PREFACE BY THE EDITOR.

The late Dr. Burnell had, as is well known, begun a new translation of the Mānava-dharma-śāstra, based on the more accurate knowledge we now possess of Indian literature, as compared with that obtainable by the early translators. This work the author unhappily did not live to finish. A year ago it was proposed to the editor to complete the undertaking, and deeming it a pleasure to feel that the last labours of an honoured scholar, such as was Dr. Burnell, might be preserved and handed down through his instrumentality, he cheerfully consented to undertake the preparation of the work for the press.

The present volume contains this final memorial of Dr. Burnell, and is now offered to the public with such additions only as appeared to the editor to be absolutely necessary. Of the lessened worth unavoidably arising from the transfer of the work to one lacking the skill and scholarship of the author of the translation, the editor himself is fully aware.

The book’s plan and purpose have been sufficiently discussed by Dr. Burnell in the following Introduction, and nothing further is needed on that score except in so far as the editor may have laid himself open to the charge of deviating from the method proposed by the author. On that point he would remark: the author of the translation has defined the line of interpretation as based on the text of Kullūka, over against modifications of that text by acceptance of the varied readings found in Medhātithi. He has not, however, always complied with this rule;
and if here and there the editor has altered the textus receptus of Kullūka to suit a reading preferred by Medhātithi, and seemingly better, he has but followed where the author led. In so far as there were sufficient data to indicate a line of action, the practice pursued by Dr. Burnell has been uniformly followed. As indicative of the course which in certain cases would originally have been taken by him, the following facts have been noticed. Differences of opinion on the part of the commentators, when based on a desire to reconcile the text with itself, or with other tradition, are seldom noticed; occasionally special remarks only are noted; the explanation of one commentator is sometimes omitted entirely when that of another is preferred; no one word or phrase is persistently rendered in the same way (i. 21; ii. 1, 3-6; i. 58; dharma, rule, law, duty, ii. 3, 45, 61, 229, 235). In short, the aim was practical, and Dr. Burnell has grasped the real value of the commentators, viz., to show us the original form of the text, and to indicate the Indian understanding of passages which might, through his foreign tone of thought, be misunderstood by an Occidental. On the forced and sometimes impossible meanings got from the text by expositors theoretically obliged to make it conform to certain opinions held by themselves, little weight is laid by Dr. Burnell, and the editor has, therefore, tried to submit his choice of extracts from the commentators to this principle of excerption.

A decided leaning, however, will be noticed in Dr. Burnell’s translation to an interpretation based on the unanimous explanation of the commentators on points where it might be questioned whether these scholiasts are not all wrong. This has been conspicuous in the treatment of the first Lecture, where much of late philosophy has crept into the translation on account of the commentators, though such interpretation has been objected to by European scholars. In no such case has the editor felt himself at liberty to alter the phraseology of the transla-
tion, though he has sometimes added in the notes what he conceived to be a truer rendering of the original text. He has, indeed, been particularly cautious not to offend the intention of the author in this respect, since it is possible that, in conformity with the late origin assumed by the latter for the work, this very style of translation may have been his deliberate choice, aside from the remarks of the Vedantic commentators. In regard to other portions of the translation less scruples have been felt, and occasionally changes in the wording have been made by the editor. As a matter of course, these have, however, been as infrequent as possible, and no change has been made without due remark and explanation in the notes. In general, nothing has been altered which the editor did not believe would have been altered by Dr. Burnell, had he lived to complete and revise his work. The few exceptions to this statement are justified by the fact that such cases are chiefly due to a simpler arrangement of the too literal translation sometimes employed. It was thought unnecessary to call attention to such changes at each occurrence, as the alterations were made merely to simplify, not to change, the original thought.

To separate the original translation and notes of Dr. Burnell from the part which the editor added for the purpose of completing the translation and filling out points left untouched in the notes, the following method has been employed:—From i. 1 to viii. 16 the translation is Dr. Burnell’s; from viii. 16 to the end, the editor’s. Every note on the first part of this translation (from i. 1 to viii. 16), unless enclosed in square brackets, is Dr. Burnell’s; for those on the same portion included in square brackets the editor is responsible. A note at viii. 16 indicates that the portion from viii. 16 to the end, both translation and notes, has been done by the editor; a bracket at each verse and note of this portion seemed unnecessary. It has not seemed advisable to burden the translation itself with brackets, and therefore, as said above, any alteration
made by the editor in the first part (to viii. 16) has been made without indicators, but immediately explained in the bracketed note at the foot of the page. The only remaining sign used is the parenthesis, ( ), employed, not, as in the old translation, to insert the added explanation of the commentator, but to indicate merely that which was needed in converting the idiom of the Hindu into English, and which every translator must employ irrespective of the commentators. The Introduction has, with one bracketed exception, explained there, not been altered at all. It was complete, and to change so important a part of Dr. Burnell’s work would have been, to say the least, indiscreet. The editor is aware, however, as every reader must be, of its somewhat fragmentary condition. The abrupt transitions in it seem to indicate intended additions. Yet no sign of this was given in the smooth and fair manuscript left by Dr. Burnell. In the notes to this Introduction the bracketed portions are again the editor’s.

The disappointment to be felt by all on discovering what portion of the work had been left untouched by Dr. Burnell is shared by the editor. When the latter received the first communication in regard to completing the translation, he understood that it was already nearly finished. Had he known what his own share was to be, he would have been reluctant to assume such a responsibility; for it was exactly where a master-hand was most needed that the master’s hand was wanting. To supply this deficiency the editor has done what he could, but it must be to all a source of regret that those portions of the work where Dr. Burnell’s acquaintance with practical Hindu law would have been of the utmost value have been left to one who knows it in theory only.

Mention has been made above of Dr. Burnell’s method of employing the commentators; a word may here be added respecting his choice among them. The editor noticed that Dr. Burnell makes little use of Rāghavān-
PREFACE.

anda, more of Medhātithi, most of Kullūka. In Lectures viii. and ix. the editor has added the “Nandīnī” to these. Govindarāja he has, to his great regret, been able to quote from fragmentary sources only, no manuscripts being at his disposal; the same may be said of the scant use of Nārāyaṇa in Lecture viii., though he doubts if much has been lost by this commentator’s absence. Of Medhātithi several very fair copies were obtained; also a complete one of Rāghavānanda. The last is helpful in establishing the text, but is otherwise seldom worth special quotation, as nine-tenths of what he says has been said by older commentators. It is the lack of Govinda that the editor most regrets. It would have been interesting at least to note how many of Medhātithi’s eke and anye referred to his school; and as a rival of the latter he should be entitled to equal consideration. The editor doubts, however, whether Dr. Burnell would have felt his loss much, or taken into his notes very many of the discussions between the two opposing interpreters.

As the text from which the translation should be made had been laid down by Dr. Burnell to be that of Kullūka, seemingly later additions supported by him are merely touched upon in the notes, and the numbering of the verses remains substantially the same as in the old translations.

All the varied readings quoted by Loiseleur in the notes to his edition—readings gathered from a number of manuscripts—have been compared with what has been found by the editor in his own manuscripts, and specially referred to where even one seemed plausible. Changes from the received text have been seldom made unless supported by strong authority; no single copy of Rāghavānanda, or even Medhātithi, would justify the substitution of new readings, though such were not infrequently offered.

The manuscripts of Medhātithi referred to by the editor are those belonging to the India Office (Colebrooke’s collection), marked No. 989 (Lectures vii., viii., x., xi.,
PREFACE.

xii.), a much-altered copy, where the original text has been frequently changed by a later hand; No. 935 (vii.–xii.), copied apparently from the following, and much tampered with; No. 1551 (vi.–xii., samvat 1648, Lois. v.), clean, and but little revised; also Dr. Burnell’s copy (marked “from Colebrooke”), containing Lectures i.–viii. One fair complete copy of Rāghavānanda (i.–xii.) was supplemented by the commentary of the same author on Lecture viii., bound with the Nandinī (Grantha MS. of Nandanācārya’s gloss) on Lectures viii. and ix., both from Dr. Burnell’s collection. In regard to this last commentator the editor would modify somewhat the depreciatory remarks made respecting him by Dr. Burnell, since, although modern and unscrupulous, his version often gives support to the oldest readings, the more valuable as showing that the Medhātithi text was not entirely supplanted by that of Kullūka. For Kullūka’s text and commentary the editor has used the various published editions, that of Loiseleur Deslongchamps and Haughton being supplemented by the commentary as given in the Calcutta edition. As much of the work of Govinda- rāja as was offered by the numerous citations of this author by Kullūka and Rāghavānanda has been compared and noted along with the works of the other commentators. It is hoped, therefore, that nothing of importance has been omitted in the notes embodying the native interpretations of the text.

In conclusion, the editor feels constrained to say that he has not felt it his right to expand, still less his duty to criticise, the views advanced in the Introduction, whether relating to the origin of the work or to the use of the commentators; here and there the same may be said of the notes. It has been his object to complete what was left him by another to be completed in the way the author himself would have adopted, and he declines to be regarded as more than the persona whereby the opinions of Dr. Burnell are given to the public. That the
work was not issued at a much earlier date is due to the dilatoriness of others in returning to the India Office certain indispensable manuscripts.

To Dr. Rost, librarian of the East India Office, the editor gives his hearty thanks. With no little trouble to himself Dr. Rost has most kindly aided this work, and by the loan of manuscripts rendered it possible for the present volume to be published; for this and for other assistance rendered by the same scholar the editor begs leave to express here his grateful acknowledgment.

E. W. H.

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