III

Let us reflect on these two extreme positions:

- (1) *Smṛti* usages are the outgrowth of ages of gradual development and they are independent of the *Śruti* texts.
- (2) *Smṛti* usages are completely dependent on *Śruti* usages and there is no place in them for any deviation from the set rules of *Śruti*.

Mīmāṃsā principles of interpretation of *Smṛti* try to synthesize these two extreme views and emphasize that the truth lies between the two extremes.

The first principle (*Smṛti* is presumed to be authoritative and binding) emphasizes the Vedic origin of *Smṛti* and establishes the trustworthiness of *Smṛti*. The authority of *Smṛti* rules of conduct quoted above rests on the ground of the apparently useful purposes served by them. For transcendental purposes, we shall infer Vedic texts as their basis. If we view this principle in the legal framework then we find that in early stages of society religion is mixed up with civil law and its disentanglement from religion took place gradually. Kishori Lal Sarkar has rightly pointed out that "the Vedic command—'thou shall aspire for a heavenly life'—however weak or theoretical it may have become, is sure to have some influence in the proper development of the Hindu law."¹⁶

In the case of conflict between a *Smṛti* text and a Vedic text, the latter should prevail. Vyāsa also says that 'where there is a conflict between the *Śruti*, the *Smṛti* and the *Purāṇas*, the *Śruti* must prevail, but in a conflict between the latter two,

the *Smṛti* must prevail.' Validity of a *Smṛti* text is questioned in case of selfish motive. The sanction of the Vedic obligatory texts is the *Apūrva* sanction of securing heavenly purity. When a selfish motive is the cause of a rule, that rule cannot be consistent with this high ideal. Hence such a rule must fail. Kumārila Bhaṭṭa takes the expression *Hetudarśanāt* to mean from seeing a fundamental reason which is different from the fundamental reason of the Vedic *Vidhāna*, viz. the attainment of heavenly bliss.

The fourth principle which deals with the superiority of the meaning of the terms (*Padārtha*), says that even if you do not accept this system you will know the sense of the words used to guide you in your actions in this life.

Śabara interpretes *Padārtha* as action. The objector says, what is the authority for such an act as *Ācamana* (sipping water with suppressed breath)? If you say that they are not in contradiction with the practice sanctioned by the Veda, the reply is that it is of limited scope. To this the author replies that because it is not based on selfish motive, such practices should be recognised. The principle says that *Padārtha* is an established thing or established fact. Usage is also an established fact. A usage is not properly a usage unless it be a settled or established fact. Jaimini says there may be limits of the *Śāstras* to the contrary, but if a usage has become a settled fact it must hold good if no improper cause is found at the bottom of it (*MS*, 1.3.7). In other words, it may be said that the validity of an established usage (*Prasiddhapadārtha*) requires no proof, because proof is necessary only for that which seeks recognition. That which has already been recognised needs no proof.

With regard to the condition that a usage should not be contradicted by the *Śruti* or by a valid *Smṛti*, it may be said that a usage is contradicted by the *Śruti* only when it is contradicted by any obligatory text of it. It is not contradicted by the *Śruti* if only there are *Arthavādas* and the like opposed to it. There are many things in the *Śruti* which are in the nature of an *Arthavāda* or *Pratipatti-karma* (incidental acts), and as such, are not *Vidhis*. Usages which may have sprung

up subsequently in suppression of such matters cannot be regarded as being in conflict with the *Śruti* and are, therefore, perfectly valid.

If it is accepted that the principle of every fact established by usage is valid on the supposition that it is in consonance with the Vedas, then all such facts will be in a coordinate position with equal weight, and in that case how will one discriminate between them if there be conflict amongst them? Jaimini gives in this connection the following rule. Between conflicting usages (either verbal or otherwise) that which confirms the *Śāstra* is to prevail. A usage wholly outside the limits of a *Śāstra* would be perfectly valid, according to the above mentioned 4th rule, if there be no other usage in rivalry to it. The consideration of a *Śāstra* comes in when there is more than one usage on the same matter and in the same locality. In the same locality and with regard to the same community, two conflicting usages should not be tolerated. One of them must be eliminated by the aid of the *Śāstra*. But on the same matter, there may be two different usages in two different locations or with regard to two different communities. According to Jaimini, in such cases there is no conflict, but merely differences of application.

The fifth rule gives rise to the following question: Is everything in connection with the usage to be embodied in the rule of law to be presumed? Again if it obtains with particular sections of the people or in particular parts of the country, should the rule to be presumed be in a particularised and limited shape? These questions may be answered with the help of the seventh rule (that is, a usage or *Smṛti* must be reduced to the short, simple and general form of a Vedic *Vidhi*). But the answer raises a question: if a general *Vidhi* applicable to every place or to every person is to be presumed even when the custom or usage is really local, then the effect would be to abolish local customs. Not only this, there would be the further effect of bringing into existence general rules in the place of what were intended to be local customs only.

According to Jaimini, the above mentioned problem may be solved with the help of two concepts, i.e. the *Utpatti*

vidhis and the *Viniyoga* or *Prayoga vidhis*. *Utpatti vidhis*, embodying a general principle, can never be local or tribal, but *Viniyoga vidhis* which provide the mode of the application of general *Vidhis*, are from their very nature local.¹⁷

Mīmāṃsā recognizes local customs in case of worldly matters but not in the case of religious matters. Jaimini wanted that the whole of the Aryan community should be guided by uniform rules and should not be divided in that regard. As regards matters not purely religious, by the usage maxim, local customs which are not condemned by wise persons are good, while those so condemned are invalid. Jaimini takes no note of the condemned practices, but recognizes approved usages only.

NOTES AND REFERENCES

1. For detailed discussion on the nature and purpose of hermeneutics see H.G. Gadamer, *Philosophical Hermeneutics*, (tr. and edited by D.E. Linge, University of California Press, London, 1976).
2. Jaimini, *Mīmāṃsā Sūtra*, English translation by Mohanlal Sandal, Motilal Banarsidass, Varanasi, 1980.
3. *Mīmāṃsā Sūtra*, I. 2.22-24, 25; III. 3.9; VI. 3.39; II. 1.9; X. 8.7.
4. *Ibid.*, III. 3.14. Among the six means of determining the connection of subsidiaries—Direct assertion; Indicative power, Syntactical connection, Context, Place and Name—that which precedes is more authoritative than that which follows. See *Śabara Bhāṣya* for detailed interpretation of this *Sūtra*.
5. *Ibid.*, I.2.42.
6. *Ibid.*, VI.3.16. Sometimes a command is with an object for restriction.
7. *Ibid.*, IV. 1. 1-2 and III. 4.20.
8. *Ibid.*, II. 10-12.
9. *Ibid.*, I. 1.2. The duty is an object disguised by a command.
10. Ganga Nath Jha, *Śabara Bhāṣya*, Vol. 1. Gaekwad Oriental Series No. 66, 1973, p. 87.
11. *MS*, I.3.1. That the source of *Dharma* is Veda, the result is that the non-Veda has no authority and is not acceptable.
12. *Ibid.*, I.3.2.
13. Kumārila Bhaṭṭa, *Tantra Vārtika*, cf. from Ganga Nath Jha's

translation of *Śabara Bhāṣya*, Vol. 1, 1973, p. 88.

14. *MS*, I. 3.9.
15. *Mīmāṃsā* process of establishing principles of interpretation is called an *adhikaraṇa*. The text under consideration, the doubt concerning it, is the first side: the other side, i.e. the answer and the conclusion, all these constitute an *adhikaraṇa* (a complete theme). It is identical with *Nyāya* (rule). For these seven *adhikaraṇas* see *MS*, I.3. 1-14.
16. Kishori Lal Sarkar, *Mīmāṃsā Rules of Interpretation, as applied to Hindu Law*, Thacker, Spink & Company, Calcutta, 1909, p. 233.
17. For detailed discussion see *MS*, I.3. 16-23.