397. That which consists of ten palas a weaver should give back increased by one pala; if he act otherwise, he should be made to pay a fine of twelve (panas).

398. The king should receive one-twentieth of the cost price (as tax on market goods), in accordance with the worth which experienced men in (various) places for taxation, being well acquainted with all goods bought and sold, shall set upon (the goods).

399. The king should take away all the property of a man who, through avarice, exports goods of which the king has a monopoly, or which are forbidden (to be sold).

400. A tradesman who slips by the place of taxation at some improper time, or gives a false statement in regard to the amount (of his goods), should be fined the eightfold fine.

401. After considering the place of importation and exportation, the storage, the gain, and the loss of all goods bought and sold, let (the king) establish (the price of) purchase and sale.

402. Every five days, or at the expiration of every fortnight, the king should settle the price (of the goods) in the presence of these men.

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1 The same ratio in Yaj. i. 129, whence it appears that this is not a royal tax. In Manu only coarse cotton or wool stuffs are meant; fine stuffs are increased three per cent.

2 Or palas (Medh.) And give satisfaction to the owner (K.)

3 Literally, “goods proclaimed (to be) the king’s.”

4 Or “sells” (Medh.) From Yaj. ii. 261 it appears that “all the property” is all that sold against the law.

5 At night, for instance (Medh., K.)

6 The fine (literally, transgression), is represented by the value of the tax laid and lied about. Medh. says, “As much as he denies, so much eightfold is the fine;” K. “the tax (denied to the king) made eightfold is the fine.” Another interpretation suggested by Medh. as that of “some” is that the word akale (at improper time) is to be connected with the word krayavikraya (he who trades), i.e., he who trades (referring to payment of taxes) at an improper time: or in secret, as distinct from him who slips by the custom-house. Cf. Vishnu iii. 31.

7 The distance traversed (Medh., K.)

8 The length of time they are stored (K.)

9 In such a way as not to oppress the parties trading (K.)

10 Traders or experts. Vsa. 402-406 fail in Medh.
403. Each balance and measure\(^1\) should be carefully tested (by the king), and he should have them re-examined every six months.

404. One *pāṇa* should be paid at a ferry for a waggon, half a *pāṇa* for a load that a man can carry,\(^2\) a quarter for a cow or a woman, and half a quarter for a man without luggage.

405. Wagons full of wares should be charged toll in proportion to their value, but (empty) wagons and men without escort\(^3\) should be charged but a trifle.

406. The toll should be in proportion to the place and time\(^4\) when the course is a long one; one should know that this (law) is for passage across a river, (while) at sea there is no particular rule.

407. A woman more than two months advanced in pregnancy, a (religious) wanderer, a sage (ascetic), Brahmans who bear the signs (of their religious order),\(^5\) should not be made to pay toll at a ferry.

408. If anything be destroyed on a boat\(^6\) through the fault of the sailors, it must be paid for by the sailors collectively, each (paying) a small part.

409. Thus is declared the decision in regard to (any) legal dispute among those who go in boats, (where an accident occurs) on the water in consequence of the fault of the watermen. (When accidents occur) by the act of the gods\(^7\) there is no fine.

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\(^1\) K. gives as illustration *prostham-dronddhi*, a measure of quantity in distinction from the measure by balance. \(^2\) Ragh. divides into balance, measure, weight, and documents signed by himself (a doubtful var. lec.)

\(^3\) In Nand. *bharah for ture* at the end of (a) may have crept in from the commentary, as it expresses more clearly than the usual text the idea of the load. The waggon is an empty one (K.)

\(^4\) K. Ragh. understand beggars poor people, and K. says "cheats, etc.," for waggons.

\(^5\) Whether the water is rough or not, whether it is in summer (the dry season) or the rainy season, etc. (K.)

\(^6\) According to Medh. and K., the religious students; according to Nand., pilgrims to the *tirtha*. The word Brahmans includes the "wanderer" (*pāṇaṇjita*) (Medh. and Nand.), for a Kṣatriya might also be one who has given up all and taken up this life (Nand.); and this rule does not apply to those who bear the signs of an excluded (or forbidden) life of wandering (*vāhyapra-\(\text{ }\) \v\(\text{ }\) raja-yā)—(Medh.)

\(^7\) Lost overboard in the water (Medh., K., Nand.)

*Daivika*, divine act, *i.e.*, fate; shipwreck, etc., is meant (K.)
410. The king should make the Vaiśya practise trade, gold-loaning, agriculture, and cattle-tending; and make the Čūdra (sect) as the slave of those who are twice-born.¹

411. A Brahman should support both a Kṣatriya and Vaiśya whose means of livelihood have been diminished, making them attend each to his respective duties,² (but) without causing them any cruelty.

412. But if a Brahman through avarice, and because he possesses the power, compel twice-born men who have received the initiation (into the caste order) to do the work of a slave³ when they do not wish it, he shall be fined six hundred (panas) by the king.

413. But a Čūdra, whether bought or not bought,⁴ (the Brahman) may compel to practise servitude; for that (Čūdra) was created by the Self-existent merely for the service of the Brahman.

414. Even if freed by his master, the Čūdra is not released from servitude; for this (servitude) is innate in him: who then can take it from him?

415. A (man made) captive in war,⁵ a (slave) who serves for food, one born in the house, one bought, one given, one (formerly) belonging to (the owner’s) father, and one serving out a fine:⁶ these are the seven kinds of slaves.

416. Wife, son, and slave, these three are said to be

¹ The twice-born means all the three upper castes (Nand.) Some interpret this to mean that the king shall exercise force to compel them; ... but if it is a matter of necessity for them to do other work, to force them to do their own would be to contradict other statutes (Medh.)

² If the Brahman is wealthy and does not do this, he is to be fined (K.)

³ Such as washing his feet (Medh., K.)

⁴ Supported or not (K.)

⁵ Literally, one seized beneath a war-standard.

⁶ Cf. vs. 49, 177, and ix. 229. One unable to pay a fine to the king must work out the fine (Medh.) There is no reason for not supposing other castes than the Čūdra meant in the “one taken captive in war” and the one “serving out a fine,” though Medh. objects to this. The “fine” is either punishment set by the king (as Nand. says his punishment is his slavery) or more probably one serving out a debt to another when he has no money; so K., and Nand. alludes to this as the opinion of some (kecid). Vs. 414 contradicts the spirit of vs. 415. According to the Mbh., a captive in war should be released at the end of a year.
without property: 1 whatever property they acquire is his to whom they (belong).

417. A Brahman may take possession of the goods of a Čūdra with perfect peace of mind, 2 for, since nothing at all belongs to this (Čūdra) as his own, he is one whose property may be taken away by his master.

418. (The king) should with great care oblige the Vaiṣya and the Čūdra to perform each his own occupation, for by departing from their own occupations these two would cause the universe to shake.

419. Every day (the king) should inspect the management of (different) affairs, 3 the (condition of his) steeds, (his) regular income and expenditure, (the receipts from) the mines, and the (state of his) treasury.

420. If the king thus completes all these matters of legal difference, he casts from himself every sin and attains the supreme course (of bliss). 4

END OF THE EIGHTH LECTURE.

1 The epic is fond of emphasising this rule; it occurs three or four times in the Mbha. In brevity it resembles vii. 96. Medh. and K. say that this verse is intended to imply the absolute dependence of the woman and the others in spending money, since the son and slave are in this respect like the wife. Later writers explain the "property" as that earned by mechanical arts, in order to do away with the contradiction between this rule and that of ix. 194. Cf. Jolly, Recht. Stellung der Frauen, § 11.

2 Instead of visrābdham, the adverb, Nand. reads the adjective agreeing with brāhmanah, and explains as "not afraid of taking from the Čūdra," while Medh. also understands it (the adverb) as not afraid that it is a wrong thing to take gifts from a Čūdra, remarking that this is not opposed to the rule of right. Nand. understands that "any one of the three castes" is meant by the word brāhmanā / K. says if in time of need, even force may be used.

3 i.e., by his overseers (Medh.)

4 A var. lec. in the MS. of Nand. reads, "He is exalted in the world of Brahm" (brahma-loke mahiyate).
LECTURE IX.

CIVIL AND CRIMINAL LAW (CONTINUED).

1. I will declare the eternal duties of man and wife (when) abiding by duty's path, (both) in union and in disunion.²

2. Day and night should women be kept by the male members of the family in a state of dependence. In pursuits to which they are too devoted they should be restrained under the husband's power.⁴

3. The father guards them in childhood, the husband guards them in youth, in old age the sons guard them. A woman ought not to be in a state of independence.

4. The father who does not give (his daughter in marriage) at the (right) time is blamable.⁵ Blamable too is the husband if he does not have intercourse with her (at the right period). The son who does not protect his mother when her husband is dead is also blamable.⁶

5. Women should be especially preserved from even the little (vicious) inclinations, for if not preserved (from them) they would bring sorrow upon two families.⁸

6. Since they see this is the chief duty of all the castes, husbands, even (if they are) weak, strive to keep guard over the wife.

¹ Duty's path is a course of life free from mutual infidelity (K., Nand.)
² The husband being dead or on a journey (Rāgh.)
³ By their husbands, etc. (Medh., K.) Cf. v. 147; Vas. v. 2; Baudh. ii. 3, 45; Visnū xxv. 13.
⁴ So Medh. K. explains as "they should be confined by their own wishes," i.e., allowed freedom in (small and sinless) hobbies.
⁵ Before menstruation, according to the commentators (Baudh. iv. 1, 13; Gaut. xviii. 21).
⁶ The widow, therefore, does not die with the husband. In Medh., No. 1551, yāpya for vācyā; also in Nand.
⁷ K. and Rāgh.
⁸ The Kashmir MS. adds here another verse to the effect that guarding a wife guards the progeny, and so one's self.
⁹ Cf. viii. 359.
7. For he who guards his wife with diligence guards his posterity, his (ancestral) usages, his family, himself, and his own duty.\(^1\)

8. The husband, entering into the wife and becoming an embryo, is born again on earth; for this is the wifeship of the wife (jāyā), in that (the husband) is born (jāya-te) again in her.\(^3\)

9. Since the woman brings forth a son of like sort with (the man) whose love she shares, therefore (the man) should guard the woman with care, that he may obtain purity of offspring.

10. No man can guard women by using force, but they may be guarded by employing these (following) means:

11. One should keep her (the wife) occupied in collecting and expending money, in keeping things clean,\(^4\) in (attending to her) duty,\(^6\) in cooking food, and in looking after the things about the house.\(^6\)

12. Women (are) not guarded (by) being confined at home by men,\(^7\) (however) cleverly (they) attempt it. Those women who guard themselves through themselves (are alone) well guarded.\(^8\)

13. Drinking (liquor), connection with bad people, living apart from their husbands, wandering about, (untimely) sleeping, living in the house of another man,\(^9\) (these) are six things that bring shame on women.

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\(^1\) Probably his race, as an adulteress dishonours it all (Medh.), or his progenitors, as they can be saved only by legal offspring (Medh., K.)

\(^2\) The husband of an adulteress cannot keep the sacred fire (K.)

\(^3\) Cf. Ait. Br. vii. 13, 6, and frequently in the epic. The pun was probably, like many verses of our text, proverbial.

\(^4\) Applicable to things or to her person (Medh., K.)

\(^5\) i.e., obeying her husband, etc. (K., Rāgh.)

\(^6\) Or “the marriage goods” (pārināya). Vide B. R. a. s. = āsanaṇḍādikam (Nand., who has pārināhya), “the furniture.” Medh. (1551) has pārināhya.

\(^7\) Guards of the harem (Medh.)

\(^8\) This is a parody of the philosophical maxim, “Know thyself through thyself.” The guarding of themselves here enjoined on the women is simply occupying themselves at home, which will prevent their gadding about and disgracing themselves; and the antithesis is merely between a woman who finds and loves occupation at home, and one who is confined there by force. No higher meaning is meant by “guarding through themselves.”

\(^9\) Any other man than her husband.
14. These (women) regard not beauty, nor do they care for youth. Whether the man be beautiful or ugly, they cry "It is a man," and enjoy (him).  

15. By running after men, by their fickleness of mind, by their natural lack of firm affection, these women, although carefully guarded, prove false to their husbands.

16. The husband, then, knowing the natural disposition of these women, as it was originally formed by the creation of Prajāpati, should take the greatest pains in guarding them.

17. The bed, the seat, adornment, desire, wrath, deceitfulness, proneness to injure and bad morals Manu ordained for women.

18. No religious ceremony for women should be (accompanied) by mantras,—with these words the rule of right is fixed; for women being weak creatures, and having no (share in the) mantras, are falsehood itself. So stands the law.

19. There are a number of revelations (crutayaḥ) of this sort sung even in the (Vedic) nīgamas in order to exhibit the distinguishing traits (of women). Hear the (verse of) expiation for (the sin of) these women.

20. "Inasmuch as my mother has gone astray and has sinned, being false to her husband, (therefore) may my

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1 Nand. reads rūpavatam arūpam vā, "endowed with beauty or without it." Cf. the same, Mbh. xiii. 38, 17, virūpam rūpavatam vā.
2 That is, Manu, the son of the self-existent (Nand.)
3 These three imply love of sleep, laziness, vanity.
4 Or perhaps better (with some MSS.), "lack of nobility," anāryatam (so Nand.)
5 Not the lawgiver, but the original creator, represented in vs. 16 by Prajāpati. According to the Mbh. Manu gave weak and foolish women to men when he himself was on the point of going to heaven (xiii. 46, 8).
6 Except marriage. Cf. ii. 67 ; Yaj. i. 13.
7 From other texts, and supported by general statements in the Nirukta, another reading is possible, according to which the meaning of the last part of this verse would be, "women have no manly strength, and have no share in an inheritance," nirindriyā adāyādāḥ striyo nityam iti ċruṭiḥ (or ... striyo nṛtam iti sthitīḥ, as in the common version). Cf. vs. 201, where nirindriyāḥ (masc.) are excluded from a share in the heritage. This meaning is supported by the Sūtras (cf. the text and quotations given by Mandlik, May., ii. 366-367), but is not the reading of Medh. or of K. Cf. Baudh. ii. 3, 46; with Bühler's note.
8 "A var. lcc. gives nigadā, kind of mantra" (Medh.)
father keep far from me this seed (of the adulterer).”¹

These are the words that illustrate (his expiation).

21. And if in her thoughts she meditate anything displeasing to him who has taken her hand in marriage, (this verse) is declared to be in due form an expiation for that (mental) sin.²

22. Whatever qualities the husband has to whom the wife is lawfully wedded, she becomes possessor of just such qualities, even as the (river) flowing to the deep (when united) with the sea.³

23. Thus the Aksamalā, though born of the lowest caste, when united to Vasistha, and the (bird) Sārāngī (when united to) Mandapāla, became worthy of honour.⁴

24. These and other women who have been born on earth in a lowly station have each obtained a high station through the noble qualities of their husbands.

25. Thus is declared the constantly pure everyday rule of life for man and wife. Learn now the rules concerning offspring, (rules) of which the result is happiness both after death and in this world.

26. When women (are found) blest because of offspring, worthy of honour, (true) lamps in the house, then there is not the slightest distinction in the homes (of men) between (them) and Happiness.⁵

¹ According to K. and Nand., “may my father take” or “purify,” etc. The formula is found elsewhere (Grhya Sutra of Çānkha-yana), and is otherwise applied.

² This verse is for the son to say, not the mother (K., Rāgh.)

³ The etymological meaning of the word river (nimamagā, going to the deep), strengthens the comparison, which is commonly used in philosophy to indicate the perfect union of the individual with the All. Cf., e.g., Munḍ. Up. 3. 2. 8. The same figure has been used to denote the union of desire on the part of the people and king, viii. 175. It applies here more particularly to the qualitative difference, as the fresh water becomes salt.

⁴ Aksamalā is probably an epithet (wearing an aksa wreath) of (the vine) Arundhati, who, though a Čāṇḍali (Rāgh.), attained heaven by her obedience to her husband, the renowned sage Vasistha. The Sāraṅgi or Čāraṅgi is the female Sāraṅga, a kind of bird, according to K. a sparrow (caṭakā). Mandapāla was a seer who became a male bird of this sort and had intercourse with her (cf. Mbh. i. 229, 5), obtaining four sons; thereby she had the honour of rescuing him from hell, as till then he was sonless, and had gone to hell through this deficiency in spite of his piety.

⁵ The similarity of sound probably occasions this sentiment, which is often repeated in the epic
27. To bear children, to take care of them when born, and to oversee personally the ordinary affairs of life (these acts) each for each depend on the wife.

28. Offspring, the due performance of religious duty, obedience, and the most profound voluptuous joy are dependent upon the wife; so also the (attainment of) heaven for the (husband’s) ancestors and for himself.

29. She who, restrained in mind, speech, and body, is not unfaithful to her husband, attains the abode of (her) husband, and is called virtuous by the good.

30. Now a woman from unfaithfulness to her husband gets blame in the world, is born of a jackal (on being born again), and is tormented by evil diseases.

31. Learn now this holy utterance, applicable to all mankind, declared concerning a son by the good and by the great seers born of old.

32. They are well aware that a (legitimate) son belongs to the husband, but in regard to the actual father (of an illegitimate son) there is a twofold explanation (given)

and in other smṛtis (cf. Dakṣa’s iv. Čīr ete stri; since the woman (stri) gives happiness, she is said to be identical with Happiness (śṛ), either as abstract condition or personification. The lofty sentiment is however restricted by the clause “because of offspring,” which is the sole reason from the standpoint of the law-book why women deserve honour. The same expression in va. 96 illustrates this. Cf. iii. 57, 61.

1 Paripālanam (or parakṣanam, Nand.)
2 Such as providing for the entertainment of guests and friends (K.)
3 Pratyartham (Medh.), or “oversee day by day” (pratyaham), (K.)
4 The care of the sacred fire, etc. (K.)
5 Attendance” (K.)
6 Ratī, so Rāgh., “pleasure by union with woman.”
7 By bearing a legitimate son, who, as the law says, saves his progenitors from hell.

8 Two MSS. Medh. have lokam (the world), the order in this and subsequent verses being in No. 935 much altered. So in the Mbh.: The daughter of the king of Videha sang a song, “Never a ceremony at the sacrifice, no feast for the manes, and no fasting bring heaven to woman; but obedience to law and to husband, thereby may women conquer heaven.” (Ref. Viṣṇ. xxv. 15, note). Cf. v. 155, and the same epithet sādhwī of the wife in the following. The verse is repeated by K. in v. 166; cf. note.

9 The jackal was very low in the system of transmigration, but not the lowest; the dog, for instance, was more unworthy. This verse is found at v. 164; cf. note.

10 Literally, “supporter;” here equal to owner (Nand.), i.e., husband.
11 Literally, “a doubleness of ċrutī.” Cf. Vas. xvii. 6 ff.
by revelation (cruti); some say the progenitor (owns him), others think the owner of the land.\(^1\)

33. The woman is said to have the nature of land; the man is said to have the nature of seed; the origin of all corporate creatures (is caused) by the union of land and seed.\(^2\)

34. In some places the seed is the chief (factor); \(^3\) in other cases the womb of the woman; when both are equal, the offspring is considered best.

35. (In a general comparison) between seed and womb the seed is called weightier, for the offspring of every created being is characterised by the characteristic of the seed.

36. Whatever qualities the seed that is sown in land which has been prepared \(^4\) at the (proper) time possesses, the same sort of seed grows up in this (land), endowed with qualities of its own (parent seed).

37. For (though) this earth is declared to be the eternal womb of created beings, (yet) the seed exhibits in the things produced from it not a single one of the qualities of this womb.\(^5\)

38. In the earth, even in one and the same (kind of) land, the seeds which spring up after being sown by husbandmen at the (proper) time are of various appearances, each according to its own natural qualities.

39. Rice, cāli, \(^6\) mudga, sesame, beans, and barley sprout

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\(^1\) Even if he, the owner of the land (i.e., the woman’s husband), is not the progenitor (K.) Medh. (Nos. 935 and 1551) has kartari (maker, progenitor, “actual father”) for bhartari.

\(^2\) “The twofold explanation” is given in 32, to which 33 is added to explain the terms used: “he now (in 34) gives an opinion of his own” (Nând.) “All corporate creatures” mean the four classes born of egg, moisture, sweat, or seed (Medh.), i.e., not animate alone.

\(^3\) The chief factor in determining the qualities of the offspring. Cf. x. 72. The first is illustrated by the case of Vyāsa, the second by that of Dhṛtarāṣṭra (Medh.)

\(^4\) By ploughing, etc. (K.)

\(^5\) In the stems and bushes no dust, earth, etc. (Medh., K.) More probably to be taken literally, ignoring the effect of different earths on the products. Whether the earth is dry, wet, etc., the seed produces its like all the same.

\(^6\) According to Nând., “rice or (other) grains, sesame, etc.,” omitting mudga; by some cāli is taken as also a kind of rice.
forth according to their seed, and so do leeks and sugarcanes.

40. “One thing sown, another produced”—these words do not express what properly occurs; for whatever be the seed sown, exactly that (kind) alone sprouts forth.

41. Thence a well-instructed man, aware (of this law) and understanding wisdom and science, should never, if he desires long life, sow (seed) in the wife of another man.

42. Those who know the things of the past relate songs sung by the winds, to the effect that seed should not be sown by a man in the wife of another.

43. Just as a dart is wasted if shot into a hole where (the hunter merely) wounds (an animal) which has been already wounded (by another hunter), so indeed is seed wasted at once when (sown) in the wife of another.

44. Those who know the things of the past know that the earth (prthivī) is the wife of Prthu; they say, too, that land belongs to him who clears off the timber, and a forest animal to him who owns the arrow (that first hit it).

45. It is said that the man is as much as his wife himself and his offspring; so the priests declare this saying: What the husband is, that the woman is said to be.

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1 Tad iti tamād arthe (Rāgh.)
2 Wisdom (jñāna) is the treatises of the Vedāṅga (or Vedāṅga and (law) treatises); science (vijñāna) is logic (tarka), etc. (Medh.) Wisdom is the Veda, science its subsidiary branches (K.) Čruti and smṛti, according to Rāgh., represent these two, while Nand. defines wisdom as “worldly knowledge,” and science as the “branches” (of law, etc., in general).
3 Either as material or immaterial, i.e., the god Vāyu.
4 Yathā means “for which reason” (yena hetūnd), and he then gives the song (= 43) (Nand.); so Medh.
5 Enclosure, field, wife.
6 According to another reading, “at once” (kṣiptam) should be in parenthesis, and “sown” (kṣiptam) in the text. Medh. (No. 1551) has (nākṣiptam), and in (a) kṣiptuḥ (so 935). He also explains “a dart which wounds an animal already wounded by another dart shot by the same hunter.”
7 Cf. vii. 42. Although the earth was ruled by several kings before him, Prthu first got control of her (as it were, married her). The point of the verse is that he who marries is the owner, so that offspring belongs not to the progenitor, but to the woman’s husband. The kings subsequent to Prthu, according to Medh., have no legitimate claim of possession.
8 A var. l.c. in Nand. suggests that this was not always given as a quotation (prajēka ca).
46. Neither by sale\(^1\) nor by abandonment is a wife released from her husband; so we recognise this as a law laid down of old by Prajāpati.

47. Once only a share\(^2\) falls (to a person’s lot); once only is a girl given in marriage; once only one says, “Let me give”\(^3\) These three (things) are in each case\(^4\) (done but) once.

48. Just as in the case of cows, mares, female camels, slave-girls, buffalo-cows, goats, and ewes it is not the progenitor that owns the offspring\(^5\) even thus also (stands the rule) in (the case of) other men’s wives.

49. Those who, not owning the land but possessing the seed, sow it in the land of another man, never at any time receive the fruit from the crop thus produced.\(^6\)

50. As, should a bull beget a hundred calves by cows belonging to another owner, the calves (would) belong to those alone who own the cows, and the bull’s seed (would be) cast to no purpose;

51. So even thus those who, when they do not own the land, sow their seed in the land of another man, do good to those who own the land, and the possessor of the seed receives no fruit.\(^7\)

52. If there has been no agreement between those that own the land and those that own the seed, the advantage gained belongs plainly to those who own the land; the womb is more important \(^8\) than the seed.\(^9\)

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\(^1\) Cf. xi. 62. Sale of girls and even married women is known (Yāj. iii. 242). Even if one pays a thousand nīkṣa for her, he does not become her husband (Medh.)

\(^2\) The division of property of one’s father, etc., is referred to, with no allusion to a possible redistribution. Medh. says the division must hold, but if one complains afterwards that the division is unfair, he gets the same as the others; or if one is afterwards proved to have received a share illegally, it is still valid.

\(^3\) General gifts, or “I will give (the girl).”

\(^4\) Or, (var. lec.), “These three among the good are for once.” The verse illustrates the preceding (K.)

\(^5\) The one who lends the male animal is not the one who owns the young of the females (K.)

\(^6\) This is quoted by Vās. xvii. 8, with a contrary opinion (cf. Ap. ii. 13, 7) in 9.

\(^7\) Figuratively applicable to the wife as the land.

\(^8\) The reading balīṣa (more powerful) of the Beng. MS. is supported by (Nos. 935 and 1551) Medh., the MS. of Nand., and the gloss of K. (balavat).

\(^9\) The superiority of the “seed” in vs. 31 is due to the results produced
53. But both the owner of the seed and the owner of the land are known in this world to be (equal) possessors of all that which is produced in consequence of a special agreement respecting the seed.¹

54. If seed carried by a stream or by the wind grow up in the land (of another), this seed belongs to the owner of the land alone;² the one who sows does not (in this case) receive the fruit.

55. This is the law³ which should be recognised in regard to the offspring of cows, mares, slave-girls, female camels, goats, sheep, fowls, and buffalo-cows.

56. The value and worthlessness of the seed and the womb have been declared unto you: now I will next proclaim the chief duties of women in time of need.⁴

57. The wife of the eldest brother in respect to a later-born brother (is said to be) the wife of the Guru, and the wife of the younger (brother) is said (to be) the daughter-in-law of the eldest (brother).⁵

58. If, when there is no need,⁶ the eldest brother have sexual intercourse with the younger brother's wife, or the younger brother with the wife of the first-born (brother), they both become degraded, even (if they have been) commissioned (to act thus).

59. When there is a lack of offspring the progeny⁷ wished for may be procured by the wife being regularly

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¹ A special agreement regarding the sowing of the seed.
² So Nand., var. lec., tad jñeyam kṣetrikasyāya. Medh. has na vijī (possessor of the seed) for na vapiā (sower).
³ That is, this law of agreement (Medh., K.)
⁴ That is, when in need of children, when there is no offspring (Medh., K., Rāgh., and Nand.)
⁵ The daughter-in-law in one case implies as correlative mother-in-law, as Jones translates, but the text says only “wife of the Guru,” towards whom the strictest propriety is required, and to corrupt whom is one of the cardinal sins. Rāgh. takes Guru to mean the father instead of the father-in-law.
⁶ As in vs. 56. These verses, 52–58, are inserted in Burnell's copy of Medh. after vs. 58 of the eighth Lecture.
⁷ I.e., sons, who have the right of being heirs; in case other children are born the commission is, therefore, repeated (Medh.) The same commentator allows a putrikā (vide vs. 127) to take the son's place.
commissioned (to bear children generated) by the brother-in-law or some blood-relation of the husband's family.\footnote{Sapinda, so Medh. This formally introduces the levirate law, which is both recognised as right, and again (64–68) denied by the law-book. The wife is commissioned by the (husband or) Guru (K.), and the brother of the husband or some other Sapinda performs the duty of raising up a child for the (dead) husband. The Sapinda is generally anyone of the blood relations within six degrees (cf. v. 60). The practice is forbidden by Apast. ii. 27, 2–7, if the husband is alive, but with the widow is expressly enjoined by Gaut. xviii. 4, and xxviii. 21–22, and Vas. xvii. 56. Narada gives in his later law-book an elaborate account of the formalities. Our text speaks of the widow only, though the commentators understand as included "a wife without children." Cf. Jolly, Recht. Stellung, \& 18, where this passage is discussed.}  

60. The (man who is) commissioned, being anointed with ghee, and with voice restrained, shall beget at night one son by the widow,\footnote{Or wife, according to the commentators, if the husband lives without children (K.) Vide last note.} but never a second (son).  

61. Some who understand this matter\footnote{I.e., the law in cases of need (Nand.), or the rule for raising up offspring (K.)} think a second procreation by (\"ch\) women is in accordance with the law of right, as they consider the purpose of the commission (still) incomplete (if there be only one son).\footnote{Gaut. xviii. 8 permits this in laying down the rule "not more than two sons." An expression quoted by Medh. and K. occurs often proverbially in the epic, "He who has one son has no son."}  

62. But when the purpose of the commission in regard to the widow has been completed according to rule, the two should act toward each other as (if they were) Guru (father-in-law) and daughter-in-law.  

63. If the two who have been commissioned dispense with the rule,\footnote{The rule (cf. vs. 60) of anointing, etc. (K., Nand.)} and act\footnote{MS. of Nand. gives "if they raise up children by lust."} according to the promptings of lust, they would both be degraded; having (in theory) violated, (the one) the daughter-in-law, (or the other) the wife of the Guru, (mother-in-law).  

64. A widow woman\footnote{Vidhavā nāri like mulier vidua.} should not be commissioned by twice-born men (to have carnal intercourse) with any other man (than her husband), for those commissioning (her to
have carnal intercourse) with any other man would violate the eternal law of right.  

65. In the mantras on marriage 2 (such) a commission is never mentioned, and the second marriage of a widow is not spoken of in the rule of marriage.

66. For this is reprehended 3 by the twice-born who are wise, as a law (fit only) for cattle; (but) it was declared (to be the law) even for men when Vena ruled over his kingdom.  

67. This supreme 5 king-seer, enjoying the possession of the whole earth long ago, produced a mixture of the (different) castes, his mind being destroyed by lust.  

68. From that time on the good blame any one who in delusion commissions a woman to raise up offspring when her husband is dead.  

69. If the (intended) husband 6 of a maiden die after troth has been plighted, 9 her own brother 10-in-law should marry her according to the (following) rule.

70. Approaching her according to rule, she being clothed

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1 Vss. 64-68 contradict 59-64, and are probably a later addition.
2 Verses from the Vedas contained in the house-rules for recitation at a wedding.
3 Or, "This law of cattle is reprehended by the wise."
4 No other authority exists for this statement.
5 Not supreme because of virtue (K.)
6 He is known as an impious king, claiming sacrifice for himself instead of the gods. Vide vii. 41. Some MSS. have Vena.
7 K. and Nand. say: This denial of the commission declared by himself (Manu) appertains only to the Kali age, as Brhaspati says: The commission is proclaimed by Manu (v. Jolly, loc. cit., p. 97) and forbidden by him, so this practice cannot now be performed on account of the weakness of the age. To this and other verses quoted from Brhaspati, K. adds a disapproval of Govinda-rajā: "Now Gov. not understanding the state of things caused by the difference in the ages, declared that not to have the commission was at all times better than to commission the widow. I have no respect for this opinion, which is made up out of his own head and contradicts the sage's opinion." Nand. does not notice this. It is probable that the original rule was acted on too freely and produced a nominal reaction; the custom has continued, however, without restriction to modern times in spite of widow-burning, and at the time of Mandeslo was in general acceptance.
8 I.e., the bridegroom, future husband, like the cūkada of 97, q.v.
9 That is, after she has been promised in marriage.
10 I.e., of the woman. The own brother of the husband (K.) Nand. defines this as patidevarah.
in white, and true to observance of purity, let (the brother-in-law) have intercourse with her once regularly at the proper seasons, until a child is conceived.\(^1\)

71. A wise man, after giving a girl to one man should not give her again (to another); for by giving her (once) and offering her a second time he is guilty of an untruth respecting man.\(^2\)

72. Even after marrying a girl according to rule (the husband) may abandon her (if he find her) blameworthy, sickly, very corrupt,\(^3\) or married to him by fraud.\(^4\)

73. If a man give a girl (in marriage) when she has defects without telling of them, (the husband) may make void this (gift) of that evil-minded man who gave him the girl.\(^5\)

74. A man\(^6\) who has business to attend to (away from home) should take his journey (only) after establishing some means of sustenance for his wife; for a woman, even if inclined to abide by the law, may become corrupt if she is harassed by lack of means of sustenance.

75. When (the husband) has gone off on a journey after establishing means of sustenance (for his wife), she should live with strict adherence to vows of chastity; but if he take a journey without establishing means of sustenance, she should live by (any) blameless acts.\(^7\)

\(^1\) These two verses are an attempt at restricting the former law (without denying it) to cases where marriage is as yet not consummated. The connection ceases after the ceremony, and the son belongs to the dead.

\(^2\) That is, he commits a sin equal to stealing a man (Médh.) or killing 1000 relatives (K.) Cf. viii. 98. The allusion is probably to deceit after receiving marriage money; cf. 99. Yâj. i. 65 says the girl may be given to another suitor (after being promised), if he is better than the first. Médh. and K. understand a second betrothal when the first bridegroom is dead.

\(^3\) Or, with Médh., K., and Nand., "if she has already lost her virginity;" but the translation required in xi. 177 is as above.

\(^4\) This is not to recommend divorce, but to inculcate the necessity of the wife's being blameless (K.)

\(^5\) Cf. viii. 205: "It is no fault if he has declared her blemishes;" and \textit{ib.} 224 the fine is 96 \textit{panas} if he does not declare them. Yâj. makes the fine much higher. In Nand. MS. \textit{prayacchati} for \textit{papâdayet; tasyāpi} for \textit{tasya tad}, and \textit{kanyâdânam} for \textit{dâtur}.

\(^6\) According to the Nand. MS. a twice-born man (\textit{dvijah}).

\(^7\) By spinning and the like (Médh.) The Nand. MS. places K.'s 95, 96, between 74, 75.
76. A man should be waited for (by the wife) for eight years when he has journeyed off in order to attend to religious duties; six years if he has gone to gain wisdom or glory; but (only) three years (if he has journeyed) for love's sake.\footnote{1}

77. The husband should wait\footnote{2} one year for a wife who hates him; at the end of the year he should take away what (he) has given her, and not live with her (any more).\footnote{3}

78. If a woman transgress (in her duty toward a husband when he is) either neglectful\footnote{4} of her, or a drunkard, or troubled with disease, she should (nevertheless) be set aside for three months without (the use of her) ornaments and (feminine) paraphernalia.\footnote{5}

79. (But if she transgress) because she hates\footnote{6} (a husband when he is) crazy, degraded, castrated, impotent, or afflicted with an evil disease, (that husband) has no right to set her aside, or take away the gifts (he has given her).\footnote{7}

\footnote{1} "Religious duties," i.e., in obedience to a command of the Guru, or a pilgrimage, etc.; "wisdom," i.e., by study; "love," i.e., when he has left his wife for another woman (Medh., K.) Medh. quotes the opinion of those who permit a woman in five cases to marry a second time, and refutes this explanation for this passage (vide vs. 46), as a second marriage appears to him inadmissible. K. quotes Vas. to the effect that the wife of a husband absent on a journey should wait eight years and then go and hunt him up. (The received text of Vas. xvii. 75, 76, gives only five years.) In Gaut. xviii. 15 the six years are mentioned, with the addition attributed by K. to Vas. Yāj. i. 84 directs that when the husband is away the wife shall give up play, adornment, visiting, etc. Nand. says she may marry another husband at the expiration of this time, and his explanation seems correct. K.'s idea that she is to follow him rests on a later view in regard to second marriages; cf. 175.

\footnote{2} The same verb as in vs. 76, as if by hating she had separated from him, and he "looked forward" to her return.

\footnote{3} "Not live with her," i.e., not have sexual intercourse with her (Nand.); "what he has given her" is simply the jewellery, ornaments, etc., that he has given her. These are to be taken away (K., Rāgh.); but by ix. 292 he must keep her supplied with food and clothes (Medh., K., and Rāgh.)

\footnote{4} Neglectful on account of his love for gambling (K.), or greed (Rāgh.)

\footnote{5} In this case her jewellery, bed, etc., are taken from her (K.); according to Medh., even her servants.

\footnote{6} The MS. of Nand. supports the reading dvijānāyā (so both Medh. MSS., No. 935 and 1551).

\footnote{7} In this case, however, she has a right to leave her husband according to the Sutras (Vas., Baudh.), and according to Nar. xii. 97, ought to do so.
80. If a woman indulges in intoxicating liquors or does sinful things, or opposes (her husband), or is diseased, or plagues (her husband), or is always wasting his money, she may be over-married.

81. A sterile (wife) may be over-married in the eighth year (after marriage); if her children have died (she may be over-married) in the tenth (year); if she bears (only) female (children), in the eleventh (year); but instantly, if she says disagreeable things.

82. A wife, if she be of a lovable disposition and endowed with virtue, should, when diseased, be over-married (only) with her own permission; and at no time should she be despised.

83. But if a woman having been over-married leave (her husband's) house in wrath, she should instantly be put in confinement, or be set aside in the presence of the family.

84. If a woman, even when she has been forbidden, go to (drinking) intoxicating liquor, even on festal occasions, or go to an exhibition, (or into) a crowd, she ought to be fined six kṣṇāla.

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1 i.e., beats her husband (and other relatives), (K.)
2 Or (under these circumstances) she may always be, etc.
3 "Over-married," i.e., superseded by another wife (K.), who takes her place; but this does not force her to leave the house.
4 The latter case should be restricted to wives who have no male offspring, for if the wife has a son, the husband, in accordance with Āpastamba's prohibition, must not over-marry her (K.). Cf. Ap. ii. 11, 12.
5 That is, if she grow angry and leave the house. The superseded wife does not necessarily leave the house.
6 In the presence of the family, beginning with the father (K.) Rāgh. translates kula (family), as a collection of people, and directs that regard be paid (in selecting them) to place, time, and family. Medh. refers the family to the relations of her husband and those on her own side.
7 The ordinary fault is not so great, but the (first) word even (although) shows a greater crime accompanies the fault when the woman is forbidden, and the (second) word even shows that the fault is less on festal occasions (Nand.) "A woman," i.e., of Kṣatriya (lower) caste; "forbidden," i.e., by her husband; "intoxicating liquor," i.e., the liquor forbidden (perhaps by law, as the Kṣatriya could drink certain kinds).
8 "Exhibition," etc., an open show, at a dancing place or other show (K., who takes the compound as "crowd at a show"); "festal occasions," a birthday party, marriage, etc. (Medh., K.)
85. If twice-born (men) marry women both of their own (caste) and of another (caste), the pre-eminence, honour, and apartments 1 of these (wives) should be in accordance with the order of (their respective) castes.

86. Among all (men) the (wife who is of one's) own (caste) should alone attend both to the bodily service of the husband and to those regular occupations (of a wife) enjoined by duty. 2 (A wife) not of his own caste (should) at no time (perform these acts).

87. The man, however, who foolishly allows this to be done by any other (wife) than the one of his own caste when the latter is at hand, has been of old 3 looked upon as (no whit better than) a Cândala of a Brahman. 4

88. One should give a girl in marriage according to rule to that suitor who is of high (family), 5 handsome, and of like (caste), 6 even though she has not reached (the age of puberty). 7

1 Possibly "in the house" (ṣeṣṭmanī); so the Nand. MS. Cf. Rāgh. Instead of "apartment" we may translate house, as Medh. and K. understand. The "honour" is shown by gifts of clothes, ornaments, etc. Cf. Mbh. xiii. 47. 31 (attributed to Manu): "If a Brahman has three wives (of different castes) and marries a Brahman woman, she becomes the chief (yjeṣṭhā), the honoured one (pājyā), etc. There is one name for dārā (wives), but a great difference between them."

2 Such as giving food to beggar guests, attending to her part of the sacrificial preparations, etc. (K.) The Mbh. in the passage just quoted gives an interesting review of the duties of the chief wife. The Brahman wife bathes and adorns her husband; she cleans his teeth and anoints him; the sacrifices (kārya and kavya) ordained in the house are to be performed by her alone; and since she is the most venerable, she must give her husband his food, drink, wreaths, clothes, and ornaments.

3 Medh., or "by the old seers" (K.)

4 That is, although a Brahman he is considered as low as a Cândala, the son of a Čudra and Brahman woman.

5 Medh., or simply "excellent," "in family and habits," etc. (K.)

6 (K.), or "like in caste and other respects" (Medh.)

7 The age of the girl differed according to the family and caste custom; for some twelve, for some eight years are recommended; others say she should be given to her husband while she still runs around the house naked (Vas. xvii. 70; Gaut. xviii. 23; Baudh. iv. 1, 11–14). K. quotes Dakṣa (cf. vs. 94) as approving eight years. Twelve years seem to be the limit. If unmarried at that age, the girl is disgraced and her father has sinned. Medh. objects to marriage at eight years, as such are contracted for money. The age of puberty is reached by women in India at ten or twelve years. The explanation of Nand. is different, "not fitted, i.e., even if not similar
89. Better that the girl, even if she has arrived at the age of puberty, should remain at home till her death than that one should ever give her to a suitor lacking in (good) qualities.  

90. A girl having reached the age of puberty should wait three years (for a husband); but at the end of that time she should (herself) choose a husband of like (caste).  

91. If she should herself take a husband when she has not been given (in marriage), she is guilty of no crime, nor (is he guilty) whom she takes (as husband).  

92. A girl choosing for herself should not take with her the ornaments (received) from her father, nor those (she has received) from her mother, nor those given by her brothers: if she took them she would be a thief.  

93. But a man who takes a girl that has (already) reached the age of puberty should not give marriage money to (her) father; for by (thus) hindering the natural exercise of the female functions (the father) would lose (his) ownership.

(to the husband) in age, beauty, and other respects. "According to rule," means with the customary ceremonies.

1 "Good qualities," such as wisdom, bravery, etc. (Medh., K.) According to some this is denied; it is better for the girl to be married to somebody, no matter whom. Modern instances will be found in the Appendix to Mandlik's edition of the May., ii. p. 427.


3 That is, wait for her parents to get her one. (Nand. reads upāsita; so Medh. MSS., Nos. 935 and 1551).

4 (Medh. and K.) The period of waiting begins at twelve (Medh.)

5 i.e., by her relatives. Rāgāh says her self-choice of husband is legal only when there is no one to give her in marriage; she is then blameless even if she choose a husband who is not excellent.

6 Or, "it would be theft" (Medh. as v. l. Nand.) This self-choosing of the bride (svayamvāra) was the ancient custom, well known by the epic tale of Damayanti and other cases; it is conceded here out of respect for the old custom, but was not practised at this date; and the restrictions in regard to property show it was not really approved of except as a last resort. Yāj. i. 64 and Nar. xii. 22 permit the svayamvāra when there are no relatives to give the girl in marriage (cf. Viṣṇu, xxiv. 40–41). Vas. xvii. 68, Gaut. xvii. 20, among earlier writers, permit this without distinction of caste; in the epic it is confined to royal maidens; among later commentators it is restricted to the lower castes. In the text the gifts were given as marriage presents before the svayamvāra was decided on (Medh., K.)

7 The law-book is contradictory on the subject of marriage-money
94. At thirty years of age a man may marry a beloved girl of twelve years, or, (if) he is thrice eight years, (he may marry a girl) of eight years; if his religious duties would (otherwise) be unfulfilled (he may marry) at once.¹

95. Should the husband marry a wife given by the gods, and desire to practise what is pleasing to the gods, he should, though himself without love,² always support her (if she be) virtuous.³

96. Women are created in order to bear children, and men (are created) in order to beget posterity;⁴ therefore common religious duties (for the man) with his wife are declared in revelation (pruti).

97. If the giver of the marriage-money should die after the marriage-money for the girl has been given, the girl should, if she be willing, be given over to her (expected) brother-in-law.§

98. Not even a Çūdra (when) giving his daughter (in (for such is meant by Pulakam). Cf. iii. 23, 24, 51, 52; viii. 366; ix. 46, 71, 97, 98; xi. 62, etc. So Nar. xii. 23; Vīṣ. v. 43. Cf. Jolly, Recht. Stell., § 7. Medh. thinks the verse is not Manu’s (anāñavaṇam clokaḥ). The purchase of the bride is the more ancient form, which the later writers sought to eradicate.

¹ K. refers this to the duties of the householder, as the Brahman must marry on completing his studentship, which may perhaps be ended before he is twenty-four years old. The verse is a general injunction that the bride should be about a third as old as the bridegroom; the time given in the text being only used as an illustration (Medh., K.)

² I.e., even if he hate her because she hates him (Rāgh.) he must support her, for she is given by Bhaga, Aryaman, Savitar, etc. (K.), by Soma, and Gandharvas (Nand.)

³ Cf. vs. 29, where the epithet is quoted as the title of a good wife. If he did not support her, the mutually given honour to the gods would fail, and so this would displease them (Medh.) Another reading is, “he marries a wife given by the gods, not by desire of himself.” Medh. prefers the one translated above (vindetā nicchayā).

⁴ Or, mortals were created, female for bearing, male for procreating; literally, for (self-)continuation. Cf. vs. 27.

⁵ K. The rules for laying on the holy fire, etc., are common to husband and wife (K.) The moral is that even disliked wives should not be deserted (Medh.)

⁶ In vs. 69 no agreement on the part of the girl is necessary. Nārada (xii. 30) says in a like case that when the marriage-money has been given, and a better (richer, etc.) suitor comes, she is to be given to him. The Mbh. lays down the rule (xiii. 44, 52) that when the suitor dies the woman may be given to his brother, or remain at home and perform penance. Nand. says, “or given to another” (if she does not consent to the brother-in-law).
marriage) should take marriage-money; for (by) taking
marriage-money one makes a secret sale of one’s daughter. 1

99. Truly neither good men of old, nor good men of
later times, have ever performed this (sin) of promising
(a girl) to one man, and giving her over again to another
man. 2

100. For, truly, we have never heard that even in
former ages a secret sale of a daughter (was made) for a
settled price, under the name of a marriage-offering
(culka). 3

101. Let there be mutual fidelity ending in death
(alone); this, in few words, should be recognised as the
highest law of duty for man and wife.

102. And ever thus should the man and wife who have
been united by the ceremony (of marriage, etc.) give
constant heed lest they mutually commit transgression. 4

103. Thus has been declared to you this rule of right in
regard to man and wife, (a rule) founded on love; and the
(means of) obtaining offspring (have been declared): learn
now the law 5 of inheritance.

104. After both the father and the mother (are dead),
the brothers, having come together, should divide the
paternal 6 inheritance; for while the two (parents)

1 In Nand. the arrangement is 98, 100, 99, 101.
2 Cf. vs. 71.
3 The contradiction in the teaching regarding the culka (97, 98)
results from the probably later prohibition being inserted without
modifying the original text permitting the practice. The culka,
in plain words, was money or goods paid for a wife. Such is the defi-
nition in the Mitaksara, and such is apparent in the use of the law-
books. It was undoubtedly a common occurrence, and this denial
of the fact as a usage is contradicted by other portions of this
same work. From early times to those of Mandeslo and till to-day,
the girl was sold as openly as cattle or grain. The pretense that
it was an honorary offering was probably mere pretense. In the
Mbh. (xiii. 45, 18 ff.), “he who sells his son or gives his daughter for a
culka goes to hell. The sale of a daughter, although practised by
some people, is not the eternal rule of right” (in the song of Yama).
Vide note vs. 93.
4 Both the Medh. MSS. (No. 935, and 1551) have niyuktav.
5 Some MSS. have dayabbaga, partition of heritage; the MSS. of
Medh. have dharmam so Ragh.; some MSS. of K. and Nand. have bhaga.
6 The word “paternal” seems to include maternal property, though
explicitly denied by the Dhy. Bhag.
ii. 2. K. refers to Yaj. ii. 114 to
are alive the (sons) have no power (over the property).\(^1\)

105. Now the eldest\(^2\) alone may take the paternal property without leaving anything, and the remaining (brothers) may live supported by him just as (if he were their) father.

106. By means of the eldest (son) as soon as he is born\(^3\) a man becomes possessed of a son, and is thus cleared of his debts towards the manes;\(^4\) therefore this (eldest son) deserves the whole (inheritance).

107. (That son) through whom the father pays his debt, through whom he gains eternity—this son alone is duty-born;\(^5\) the other (sons) they recognise (only) as (sons) born of desire.

108. As\(^6\) a father would protect his sons, (so) should the eldest (brother) protect the younger brothers, and they should act in accordance with their duty toward the eldest brother, even as sons.

109. The eldest causes the family to flourish, or, again, he causes its destruction;\(^7\) the eldest is most honoured among men; by good men the eldest is not disparaged.

110. That eldest (brother) whose conduct is that befitting an eldest brother should be (honoured) like a mother, like a father; but he whose conduct is not that befitting

\(^1\) "Power (over the property)" means they have no right to divide it.

\(^2\) Sometimes the *jyesṭha* is a variablen

\(^3\) *That is, even before he has become initiated into the caste order (K.)*

\(^4\) The Hindu has three debts—toward the gods, manes, and men; the first is paid by sacrifice, the second by offerings, the third by charity. K. quotes the caturī, “No world (of heaven) exists for one not possessed of a son” (Ait. Br. vii. 3, 9.)

\(^5\) Born for the sake of duty, to fulfill a religious duty, which is the reason why he was begotten (K., Rāgh., and Nand.)

\(^6\) This verse follows 109 in the Nand. MS.

\(^7\) According to the qualities he possesses (Medh.)
an eldest brother should be respected like an (ordinary) relative.\textsuperscript{1}

III. They may live either in this way together, or (let them live) apart (if influenced) by desire for religious duty; religious duty \textsuperscript{2} is extended (by living) apart, therefore separate ceremonies are in accordance with religious duty.

II12. One-twentieth (is) the portion to be taken out for the eldest, and (also) whatever (is) most desirable out of the whole property; \textsuperscript{3} a half of that would be (the share of the middlemost, and a fourth (the share) of the youngest (brother).\textsuperscript{4}

II13. Thus both the eldest and the youngest should take to themselves (their portions) as (just) explained; if there are other (brothers) beside the elder and younger, they should have the middlemost property.\textsuperscript{5}

II14. The one born first should take the best \textsuperscript{6} of all the things possessing any real value,\textsuperscript{7} and also whatever

\textsuperscript{1} The text means that the eldest born, if endowed with good qualities, is honoured as a father; a lack of virtue is entailed upon his posterity, and so he is the ruin of the family (K.) Cf. Gaut. xxviii. 4. The ordinary relative is a maternal uncle or other such relative (Medh., K., and Rāgh.)

\textsuperscript{2} “Duty” (dharma) means here religious duty and ceremonial duties. A free translation would be: or let them live apart if influenced by a desire to fulfil certain duties, for thus ceremonial duties are extended; and consequently living apart and having separate ceremonies (instead of one ceremony for the whole family) is lawful and proper. Religion is extended by multiplying rites and spreading the five great sacrifices over a larger area. K. quotes from Brhaspati the remark that the honour given to gods, manes, and Brahmans by those who live and cook together (i.e., form one household) is isolated; but if the brothers live apart, each branch of the family would show the same honour. The priests, it may be observed, would be better served by the family dividing into different households.

\textsuperscript{3} Ațhā vā dravyeṇa aparāṁ varam, as var. lec.

\textsuperscript{4} Or half of that, i.e., of the half, according to the text in May. The same authority says that the udbhāravibhāga, portion deducted for the eldest, is not permitted in this (kali) age, p. 35. A point expanded to the application of local laws by Medh., who quotes this law as falling under the same restriction as that of cow-killing, and nīyoja (commission of widow), namely, being, according to some, antiquated.

\textsuperscript{5} That is, each would receive one-fortieth (K.)

\textsuperscript{6} Literally, “the top-born takes the tip-top.”

\textsuperscript{7} Or, “of all the kinds of property” (Medh., K.)
is most excellent;¹ and from ten (cattle) let him take the most desirable.²

115. If (the sons are all) perfect in their own occupations, there is among ten (cattle) no (one) portion taken out (for the eldest), but some trifle only should be given to the elder (brother) to indicate an increased respect (for him).³

116. In case the portion to be taken out (for the eldest)⁴ has been thus taken out, let one arrange equal shares; in case the portion to be taken out is not taken out, let the following be the arrangement of the shares of these (brothers):

117. The eldest should take (a share) increased by one (share),⁵ then the son next born⁶ (a share) with a half (share) added, and the younger (brothers) one share each; with these words the right rule is established.

118. Moreover, out of their respective shares the brothers should individually bestow a fourth part, each from his own share, upon the girls;⁷ if they should be unwilling to give (such a portion) they would be degraded.

¹ As one garment or ornament (Medh.) Repetition of verse 112 (Medh., K.)
² Cf. Gaut. xxviii. 12. "Out of ten cattle (daçaatah) let the eldest take one" (sic K.; the text received gives quite another meaning; cf. Bühler's translation and note, whereby he would receive ten), i.e., if he is virtuous (K.) Medh. gives the same interpretation.
³ The Day. Bhâg. remarks that, as now-a-days (younger brothers) have not much respect (for the elder brothers), the custom of taking out a share (one-twentieth, etc., ride 112) for the elder brother has died out, and equal partition is the rule (iii. 26–27.)
⁴ That is, the twentieth part; cf. vs. 112.
⁵ That is, two shares, while the next takes a share and a half, and the other younger brothers one share apiece. K. makes the whole arrangement liable to change if the necessary wisdom and virtue fail in the chief shareholder.
⁶ Or, "the following" (apara) in May. Medh. MSS. (both Nos. 935 and 1551) have anujah.
⁷ The Day. Bhâg. makes this apply only when the wealth is comparatively small; if large, only enough to defray wedding expenses is to be given, and only when the number of sisters is equal to that of the brothers. Medh. says the sister is not to have a fourth of the wealth if the brother's is very small. K. remarks that the amount of the sisters' shares depend on their mother's caste; they receive their shares when they have not been married (so Medh.), and should take them from brothers of the same mother (or caste, Medh.) Cf. 149 ff. Although, if such brothers fail, the others should give her the share for the sake of the initiation, as Yâj.
119. One should indeed make no division\(^1\) of goats, sheep, and animals with uncloven hoofs\(^2\) when they do not fit into an equal division, but the goats or sheep (thus remaining over and) not fitting into an equal division are appointed for the eldest alone.

120. If a younger (brother) were to beget a son by the wife of the eldest, the division between them\(^3\) should be equal: with these words the right rule is established.

121. The subordinate does not, according to law, take the place of the principal\(^4\) (in respect to his legal rights); the principal (becomes) a father by this procreating; one should therefore have this (son) share (with his uncle), in accordance with the law of right.\(^5\)

122. (Suppose) the youngest son (is born) by the eldest (wife),\(^6\) and the first-born (son is born) by the youngest (wife), how should the division be between them? If a doubt should arise expressed in these words,

123. (We answer it thus): The first-born\(^7\) should receive

\(\text{says (ii. 124). \ The Day. Bhûg. (iii. 37) makes here the fine distinction that the unmarried girls do not get this property by right of inheritance (as the Mitâks, claims), or it would not be given by the brother out of his inheritance; which is only playing with terms (to prove that money to defray the wedding expenses is meant and no more); for if the daughter has a legal claim on one-fourth the brother's inheritance, then that is her inheritance defined and limited by the brother's.}

\(^1\) Not only are the animals left over after an equal division not to be divided, but no money equivalent should be received for them (Medh., K.). The reading of the May. repeats sai'kaçapham in (b).

\(^2\) Horses, mules, etc. (Medh.)

\(^3\) The division is equal between the son thus born and his natural father (really his uncle); the portion which would have been taken out for the father, i.e., the eldest brother, is in this case not bestowed. These, two verses recognise the nîyoga, condemned in vss. 64–68.

\(^4\) The subordinate is the representative, the son; he does not receive the extra share of the principal, i.e., the (deceased) husband of the commissioned wife.

\(^5\) I.e., since his legal father became his father only by commission, he does not become superior to the younger brothers (of that father), one of whom is really his father; and not being superior (as was his legal father), he forfeits the right of the extra portion due to that father.

\(^6\) I.e., the wife first married (Medh., K.)

\(^7\) Medh. and K. define pûrvâja as "the son born of the first wife, even if he is the youngest," and render svâmâtrah "in consequence of their mothers," as explaining "inferior;" but Gaut. xxviii. 14, shows that the eldest son is intended, even when born by other than the first wife. This verse gives the rule for the eldest son, irrespective of his
one bull as his portion, to be taken out (of the general inheritance); after this the other bulls, not the best,¹ (belong), according to their mothers, (to his brothers who are) inferior to him (in point of age).

124. But when the eldest (son) is born of the first (wife), he should take fifteen cows and a bull;² then the rest may divide according to their mothers:³ with these words the rule is fixed.

125. If sons are born by mothers of equal (caste, and consequently) without any distinction (of caste), the seniority is not according to their mothers,⁴ (but) the seniority is declared (to be) according to (the time of) birth.

126. It is said that the invocation (contained) in the Subrahmanya⁵ (verses) (is settled by) primogeniture; and the superiority of a pair of sons (engendered at the same time) in (different) wombs is according to birth.⁶

127. One who is without a son should, by the following rule, make his daughter provide him a son:⁷ “The offspring which may be hers shall be for me the giver of offerings to the manes.”⁸

128. For of old Dakṣa himself, the primeval parent, in order to increase his race, made his daughters provide sons in the following manner:

¹ Or the next best bulls (K.); best, i.e., in quality only (Medh.)
² Medh., K. Cf. Gaut. xxviii. 15.
³ According as the mother is older or younger, or as she is married earlier or later (Medh.)
⁴ I.e., the time of the mother’s marriages; for, in general, the priority of the mother’s marriage indicates that she belongs to a higher caste.
⁵ Sātvāmyā is the inferior reading given in the May. text; but (as K. here correctly observes) where two sons by two wives are engendered at the same time, the first seen is the heir. Another belief is noticed in the May., that the first born of twins is the last conceived, therefore the (right of) primogeniture is given the twin born last.
⁶ This formula of the Putrikā is said at the time the daughter is married, and with the consent of her husband (K. Vide K. to 136).
⁷ That is, shall offer oblation to my manes (myself and ancestors) when I am dead. Medh. quotes here the verses of Gaut., xxviii. 17 ff.), noting an informal, secret commission of this sort on the part of the father (vide below, note to vs. 136).
129. Ten he gave to Dharma, and thirteen\(^1\) to Kaśyapa, and twenty-seven to King Soma, treating them kindly and pleased in heart.

130. Even as the (man’s) self, so is the son; the daughter is equal to the son;\(^2\) how can any one, other than the daughter abiding in himself, receive his property?

131. All the personal property\(^3\) of the mother should become the share of the daughter;\(^4\) and the son of the daughter alone should take the whole property of (his mother’s father if he dies) without a son.

132. And, indeed, since\(^5\) the son of the daughter takes the whole inheritance (of his mother’s) father (who) died without a son, he alone should give two funeral cakes, (one) to his father, and (one) to his mother’s father.\(^6\)

133. There is, according to the rule of right, no difference among men between the son of a son and the son of a daughter,\(^7\) for the mother and father of these two are both born together from the body of this (common parent).

134. If, now, a son should be born (to a man whose daughter) has previously been appointed to provide a son, the partition would in that case be even,\(^8\) for a woman has no right of primogeniture.

135. Now, if the daughter appointed to provide a son should at any time die without (leaving) a son, the husband of this daughter (who has been) appointed to provide a son may take her property without hesitation.\(^9\)

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\(^1\) From these thirteen given to Kaśyapa, the whole world, men, gods, and demi-gods, were produced.

\(^2\) The Man. does not (as do Medh. and K.) refer this to the daughter appointed to provide a son, and adds that if there are several they divide.

\(^3\) The property given her by her father, etc., at marriage.

\(^4\) K. quotes Gauṭ. xlviii. 24; the woman’s property goes to the unmarried or poor daughters.

\(^5\) Some erroneously regard this as a mere repetition, reading “if he takes” (Mehb.) (Cf. vs. 136.)

\(^6\) Cf. 136 and 140. (Nand. reads tat pingam); he has to play the part of son to each.

\(^7\) Cf. vs. 139.

\(^8\) That is, the portion ordinarily taken out for the eldest son should not be given to the daughter appointed to provide a substitute for this son (K.)

\(^9\) This son is not the Kānma of vs. 172, although no restrictions of this or any other sort are implied in the text; the girl has been actually married, as bhavitr shows.
136. When a daughter not being appointed, or even being appointed, receives a son by a (man) of like (caste), the father of the mother becomes through him the possessor of a son, (and this son) should give the funeral cake and take the property.¹

137. Through a son one conquers worlds,² through a son’s son one attains endlessness, and through the son’s son of a son one attains the world of the sun.

138. Since from hell, called put, the son (putra) preserves (trā-yate) the father, therefore, putra was he called, even by the Self-existent himself.³

139. Properly there is no difference among men between the son of a son and the son of a daughter, for even the son of a daughter, like the son of a son, causes him to be saved hereafter.⁴

140. The son of a daughter appointed to provide a son should cast down a funeral cake in the first place to (his) mother, and (he should cast down) a second to her father, and a third to her father’s father.

141. Now, if a man has a son-given endowed with every good quality, this (son) alone should receive the inheritance of that (man), even (if he has been) adopted out of another family (gotra).⁶

¹ The difference between this and vs. 132 is the fact that it makes no difference whether the formality enjoined in vs. 127 is gone through with, or whether the father, without repeating the formula, merely intends that his daughter should be authorised to provide a substitute. This view is alluded to by Gaut. xxviii. 19, who says it is on that account that a man is advised to marry no girl without brothers (cf. Yaj. i. 5. 3). K. remarks that Govindarāja wrongly interprets this to mean that any daughter’s son has an equal right of inheritance with the Pautrikeya. Cf. Vas. xv. 6. Medh. says decidedly that the verse refers to the Pautrikeya only.

² Heaven (svarga) and other places devoid of sorrow (Medh.) Cf. Vas. xvii. 5.

³ This pun is often repeated in legal and epic literature.

⁴ Cf. vs. 133; the daughter is the one appointed to provide a son (Medh., K.)

⁵ Medh. records that some read pitus tasya (“his father”), but compares vs. 132.

⁶ K. and Medh. with Govind. disagree in regard to the conditions under which the son-given (cf. vs. 159) may take the property, opening a discussion as to whether this means the good qualities of the son-given are to have more weight than the claims of a son of the body not so endowed, or the claims of a wife’s son, as a question not touched upon by the text, and apparently unknown to Nand., who dismisses the verse with a simple “self-evident.” (Both Medh. MSS., Nos. 935 and 1551, read dātrinah).
142. A son-given should at no time take the family and inheritance of his progenitor. The funeral cake, (which) follows the family and inheritance, and the offering to the manes, (which would have been offered) for the giver (of the son), die out.

143. Both the son of a non-commissioned wife, and (a son) obtained (by a wife) from a brother-in-law, when (this wife already) has a son, do not deserve a share (in the inheritance), (as they are respectively) produced by a seducer and born of lust.

144. Even if the wife has been commissioned, the male child not born in accordance with the set rule has no right to the patrimony, for he is begotten by one (who by violating this set rule has become) degraded.

145. The son born of (a wife who is) commissioned may inherit just like a son of the body; moreover, that seed and the progeny rightly belong to the owner of the land.

146. He who maintains both the estate and the wife of a dead brother should, after raising up a child for this brother, bestow upon this (child) alone the property of this (brother).

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1 Medh. says some interpret harct as hārayct, “one shall (not) let him take.” One Medh. MS. has svadham, “of him who gives (?) the svadhā.” The funeral cake, pinda, means the funeral ceremony (Medh., K.); or, according to some, it means the sapinda relationship, and svadā is the śraddha and other ceremonies.

2 The general meaning is that all connection with the first family occasions. Nevertheless, according to Kātyā and the later usage, if there is a special agreement to that effect, the son may belong to both fathers (dṛṣṭānāgāyana). Cf. May. p. 43. Along with this is quoted in May., p. 44, and the Datt. Mim., ii. 8. This verse from Bryan Manu, “The relationship of the given and other sons to the progenitor is to the fifth and seventh degree; so also their family, which is, too, that of their adopter.”

3 Cf. vs. 59. The second case may be one where the wife is duly commissioned, but ought not to be, as she has a son already (K.)

4 The Nand. MS. omits two verses after 143 and two after 146; but in 142 the gloss says, “He now says by three cokas that even certain Kṣetrajas are unworthy of inheriting.” Then follow vs. 146, 149.

5 As given in vs. 70 (Medh.), or better according to vs. 60 (K.)

6 For both are in that case degraded by vs. 63.

7 I.e., the husband.

8 Cf. vs. 190, which is probably a later addition, as it is not found in Medh.

9 By the law of commission (Mehd.)
147. If she who is commissioned should procure a son from any other source, or even from her brother-in-law, they declare this (son), (if) born of lust,\(^1\) (to be) without share in the inheritance, and begotten in vain.

148. This should be recognised as the rule of partition among (sons) of the same origin. Learn now (the partition) among (sons) begotten of one (man) by many wives of several (castes).\(^2\)

149. If a Brahman has four wives according to the regular order of the castes, the rule in (regard to) the partition (of the property) among the sons born of these (wives) is declared to be the following:

150. The ploughman,\(^3\) the bull for cows, the waggon, the ornaments, and the house should be given to constitute the portion to be taken out for the Brahman,\(^4\) and also a special part in consequence of (his) superiority.

151. The Brahman should take three parts of the inheritance, the son of the Kṣatriya woman two parts, the one born of the Vaiṣya woman only one part and a half, the son of the Cūḍa woman should take one part.\(^5\)

152. Or,\(^6\) after arranging the whole inheritance in ten parts, one who knows the law should make a just partition according to the following rule: \(^7\)

153. The Brahman should take four parts, the son of the Kṣatriya woman three parts, the son of the Vaiṣya

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\(^1\) So K. That is, without observing the rules of chastity as laid down by Nārada (xii. 80-88). Or if she should procure a son, etc., when not commissioned, he is born of lust and without share (Rāgh.) Medh. says this verse is to prevent the right of inheritance declared above, and construes (aniyuktā) as Rāgh does.

\(^2\) Medh. and K. “Several wives” means the same as “of different castes,” a mere repetition. Some make a distinction between them (Medh.)

\(^3\) Kīnduca, ploughman (K.); workman (Nand.)

\(^4\) The other sons are given by name. The son of the wife of Brahman caste is called simply the priest or the Brahman.

\(^5\) A slight v. l. occurs in Nand. without change of meaning.

\(^6\) Without taking out the special share for the Brahman (K.) (Two Medh. MSS. have sarvathā).

\(^7\) This division was followed out systematically by the later writers, so that if a Brahman had three sons from the three highest castes, the property is divided into nine parts, and the sons receive in order four, three, and two portions, etc. Cf. Jolly, Ueber die Systematik des Indischen Rechts (Separatabdruck), s. 4.
woman should take two parts, the son of the Čudra woman should take one part.\(^1\)

154. Although (deceased) had, or even if he had not a (twice-born) son,\(^2\) one may not, according to the rule of right,\(^3\) give more than one-tenth to the son of the Čudra woman.

155. The son of a Brahman, Kṣatriya, or Vaiçya by a Čudra woman has no share in the inheritance. That only which his father may have given to him should be his property.\(^4\)

156. Or\(^6\) all the sons of the twice-born born of (women of) the same caste should give to the elder brother the part to be taken out (of the whole inheritance), and then the others\(^6\) should divide (the remainder) equally.

157. It is a fixed rule that the wife of a Čudra must be just (a woman) of the same caste (as himself) and no other. (The sons) born of this wife would have equal shares (in the inheritance) if he had (even) a hundred sons.

158. Six of those twelve sons which Manu, son of the Self-existent, declared belong to men (are) members of the family and heirs; six are not heirs, but members of the family.\(^7\)

159. A son of the body, a wife's son,\(^8\) a son-given, a son-made, a son-in-secret, and a son-rejected are the six heirs and members of the family.

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1 Land alone cannot be taken by the Čudra son (Medh.)
2 This implies that the Kṣatriya and Vaiçya sons take all but one-tenth when no Brahman son exists (K.)
3 In Nand. ākūnta (to a pious son of a Čudra) is probably a clerical error.
4 That is, he has no legal claim on anything; it is only a matter of informal giving. Medh. and K. admit a seeming contradiction between this verse and the foregoing, but say it depends on the virtue of the Čudra woman's son whether he be entitled to a share, or the prohibition in this verse refers only to the son of an unmarried Čudra woman, according to some.
5 Samavarnāsū vā (Medh.), “the ‘or’ denotes a second method of division” (Medh.) ; ye (K., Rāgh.)
6 That is, all the brothers divide equally; those other than the eldest receive no special share.
7 This means they become, as members of the gotra, capable of performing the different family ceremonies (K., Rāgh.) To show Medh. what really constitutes such a sharer in the gotra alone, K. quotes Baudh. ii. 2. 3. 32.
8 Literally, the one born on the land, i.e., the one by the commission described in vs. 59 ff.
160. A son by a girl, a son taken with the bride, a son bought, a son of a twice-married woman, a son self-given, and a son by a Çūdra (woman), are the six who are not heirs, (but) members of the family.

161. The sort of reward one gets on crossing water by means of bad boats is the sort of reward one gets on crossing the darkness (of the next world) by means of bad sons.

162. If the two sons who together inherit the property are the son of the body and the wife's son, he to whom any paternal inheritance comes should take that (inheritance); (and) the other (shall) not (take it).

163. The son of the body is the one and only lord of the paternal wealth; but to do the others no harm he should afford (them something) to support life.

164. The son of the body, dividing the paternal inheritance, should give to the wife's son one-sixth part of the paternal property, or even one-fifth.

165. The two sons sharing the inheritance of the father are the son of the body and the wife's son; but the ten others, according to their rank, have a share in the family (gotra) and a part of the inheritance.

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1 The son of an unmarried girl ( khăn).  
2 Sometimes called Niṣāda; Baudh. ii. 2. 3. 29; Manu x. 8. Baudh. apparently distinguishes this Niṣāda from the Pāṇaça (M. ix. 178, cf. note) by the former being born legitimately, the latter born of lust. This list is given with changes in Mbh. i. 120. 33. Vas. xvii. 15 gives the appointed daughter as the third "son." Ap. does not recognise these twelve kinds.  
3 Good sons are necessary to save the father from hell by means of offerings to the manes.  
4 Ekarikthinau avibhaktadhanau (Nand.)  
5 Cf. vs. 191. "He" is the son of the body; the "other" is the wife's son, who is here the first-born (K.)  
6 Food and clothes (K.).  
7 In accordance with his good qualities (K.).  
8 That is, the sons-given, etc.; cf. vs. 159.  
9 They have share in the family, and each in the order named in vs. 159 shares the property when the one next higher does not exist (K.). I.e., the presence of one higher in rank annuls the claim of each lower.
166. One should recognise as the son of the body, and first in rank, that son whom the (father) himself begets on his own land, (that is,) by a (wife) who has performed the ceremony (of marriage).\(^1\)

167. If (a son is) born in the marriage-couch of a man who has died, (or) is impotent, or ill, after the wife has been commissioned in the proper manner, this son is called the wife's son.\(^2\)

168. If a mother or a father should give a son, (to any one who is) in need, by the (ceremony of) water, (and if the son is) of like sort (with the family adopting him), and is filled with affection\(^3\) (for the family), this son should be known as the son-given.\(^4\)

169. If a man makes a (boy) of like sort (with himself) his son, (and this boy can) distinguish good and evil;\(^5\) (and is) endowed with the good qualities of a son, this (son) should be known as the son-made.

170. If (a boy) is born in a man's house, and it is not known to what (father) he belongs, (he would be a son) born in secret in the house, and he would belong to him to whom the (son) born in the marriage-couch belongs.\(^6\)

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\(^1\) From Baudh. ii. 2. 3. 14, it is clear that the wife must also be of like caste (K.)

\(^2\) "Son-by-land," i.e., wife.

\(^3\) Or, with the commentators, "with desire;" that is, he is not to be given by fear, force, deceit, or magic (K., Rāgh., Nand.)

\(^4\) Vas. xv. 2 grants the father and mother the right to give, sell, or desert a son; Ap. ii. 13, 11, denies it; K. says that the father or mother give him by mutual consent when the one receiving the son is in need of a son. The word "like" (sadṛṣṭa) may mean either of like family, caste, or qualities (cf. vs. 174 note); a boy of any other caste, ex. vs. 92; a Kṣatriya may, according to Medh., be a son given to a Brahman. K. and Nand. restrict to caste; in the May., the latter is preferred.

\(^5\) K. refers this to virtue or sin produced by performing or by not performing the śrāddha and other spiritual ceremonies; like sort, i.e., quality or caste (Medh. or K.)

\(^6\) That is, to the husband, the master of the house. Cf. vs. 167. Neither Yāj., Baudh., Gaut., nor Vas. say who the mother is. Apparently it is the wife, as K. says, who adds, this son must be presumed to be of the same caste if his parentage cannot be discovered.
171. If one adopts a son deserted by both father and mother, or by either of the two,¹ this son is called the son-rejected.

172. If an (unmarried) girl should secretly bear a son in her father's house, one should designate him by the name son-by-a-girl, being born of a maiden (and belonging) to (the future) husband.²

173. If a pregnant woman is married by the (regular marriage) ceremony, whether she is known (to be pregnant) or is not known, the unborn child belongs to the husband, and is called (a son) taken with the bride.

174. If a man for the sake of having offspring buy (a son) openly from the mother and father, this son is a son-bought, whether he is like or unlike this (father by purchase).³

175. If a woman being deserted by her husband, or being separated from him by her own desire,⁴ bears a son after she has married a second time, this (son) is called (a son) of a twice-married woman.

176. Now if she is (still) a virgin, or even if she has returned (to her husband) after going away (from him),⁵ she ought to go through the (marriage) ceremony a second time with her husband, (who thus) receives a woman twice-married.

¹ A son deserted at the death of one of the two parents by the other (K.)

² They know he is the son of the husband, not the son of the girl's father (Nand.) According to Yāj. (ii. 129) he is called son-by-a-girl, (not in respect to her (future) husband, but) in respect to her father; cf. Vas. xvi. 22. K. seems to understand that he belongs to his natural father after he has married the mother; so Vīśnu, xvi. 12. From vas. 172 to 179 is wanting in both MSS. Medh. (Nos. 935, 1551).

³ K. says that here, because of candastra, the reference is to like or unlike moral qualities, for in all cases in Manu the sons are to be understood as of like caste, and this is emphatically stated by Yāj. ii. 133; but the emphasis in Yāj. (proktaḥ . . . māyā vidhiḥ) would seem to show it was original with that law-book and not to be assumed for Manu.

⁴ The woman, according to Vas. (xvii. 19, 20), who deserts a worthless husband and marries another, or who goes back to her original husband after leaving him, is a twice-married woman. Bandh. (ii. 2, 3, 27) recognises only the one who deserts a worthless husband.

⁵ That is, if she deserts the husband of her youth, lives with another, and comes back again to the first (K.)
177. If (a boy should be) deprived of mother and father (by death), or be deserted (by them) without cause, and should (then) attach himself to any man, this (boy) is called (in respect to this man) a (son)-self-given.

178. If a Brahman through lust beget a son by a Čūdra woman, this (son), being as a corpse in saving, is (therefore) called a corpse-for-saving (Pāraçava).\(^1\)

179.\(^2\) If a son is born to a Čūdra by a slave-woman (or dāśī), or by a slave's slave-woman (dāsadāśī),\(^3\) he may, if permitted,\(^4\) take one share: with these words the rule of right is established.

180. Wise men say these eleven sons, beginning with the wife's son, as mentioned (in verse 160), are (only) substitutes for a son, (substituted) in consequence of the failure of religious ceremonies (which failure would ensue if there were no son).\(^5\)

181.\(^6\) Those who, begotten by the seed of another man, are on some occasions designated as sons, belong to that man from whose seed they are born, and (they do) not (belong) to anybody else.\(^7\)

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\(^1\) Cf. x. 8. The meaning is, that he is no better than a corpse in saving his father from hell. K., Rāgh., and Nand. understand "he is, though living, a corpse." This fanciful derivation cannot be supplied by a certain one, though the Pāraçava were probably so called either because this mixed class carry axes (parṇi) or are born by another woman (pārasara). By a quotation from Yāj., which is not found in our text, K. endeavours, against the text, to prove that the Čūdra woman is not a concubine, but a wife (cf. note to vs. 160).

\(^2\) The description of the list given in vs. 160 is not complete. A modification is now stated in regard to the last named, when the parent is not a Brahman but a Čūdra.

\(^3\) K. refers to viii. 415; any one of the there-mentioned seven kinds of slaves is meant. The word "slave" may itself mean Čūdra, and dāśī has various meanings: but here the verse means merely that the Čūdra's son, (by wife or) by slave, is entitled to one share.

\(^4\) "Permitted" means permitted by the father (K., Nand.) This is emphatic; for if he were not especially permitted by the father, he would have no claim on the estate (Nand.)

\(^5\) The religious ceremonies devolving on the son would become extinct (K.) Through failure of religious ceremonies (iii. 63) families become extinct. The substitutes are to be created only when there is fear of the failure of these ceremonies (Nand.)

\(^6\) From verse 181 to 202 fails in all MSS. of Medh., but some of the verses, e.g., 182, 192, are found in the Mitakṣara.

\(^7\) Apparently flat contradiction of
182. If among brothers born of one (father) one should have a son, Manu said (that) all these (brothers would be) possessed of sons by means of that son (alone).2

183. If among all the wives of one (husband) one should have a son, Manu said (that) all these (wives would be) possessed of sons by means of that son (alone).3

184. In the absence of each higher (in rank) the (son next) lower should receive the inheritance; but if there are several of like (rank), (they should) all have a share of the inheritance.6

185. Neither brothers nor parents, (but) sons take the inheritance of a father;6 the father should take the inheritance of (a son who dies) without a son,7 and also the brothers.8

186. To three (ancestors) the water (libation) must be made; for three (ancestors) the funeral cake is prepared; the fourth (descendant) is the giver (of the water and the funeral cake); the fifth has properly nothing to do (with either gift).9

187. The property (of one deceased) should belong to

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1. Brothers with the same mother and father (K.)
2. This one son inherits and gives the funeral cake for all, and if he exists, other substitutes for sons should not be adopted (K., Nand.) K. also refers to Yāj. ii. 135 to show that on failure of (sons), wife, daughter, parents, and brothers, the nephew is heir. Nand. observes that this one son must be a son of the body, and so in vs. 183.
3. Therefore, when one wife has a son, another should not adopt one (K.)
4. E.g., several sons of twice-married women (Rāgh.)
5. The order in rank follows the list in vs. 159, and the one who is heir should, by Viṣṇu xv. 30, support the others (K.) Cf. vss. 163–165.
6. Cf. vs. 217 and Yāj. ii. 135.
7. And without wife or daughter (K.); grandson or great-grandson (Nand.)
8. The brothers take possession in the absence of (father or) mother (K.) The additions of K. are based on a later standpoint in regard to female inheritance. Nand. and Rāgh. read “or the (own) brothers alone.” Rāgh. marks the reading “atra ca” as a var. lec.
9. And sonship, or the right to inherit by direct descent, to the exclusion of brothers, etc., ceases at the fifth, i.e., goes no farther than the great grandson.
that (man) who (is) next after the Sāpiṇḍa; next to him, one of the same clan¹ should be (the heir); (next) the teacher, or even a pupil.²

188. But in the absence of all (heirs),³ Brahmans versed in the three Vedas, pure and subdued, take the inheritance; by these means the law of right fails not.⁴

189. The property of Brahmans must never be seized by the king;⁵ this is a fixed rule; but the king may take (the property) of the other castes when all (other heirs) fail.

190. (If the widow) of a man who has died childless procure a son from a man of the same family (gotra),⁶ she shall make over to this (son) whatever (property) has grown out of the inheritance.⁷

¹ Or those (pl.) of the same family (kula), i.e., distant relatives (samānānodakāh) (Nand.)
² K. takes the Sāpiṇḍas as male or female; for an explanation of Sāpiṇḍa see iii. 5 and v. 60. In the text the word is masculine. K. begins by taking it generally as masculine or feminine, then, after giving the law of inheritance for the sons, he begins by taking the wife as the first female inheritor, quotes seven verses of Brhaspati and Vṛddha Manu (called Brhan Manu in Rāgh.) to prove the statement (also Yṣ. ii. 135–136), and ends by giving a list of female Sāpiṇḍas, after denouncing Medh. as "not fond of the opinion of the good," because he denies the wife the right of sharing the inheritance. He then gives wife, daughter not ordained, father, mother, own brother, his son, and (by vs. 217) the mother of the father—after these any male Sāpiṇḍas. Cf. Ap. ii. 14, 2; Gaut. xxviii. 21; Vṣ. xvii. 81 ff.; Baudh. i. 11, 11; Viṣṇu xvii. In Appendix, iii. to his translation of the May. Mandlik has discussed the subject at large. In respect to the sons who inherit in order, K. says: by 163 the son of the body inherits; he should give one-fifth or one-sixth to the wife's son and son-given, but need only support the son-made and others (vs. 163, 164). If there is no son of the body, the next heir is the ordained daughter or her son, for by the son of vs. 131 is meant the son of the body (then dauhītra = paudriyā); if these do not exist, the wife's son and other ten in order; the son by the Cūdra woman (if she is married) should, by vs. 154, take but a tenth, consequently the next heir takes all but this. In the absence of the sons, the wife inherits, etc. Nand. seems to know nothing of K.'s explanation and his attempts to construe Sāpiṇḍa as inclusive of females, as he himself understands only the masculine, which he employs in his gloss several times, not suggesting the possibility of its embracing females, though in vs. 188 he makes "all" embrace "men and women."
³ All these (just mentioned)—(K.)
⁴ For they, like other heirs, give the funeral cake, etc. (K.)
⁵ It must, in default of heirs, be given to other Brahmans only, while the king may take the property of a Kṣatriya, etc., when all heirs mentioned fail (K.)
⁶ I.e., bears a son through commission by the brother-in-law or others (Nand.)
⁷ Cf. vs. 146. The wife must be commissioned; one of the same family is allowed by vs. 59 (K.)
191. But if two (sons) born of one woman by two (husbands) have a strife regarding the property, each of these should take what (comes) to him from his father, (and) the other (shall) not (take it).  

192. Now when the woman who bare them is dead, all the brothers of one mother should divide equally the maternal inheritance, together with the sisters-german.  

193. If these sisters have daughters, something in accordance with their dignity should kindly be given even to them out of the property of their maternal grandmother.  

194. That which is given over the (marriage)-fire, that which is given in the bridal procession, that (which is given) for an act of love, and that (which is) received from brother, mother, and father, (all this) is called the sixfold property of woman.  

195. That which is received as a gift (by a married 

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1 K. understands the own son by the first husband, and second son of the twice-married woman by a second husband, and compares the similar expression in vs. 162 referring to sons of body and wife. So Nand., “if a woman marry again having a son, and with property, and bears another son by the second husband, each son gets the property left by his own father.” Rāgh. says, “or it may apply to the woman’s property.”  

2 That is, if these sisters are unmarried. If they are married, Bhāspati says a small present only is to be given them as a token of respect. A fourth part of the brother’s share of the mother’s property should be given the sister who is married, just as in vs. 118 the unmarried sister receives one-fourth of the brother’s share in the father’s estate (K.). But if there is no unmarried daughter, the married daughters share equally with the brothers (Kāt. in Ṛṣy., where the quotation from Bhāspati (though farther on attributed to him), is here said to be Manu’s). Nand. knows no such distinction.  

3 Unmarried (K.)  

4 Or pratiṣṭhitā striyāt (in Dāy. Bhāg., iv. 4) “given out of love to the wife.”  

5 Cf. Jolly, Stellung, p. 22, and note to iii. 52. This simple text in regard to women’s property covers what in later writers is expressed with much greater fulness. According to viii. 416, the wife has no property at all, but this is explained by later writers as referring to wealth got by mechanical arts. The earlier writers allow her ornaments (Baudh.) and presents (Apas., Vas.), while Viṣṇu adds adhivedanikām, given when the husband marries another wife, etc. For limits to this right of possession, cf. vs. 190 note. Nand. glosses this verse with (the quotation from Kāt. found in K., and) the remark, “woman’s property other than this is the property of the husband gained by the wife, but not the property of the women.” The commentators say that the “sixfold” is the lowest limit in kind, but she may have more.
woman) after her marriage, from the family of her husband or of her connections, and that which has been given her by her beloved husband, shall become the property of (her) children, should she die while her husband is alive.

196. Whatever valuables (she receives) at the marriages called Brāhma, Daiva, Arṣa, Gāndharva, Prājāpatya, are declared to belong to her husband alone, if she die without children.

197. But if property be given her at the Āsura and other marriages, it is declared to belong to her father and mother if she die without children.

198. Now if at any time property is given to a woman by her father, the girl of the Brahman caste would inherit it, or it would become (the property) of this (girl's) children.

199. Women should not make expenditure out of the family (property) belonging to several, or even out of her own wealth, without the consent of her husband.

200. The heirs should not divide among themselves such ornaments as are worn by the women while the husband is alive. If they divide (them) they are degraded.

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1 Anvādheyam, a pledge to hand over. The translation is according to the definition of other law-writers.

2 The Rakṣasa and Paścāc marriage (K.).

3 K. explains that the husband is supposed to be a Brahman and have several wives, and then the property, left by the Ksatriya wife or those of lower caste when they die, becomes that of the daughter of the wife of the Brahman caste or of her children, and this case supposes the wife deceased to have left no children. The May, in annotating this verse says: "The word or means and, i.e., the property is divided; there is a varied opinion as to whether the Brahman daughter who thus inherits may not refer to any one of higher or of equal caste" (p. 62).

4 K. "Wives and other women should not make a hoard from the property of her kindred which is common to her and many (brothers, etc.), and not even from her husband's property without his consent, for this is not women's property."

5 Hoard" is, however, not the real meaning of nirhāra (cf. May., p. 60, nirhāro ṛṣayah, West and Bühler, ii. 73). This verse must be understood to limit the reach of vs. 194 in putting limitation of use even on stṛḍhana. Nand. supports the rendering "expenditure" as in May., "they should not make expenditure of the husband's goods even for the sake of the family, nor of their own goods," etc. The property called saudāyaka (than which has been given her by kindred out of affection) was regarded as her own to do with as she pleased.

6 The text is ambiguous. Either "worn while the husband is alive,"
201. An impotent man and one degraded are without share (in an inheritance); so also those born blind or deaf, those (who are) crazy, idiotic, or dumb, and all who are without manly strength.\(^1\)

202. But the rule is for a sensible man to give to each one of these, according to (his) ability, both food and clothes without end;\(^2\) for should he not give (these) he would be degraded.

203. But if at any time desire for a wife seize hold of the impotent man and the others, and they should thus become parents, their offspring has a right to the inheritance.\(^3\)

204. If the eldest (brother) acquire any property whatever\(^4\) after the father has passed away, a share in that case (belongs) to the younger (brothers), if they have preserved their (sacred) learning.\(^5\)

205. But if all the brothers, being unlearned, should acquire wealth from (their united) exertion,\(^6\) in that case the division (of the property) should be equal, being independent of the paternal (wealth);\(^7\) in these words the rule is expressed.

206. If any one possesses property (gained) by his learning,\(^8\) this property should be his alone; so too (pro-

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\(^1\) Cf. vs. 18; nirindriya may mean simply devoid of organs. So K. explains as “those lame in arm or foot,” etc., and Rāgh. as “lacking a hand,” etc., and Nand. as lacking an organ” (kar mendriya).

\(^2\) As long as he lives (Medh., K.)

\(^3\) A portion as great as the daughter’s (Medh.) By commission the impotent man may become a father; cf. vs. 79. Such marriages appear to have been common. K. remarks that “at any time” is added because these people ought not to marry as a regular thing.

\(^4\) By his own individual ability (K.)

\(^5\) K. understands a partition made after the brothers have lived together, and restricts the extra share to those who keep up the study of sacred learning. The reading vidyānupalinām, noted as a var. lec. by Rāgh., is found in Nand. and implied by K. It may mean “pursuing any outside branch of study,” as Medh. takes it. The eldest must put in his gains with the inheritance, and divide with the younger brothers.

\(^6\) If they unitedly gain wealth by agriculture or trade (K.)

\(^7\) No special portion is to be taken out (for the eldest)—(K.)

\(^8\) Under the circumstances in vs. 204. There is one exception; if a brother recovers ancestral land by his own exertions, it is to be regarded as
property received) through friendship, (that) gained at a marriage,\(^1\) and (that received when one as a guest is honoured) by the honey-mixture.

207. But if any one of the brothers, being able (to support himself) by his own occupation, does not desire (his share of the) property, he may be excluded from his share after giving him something (in the way) of support.\(^2\)

208. If one acquires anything by his industry without detriment to the paternal estate, that,\(^3\) being gained by his own efforts,\(^4\) he need not, unless he chooses, give up (to the other brothers).

209. Now, if a father acquires any wealth of which, (although) belonging to the paternal estate, one had not (before) got possession, he need not divide this with the sons unless he chooses, (as it was) acquired by himself (alone).\(^5\)

patrimony, and is partible. The one who recovers it has a fourth, and it is then shared with the others in a common division (\(\text{Caṅkha in May.}, \text{p. 47.}\) Cf. vs. 209. The property gained by learning is defined by \(\text{Kātyā.}\) as the proceeds of learning gained from another, or gained by disputation after betting on the result, or by being a priest, or as teacher (from a pupil), etc. \(\text{K.}\) says Medh. and Gov. are wrong in rendering \(\text{mādhupartikām}\) (by the honey-mixture) as that gained by being priest, since this is included by the verse of Kātyā. under property gained by learning. The simple explanation of Nand., that property gained by learning is "got by arts," etc., seems older and better than K.'s and Rāgh.'s elaborate explanation (from Kātyā.), based on a technical term, probably unknown at the time of the text, and it is supported by Medh., who renders it "by teaching, or by skill in the arts."

\(^1\) This means women's property (Nand.); it is more probably what a man receives when a guest at some one's else wedding (so Medh.)

\(^2\) Some nominal portion of no great value is meant, as K. says, in order to prevent his sons making a fuss about losing the inheritance. Such a case could easily occur if one of the brothers were always away from home as a soldier.

\(^3\) Cf. Yāj. ii. 118. A \text{var. lec.}, supported by the Mitākṣarā and by the May. (p. 47), for (b), reads "he need not give that to the heirs, nor that gained by learning." Such gain as that by agriculture, etc. (Medh., K.) The reading of (b) in Mbh. xiii. 105 agrees with Medh. and K., though the labour is in (a) stated to be that gained by traveling (as merchant). Rāgh. defines \(\text{anupaghnam}\) as "not supporting himself by the paternal estate."

\(^4\) (Medh., K. or) "and that given him by his own desire" (Nand. to Viṣṇu xviii. 42).

\(^5\) Or perhaps better "provided it were" (as Nand. to Viṣṇu xviii. 43). Cf. Viṣṇu xvii. 1, "a father may dispose of self-acquired property as he sees fit." Yāj. ii. 119 says if one recovers, etc., he need not give it to the co-heirs;" from this K. and Rāgh. take the "son" as the subject of the first verb, and interpret
210. If, on living together after being separated, they divide (the inheritance) a second time, in that case the division should be equal, (as) in that case no right of primogeniture occurs.

211. If the eldest or the youngest among several (brothers) be lacking at the distribution of shares, or if either of the two die, his share is not lost.

212. For the own brothers, and those who were re-united, and the own sisters, should assemble together and divide this share equally.

213. If an eldest (brother) through avarice, commit an injury against (his) younger (brothers), he should be made not-eldest and shareless, and be put under restraint by kings.

214. None of the brothers who perform wrong acts deserve (share in) the property; and the eldest shall not create a private property, (by) not giving (their proper shares) to the younger.

"heirs" as the "sons" of the text (Rāgh.); even Nand. renders as above, which is the only meaning possible.

1 Or sanamātāh, "reunited" (May., p. 56); vibhaktāh (our text), "having (separated the property and) divided." The May. (p. 56) says that this text expresses the custom. remarking that there is a saying to the effect that the law-book has its roots in custom.

2 Be deprived of his share by being away, or being degraded (K., Nil. in May.)

3 This rule applies to brothers reunited or not reunited (Nand.)

4 I.e., those who have divided the property and afterwards come together again (Rāgh.); to be applied to the wife, father, paternal grandfather, etc. (beside the brothers) (May., p. 57). This rule applies when the deceased leaves no son, wife, daughter, etc. (K.) Nand. says in the absence of own brothers, the reunited; in their absence, the own sisters; making each exclude the following. Medh. makes the "re-united" apply to the brothers only (as K. says, "not all the own brothers"), paraphrasing "the re-united own brothers and own sisters," and adds that "and" includes sisters.

5 That is, any one who takes the heritage (May., p. 49).

6 Defraud him (K.)

7 I.e., be made an ordinary relative in the honour he receives (bandhuvat pūjyah) (Medh.), or lose his right of primogeniture and be fined (K.) The Mayūkha quotes in this connection a verse from Manu, which says that after a division of property has been made, and some common property is discovered not known at the time of partition, a new partition must be made (p. 50), and another to the effect that a new division must be made if there is a doubt in regard to the partition (p. 51). Neither verse occurs in the text.

8 Such as frequenting a gambling-house (K.); gaming and drinking (Rāgh.); acts accomplished by bad behaviour (vīryti)—(Mehd., Nand.)

9 Yautakam, usually the bridal gift of a woman; so taken here by
215. If there should be a common endeavour (to gain wealth) on the part of brothers who (live together) without having divided (the property), the father should never make the share of (any one) son different (from those of the others).²

216. Moreover, a son born after partition³ should receive only the paternal property; or if any (sons) should be reunited with th's (father), he⁴ should share it with them.

217. The mother should receive the heritage⁵ of a childless son, and in case the mother also is dead, the father's mother should receive the property.⁶

218.⁷ When everything, debts and possessions, have been divided according to rule, and anything⁸ is afterwards

Nand., "he should not in this way make money for his daughter, but he should take his daughter's marriage portion out of his own share alone." With vs. 213-214 cf. Mbh. xii. 105, 7-10.

¹ So Medh. and K., otherwise explained by Jimūta-vāhana (Dāy. Bhāg. ii. 86) as effort, i.e., desire to have a division.

² At the time of division, i.e., when they cease to live together (Rāgḥ.) The commentator to Mbh. takes this to mean at the time of eating or division of food, i.e., if they get their dinner by united toil, each shall have an equal share (xiii. 105, 12).

³ The partition being made while the father is alive by the sons' desire, the son subsequently born after the father's death has a claim only on the property (subsequently held by the father)—(K.)

⁴ I.e., the son born after partition is made; if they reunite, he shares with them at the father's death (K.) By Yāj. ii. 122 and Viṣṇu xvii. 3, a son conceived before the partition, but born after it, has his share made up by contributions from the other brothers. The Medh. MSS. vary between kāred dhanam and dhanam kāret (latter in May., p. 37).

⁵ Dāyūdam (Medh.)

⁶ Between this verse and vs. 185 (which is not in Medh.'s text) is a plain contradiction; the later law scheme arranged the succession as follows: son, grandson, great-grandson, wife, daughter, daughter's son, mother, father, brothers, brothers' sons, father's mother, etc. In vs. 185 we have the order father and brothers; to unite which with this and make both correspond to the later scheme has cost the commentators some labour. K. quotes Yāj. ii. 135, compares our text, ix. 185, and Viṣṇu xviii. 6 (Bṛhaspati, Vyṛddha Manu, and Vyṛddha Viṣṇu) (Ragḥ.), to show that both parents are here intended. A discussion in May. (p. 53) settles against the Mitākṣarī that the mother's claim comes after the father's. If we take Nand.'s explanation of apatyā as including son, grandson, and great-grandson, wife and daughter and her son, the last of which are of course not intended, we still have the father, brothers, and brother's son omitted between the mother and grandmother; and even if mother is, as K. says, an ektāpā, i.e., includes the (father) omitted, the brothers by vs. 185 should intervene.

⁷ In the MS. of Nand. vs. 218 follows vs. 219.

⁸ Whether property or debt (K.) ;
discovered, one should make an equal partition of all of it.\(^1\)

219.² Clothes, vehicles,³ ornaments, prepared food, water, women, religious wealth, and paths they declare ⁴ (are impartible.⁵

220. Thus has been declared to you the (rule of) partition and the rule of ceremony in respect to (all) the sons ⁶ in order, beginning with the wife's son. Learn (now) the rules of right respecting gambling.

221. Both gambling and prize-fighting the king should exclude from his kingdom. These two vices bring to an end the sway ⁷ of those who rule the land.

222. Gambling and prize-fighting are the same as open robbery; the king should always be active in his antagonism to these two (vices).

223. That (play) which is performed by means of things without life is called among men “gambling;” that which is performed by means of living creatures is to be known as “prize-fighting."⁸

probably here only property is meant, as in Yāj. ii. 126, though debts are included, ib. 117.

1 That is, no special share should be given to the eldest (K.). The general rule is that debts descend to the heirs.

2 From vs. 219 to vs. 228 fails in Medh. (MSS. No. 935, 1551) (see note to vs. 228) A different version of this verse is attributed to Manu in the May. (p. 46); where also an ordeal (which is not found in Manu) is ordained in case one suspects that goods have been concealed.

³ (Or) horses, etc. (Ragh.) For patram, “vehicle” (or vijñānam, “document”), Nand. reads pitram (udakapitram), a receptacle for water.

⁴ Women means slaves or mistresses. If of equal value, the garments and ornaments are not divisible; if some are more valuable than others, they must be divided (Bṛh. in K.) Water from tanks, etc., is to be used by all (Medh., K.) Religious wealth is defined variously as counsellors, ascetics, or priests (Medh., K.), or wealth of sacrifices and good deeds (Langalski in May., p. 48). Pracāra (patha) may be taken as pasture-ground (K.). In respect to the female slaves, it is said in May. that they are to be divided if of equal number, otherwise they must work by turns as they can (cf. K.), but the kept women of the father are not partible. Cf. Gaut. xxxviii. 47.

⁵ “And a book” is Viṣṇu’s reading in the same verse (xviii. 44).

⁶ Nand., yogyātikā samāśana-vśātkā.

⁷ Or by var. loc. bring to those who rule the land the destruction of the king. (Nand. has rāja.)

⁸ “Gambling” with dice, etc.; “prize fighting” (literally, challenging fights (for bets) by cocks, rams, etc. (K.).
224. All such people as indulge in gambling and prize-fighting, or cause them to be carried on, the king should have corporally punished,¹ and (he should also corporally punish) Ėdras (who) bear the emblems of the twice-born.²

225. Gamblers, players,³ cruel men,⁴ men who abide in heresy, men who do wrong acts, and men who manufacture spirituous liquor (the king) should banish from the city at once.

226. These robbers in disguise, living in a king's realm, constantly injure the worthy subjects by the performance of their misdeeds.

227. This gambling has been seen (to be) in a former age a great maker of strife; therefore a wise man should not devote himself to gambling even for the sake of amusement.

228. If any man should devote himself to this (sport), either secretly or openly, he should receive an adjustment of punishment such as is in accordance with the pleasure of the ruler.⁵

229. Now one whose caste is that of Kṣatriya, Vaiṣya, or Ėdra, (when he is) unable to pay a fine, may absolve himself of debt by labour; a priest should pay little by little.⁶

¹ By cutting off a hand or foot (K.)
² The marks of caste, such as the sacred string, etc., etc. The addition to this verse given by May. (p. 95), "without the king's permission," rests on the fact alluded to in note on the next verse.
³ Or "players and men of bad habits." K. defines the latter as dancers, singers, etc.
⁴ For krūrān (cruel) Nand. reads kuilān (!) from keili, and defines kelicitān "in the habit of sporting (with women);" cf. viii. 357, where keili is a proof of adultery. Another reading, kērān, is explained by Rāgh. as singers.
⁵ That is, from the realm (K.) In later times the vice of gambling was turned to account, and royal gambling-houses were established, where play was legalised, and play without royal authority was fined. (Cf. Nārada xvi.)
⁶ Not only now, but in ancient times (K.); in the case of Nala, Yudhishthira, and others (Nand.) It is very probable that these are the examples meant; at least, as Medh. omits most of this part on gambling, it must have been inserted long after the epic was completed.
⁷ The punishment (dana) is not here, as is in the following verse, a fine (cf. vs. 224).
⁸ This verse is in the MSS. of Medh., and is referred by him to the sport mentioned in vs. 219, but the latter verse is not given in his text.
⁹ Cf. viii. 49, 177, 415. K. says (cf. Yaj. ii. 43) in accordance with what he makes.
230. The king should ordain the correction of women, children, crazy people, old people, and (those who are) poor (or) ill (to be made) by a switch, (or) a split bamboo-cane, (or) a cord,1 (or) by other (like means).

231. Now those who, on being commissioned (to look after2 business) affairs, ruin the affairs of those engaged in (these) affairs, (because they are) cooked by the heat of money, the king should cause to be deprived of their property.

232. (The king) should slay those who make false proclamations,3 those who seduce his ministers,4 those who slay women, children, and Brahmans, and those who devote themselves to (his) enemies.

233. Whenever anything has been gone through with5 and adjusted, let the (king) know that this has been done in accordance with the rule of right, (and) let him not have this (matter) reverted to any more.

234. If the ministers or a judge should perform any business in a wrong manner,6 the king himself should attend to this (matter), and have these (officers) fined one thousand (panās).

235. A slayer of a Brahman, a drinker of intoxicating liquor, a thief, and one who defiles the couch of a Guru,7 these men are all in turn to be regarded as the great criminals.8

1 With the first two they are beaten, with the cord they are tied (K.) Medh. defines vidala as rpktatre.
2 Commissioned, etc., means those appointed (adhibhāt) in the king’s stead to examine suits at law, or more generally of any one appointed to oversee merely, and who thereby tries to injure his patron (Medh., K.) A, var. lec., endorsed by Medh. as such (uniyuktāḥ), would mean those who have no business with the affair or the uncommissioned assessors.
3 This does not necessarily include the forging of documents, though naturally so understood by the commentators.
4 K., “seduce,” or “make dissensions among.”
5 (E.g., a lawsuit.) Tiritam (Medh., K.), tāritam (Rāgh.), nir-vritam (Nand.) Nand. gives a technical definition from Kātya.
6 Render an unjust decision in court, etc. (K.)
7 Guru may mean father.
8 Cf. xi. 55. Medh., K., Rāgh., and Nand. specify, without warrant from the text, that the thief (taskara in Medh., Nand., Rāgh.) is a stealer of gold from a Brahman; and K. says drinking intoxi-
236. And for these four (great criminals), if they have failed to perform expiation, the king should ordain proper corporal punishment accompanied by (a fine of) money.

237. On the (defiler of the) couch of a Guru (the brand of) a cunnus should be made; on a drinker of intoxicating liquor, (the brand of) a liquor (dealer's) sign; on a thief, (the brand of) a dog's foot; on the slayer of a Brahman (the brand of) a headless man.

238. (These), with whom indeed none may eat, with whom none may sacrifice, with whom none may peruse (the sacred texts), with whom none may unite themselves by marriage, shall wander miserable about the earth, excluded from every law of right.

239. And these (who) have the mark put upon them shall be abandoned by family and kindred, (finding) no pity and (receiving) no respect: this is the ordinance of Manu.

240. Now, on completing the expiation as enjoined (for the offence), the (three) highest castes should escape the eating liquors is restricted to (any) twice-born man drinking arak, and a Brahman drinking either arak, mead, or rum (cf. xi. 95), whereas all kinds are forbidden here for all classes. The part from vs. 235 to vs. 256 occurs also inserted in the eighth lecture in Burnell's copy of Medh. (after viii. 46 and 198).

1 Enjoined in xi. 72 ff. He says four, because he who associates with these and is the fifth (in the group of great criminals) does not deserve the same punishment (Nand.) The "fifth" is indicated by the word api (Medh.) Corporal punishment is here implied for all castes; Medh. says some make it apply to the branding, which is allowed even in the case of a Brahman.

2 On the forehead, as is implied by vs. 240 (Medh., K.)

3 Asamyojhā in Nos. 935, 1551, and Burnell's copy of Medh. (samyo- janam ... samyojanam tā).

4 Dharma here means rites and rights. Excluded from all dharma is to be debarred from social privileges, excluded from sacred rites, denied legal rights, deprived of all the fruits of possible good works; in short, to be one for whom no statute of the law is valid save those that specially treat of him.

5 No one shall pity them when ill, or rise up and salute them (Medh.)

6 So Medh. (pūrve). K. has sarve (all castes); No. 935, Medh. yathoditāh. A var. lcc. in Nand. gives aluvaranāh pūrve varnā ... ańkyā rājñā lalāṭeṣu: gloss, pūrve means the members of three castes; it is known by this saying, "A mark should be made on the forehead." Now when the great criminals have not performed expiation and are thus branded, (they should have) a distinction of punishment for a distinction of cause. He says this in (the next) two clokas.
branding upon their foreheads by the king; but they should be fined the highest fine.

241. The medium fine should be imposed for crimes by a Brahman alone; or he may be banished from the realm with his goods and chattels.

242. But the others, on committing these sins, deserve to have all their property seized (when they commit them unintentionally); but (if they commit them) intentionally, (they deserve) banishment.

243. A good king should not receive the property of a great criminal; but if through avarice he receives it, he becomes smeared with that sin.

244. Casting upon the water this (money paid as) fine, let him make it over to Varuna, or bestow it upon a Brahman (who is) endowed with learning and of good behaviour.

245. Varuna is lord of punishment, for he holds punishment over kings. A Brahman who has gone through a Veda is the lord of all that moves.

246. Where a king avoids getting wealth from evildoers, there in (due) time are born long-lived men;

247. And the (different) crops of the husbandmen are each raised as they were sown; the children do not die; and nothing distorted is brought forth.

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1 Medh., K., and Nand. say for unintentional crimes the first arrangement, and for intentional ones the second. The highest fine must, however, be given to one without good qualities (Medh., K.)

2 I.e., he is not to be fined at all, but he is to be banished.

3 I.e., all except the Brahman, viz., Ksatriya, Vaitya, and Cudra (Medh., K., Ragh, Nand.) Medh. says some say even if they have performed penance.

4 Banishment in this case the explainers read as meaning death (K.!) So some say, but this is not correct; because a twelve years’ penance is enjoined even for one who is branded with punishment by the king, and this is not compatible with death (Ragh.) Nand. does not notice any such meaning of pravasana. Medh. confines this interpretation to the case of the Cudra.

5 With the sin the great criminal committed.

6 Medh. and K. take danda here as fine, and paraphrase tamely enough, “Varuna is the owner of the money (paid as) fine by the great criminals.”

7 Nand. “among men” (loke tu).

8 Medh. (MSS. Nos. 935, 1551) reads vikrti, “distortion is not produced.”
248. Now the king should punish,¹ by the various means of corporal punishment (which) cause terror, (any man) born of low caste (who) intentionally injures Brahmans.

249. A king becomes exposed to the same lack of spiritual merit ² in releasing a man deserving corporal punishment as in punishing corporally one not deserving corporal punishment, whereas spiritual merit is seen (to exist in that king alone who) holds in check.³

250.⁴ Thus has been declared at full length the determination of lawsuits under (any one of the) eighteen titles in the case of two persons mutually at strife.⁵

251. Thus the sovereign duly performing the duties which are enjoined by the rules of right,⁶ should seek to get possession of districts not (yet) possessed, and exercise protection over (those already) in his possession.

252. Now with his land duly put in order, and his fortress made in accordance with the statute,⁷ let (the king) constantly expend the greatest care in uprooting the thorns (from his kingdom).

253. By protecting those who follow the good customs

¹ Here and in the following verses we may translate either “slay” and “capital punishment” or “corporally punish” and “corporal punishment.” The precise meaning is to be determined by the context. In this verse hanyat would seem to mean “slay,” and vadhopaya “by means of death;” but the milder meaning is given in the similar verse, viii. 352, and so understood by the commentators (Medh., K., Ragh.) In point of fact it makes little practical difference, as the following paraphrase from Medh. will show: “He should torment a Çudra (so K., Nand.), who robs or frightens a Brahman, by impaling him, cutting his flesh, twisting his limbs, and mutilating him with knives, all which punishments shall cause terror (to others?) by the long torment they occasion.” K. and Ragh. suggest cutting off the hands, drinking hot oil, and so forth.
² Dharma.
³ Holds (sinners) in check, or perhaps holds himself in check (as a middle voice). The commentators understand inflicting punishment in accordance with the statutes, or even by other means than those there laid down.
⁴ This verse would be more in place after vs. 228, where the eighteen heads given in viii. 3 ff. are completed.
⁵ Or “thus has been declared the decision in regard to two persons mutually quarrelling about one of the eighteen titles.”
⁶ Dharmya.
⁷ Çastratah, as declared in Lecture vii. (Medh.) Cf. vii. 70 ff.
of noble men¹ (Ārya), and by clearing out thorns (from his kingdom), kings (who are thus)² wholly devoted to the protection of their people attain the threefold sky.

254. But if a king accepts tribute while he administers no punishment to robbers, his kingdom is shaken, and (he) is debarred from heaven.

255. For³ if, relying on the strength of (his) arm, the realm of any king rests in security, it constantly increases unto him, even as a tree carefully tended.⁴

256. A king, whose eyes are his spies, ought to see⁵ that robbers who steal others’ goods (are) of two sorts, (the one) open, (the other) concealed.

257. Of these, those supporting themselves by the various (means of) trade are open cheats; while those people⁶ who steal, and those who live in the woods, are hidden cheats.

258. Those who receive bribes, deceivers,⁷ cheats,⁸ and gamblers; those who make it their business to proclaim good luck; those who are fine (without and foul within),⁹ together with fortune-tellers;¹⁰

259. And both elephant-breakers and physicians who act as they should not;¹¹ those engaged in the practice of manual skill;¹² and artful women (whose virtue) may be bought;

260. These and other similar undisguised thorns among

¹ Priests, or “those who have an honourable means of support” (Medh.); or simply the twice-born.
² Or “if they protect,” as in vs. 254.
³ Hi (Rāgh., Nand.)
²⁴ Senyamānāh (Medh.); K. has “watered” (sicyamānāh).
⁵ I.e., he “ought to see” by employing his spies for eyes (K., Nand.) The Mbhi. says “cows see by smell, the Brahmans see by the Vedas, kings see by spies, other men by their two eyes” (v. 34, 34).
⁶ Or “those who steal, live in the woods, and the like” (K.); Medh.
⁷ Has janāḥ, and is supported by Rāgh and Nand. Those who live in the woods are highwaymen. Rāgh. explains as daṣya.
⁸ By false weights and measures (Nand.)
⁹ Or magicians (Nand.)
¹⁰ K.; so Nand., “those who wear fine clothes for the purpose of cheating others.”
¹¹ By seeing the signs of a man’s hand, etc. (K., Nand.)
¹² This clause goes with both substantives (K., Nand.)
¹³ Such as painters, who get money for worthless work (K.)
men the king should learn to know, and (also all) others
who act in secret, bearing the marks of noble men (Ārya),
(while in reality they are) ignoble.

261. On discovering these by well-skilled secret (agents
who are) engaged in the business of these (cheats), and by
spies in several different forms, let (the king) suppress
them and get them into his power.

262. After he has, in accordance with the truth, exposed
their sins in respect to each of their actions, let the king
duly inflict chastisement in proportion to the wealth (of
the criminal) and (the enormity of) the crime.

263. For without punishment the suppression of evil
among evil-minded thieves, who roam in secret about the
earth, cannot be effected.

264. Assemblies, reservoirs, cake-stalls, houses of pro-
stitution, (places where) selling of liquor and food (takes
place), places where four roads meet, trees belonging to
temples, crowds and shows,

265. Old gardens, woods, houses of workmen, empty
dwellings, woods, (artificial) groves—

266. Such sort of places let the king have inspected by
stationary and movable guards, and even by spies, to the
end that he may suppress the robbers.

267. The king should find them out, and suppress them
by means of skilful (men), formerly robbers (themselves,
who act as) companions of these (criminals) and associate
with them, knowing their various occupations.

268. By pretences of food and amusement, by (pre-
tending) visits on Brahmans, and by pretence of (seeing)
deeds of valour, (the spies) should make an assembly of
these (cheats).

1 K. refers to vii. 154 for the five-
fold sort (of spies).
2 The chastisement is here a fine
(K.), as is seen by the allusion to
his wealth.
3 From here to vs. 274 fails in
Medh. (MSS, Nos. 935, 1551).
4 (Or) " (who act as their) com-
panions, (though really) obeying his
own commands" (srānugatait ātma-
taçaîh) (Nand.)
5 Saying: This Brahman knows
how to make our wished-for hopes
succeed; let us visit him (K.)
6 Saying: There is a certain man
that is going to fight all alone with
several; let us go and see (K.)
7 In some place where they may
be seized by the king's men (Nand.)
269. The king should secure and corporally punish those who on this occasion do not come near (the designated place), and those who have been deterred by knowing (these tricks) of old, together with their friends, blood relations, and connections.

270. A just king should not cause a thief to be corporally punished without (the thief's possessing) the (goods he has) carried off; but he must corporally punish without hesitation (a thief taken) with (what he has carried off) and with his tools.

271. And (the king) should also have corporally punished all persons whatsoever who in the villages even bestow food on thieves, or who merely provide a place for their utensils.

272. If those (whom he has) appointed to protect his realm, and the neighbours employed for the same purpose, stand neutral during attacks by robbers when besought for help, (the king) should chastise them at once as (if they were) thieves.

273. If any man whatever lives by performing meritorious acts, while he departs from (his own) bounden duty, let the king consume him also by punishment (as) one (who has) departed from his duty.

274. When a village is plundered, a dam broken down, or a robbery is seen on the road, those (who do

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1 Literally, "smite." This expression here and in following, as in vs. 248 (v. note), may mean kill. The regular mode of punishment, as already described in the eighth lecture, was for the king to smite a thief with a club.

2 So K., Rāgh.; and Nand. defines "those among whom the proofs are known" (prāṇikāramulāk jhāta-kārvanā).

3 Or sons (Nand., Rāgh.)

4 See the definition of this word in Mit. Y. ii. 5 as lopatra, and cf. B. R. s. ṛoṭha. Cf. Vās. xix. 39.

5 Var. lec. in Nānd. MŚ., ṛūśtre[va] pure vādhirān, "appointed over realm or city."

6 Rāgh. understands the neighbours who give a place for the thieves' utensils.

7 Dharma.

8 That is, if any man, even a Brahman, supports himself by performing sacrifice, etc., while he does not do the duties enjoined for his profession (K.) He is the same as a thief (Nand.)

9 Hitā (K.), baḍā (Nand. = setu), and according to Medh. a "fence" (?), the breaking of which ruins the crops (K.)
not) hasten to (give what help) they can should be banished, (taking) with (them their) effects.

275. Those who steal the treasure of the king, and abide by (practices) repugnant (to his orders), he should have corporally punished\(^1\) by various (means of) punishment; so, too, those who instigate (his) foes (to greater enmity).\(^2\)

276. Now, if any robbers commit theft at night by cutting (a hole in) a wall, the king should cause both their hands to be cut (off), and have them fastened on a sharp stake.\(^3\)

277. (The king) should cause the two fingers of a cutpurse to be cut (off) at the (time of his) first theft;\(^4\) on his second (theft), a hand and a foot; on the third, he deserves capital punishment.\(^5\)

278. The sovereign should slay as (he would) a thief\(^6\) (those who) give (them) fire, food, or places for (their) weapons, and those who aid in concealing the theft.

279. One should slay a man who destroys\(^7\) a pool (by drowning him) in the water, or by simple death;\(^8\) or (the

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\(^1\) By cutting off the hand, foot, tongue, etc. (K.); death may be meant.

\(^2\) In Nand. b. 2 takes the place of b. 1 of K. with vadhāiḥ for dandaśāḥ. Nand. explains the expression arisām apajāpakān as above (like K.), "or it may mean those who instigate his allies (with whom he has a treaty of peace) to become his enemies." So Medh., "they make his allies foes."

\(^3\) This punishment implies death, and appears to have been a general custom. In the Mbh. we read of a seer caught along with some thieves; the king gave the order that they should be killed, and the seer was consequently "stuck upon a stake" (i. 117, 12). It was not confined to thieves, for in the same epic, on a special occasion, we are told that a king ordered that those who indulged in forbidden liquor should "mount the stake alive" (xvi. i, 31). The text in the May. has dhīrā for chitrā (p. 89).

\(^4\) Medh., K., and Rāgh.

\(^5\) Vadhā; the two fingers are said by K. and Rāgh. to be those indicated by Yāj. ii. 274, namely, the thumb and forefinger; so Nand.

\(^6\) Courān (Beng. MSS., Medh., Nos. 936, 1551, Nand. MS.), i.e., as he would thieves.

\(^7\) Literally, breaks, i.e., destroys by breaking the dam (K.) Medh., K., tāḍāga, but some MSS. (Nand., Rāgh.) have tataśka pond.

\(^8\) Čuddha vadhā, i.e., by the sword (Nand.) The word vadhā here means "cutting off a limb" (Nand.), [or] his head, or other parts are cut off according to circumstances (Rāgh.) It probably means death without mutilation (cf. vs. 291, note). Medh. says that some regard the pool as a mere type for a graver offence; but this explanation is not
criminal) may (simply) put it to rights again; but he should (in that case) be fined the highest fine.

280. One should also slay without hesitation (those who) destroy a grainary, an arsenal, or a temple of the divinities; and (those who) steal elephants, horses, (or) chariots.

281 Now he who steals water from a pool laid out long before, and also (he who) even diverts the course of the water, should be fined the first fine.  

282. If any one, without pressing need, emits impurities upon the king's highway, he should pay (a fine of) two kārṣāpana, and clear up the impurity at once.  

283. Now (if it is) an old man (who) finds it necessary, a pregnant woman, or a mere boy, they should receive a reproof; and that (filth) should be cleaned up: so stands the rule.

284. A fine is set for all physicians treating (a case) incorrectly; in (the case of creatures) not human (this is) the first, but in (the case of) human beings the medium (fine).

285. One who destroys a stile, a sign, a pole, or the images (of divinities), should replace all that (he has injured), and pay (a fine) of five hundred (panas).

necessary, as ruining a sacred pool is quite bad enough to warrant the punishment. From vs. 279 to vs. 282 fails in Medh. (Nos. 935, 1551).  
1 Belonging to the king (K.)  
2 The reason why death is ordained here and a fine in vs 285 is that in the latter case the small earthen images of the divinities are meant, which are not so important as a temple (with the large idols in it (K., Rāgh.))  
3 If one takes or destroys the water of the whole pool, he suffers death, as said in vs. 279; in this case just (a little) water if taken from an old pool; diverting the water, i.e., by a dam so as to hurt the pool (K.)  
4 The first fine is the lowest, i.e., two hundred and fifty pānas (Rāgh.)  
5 Through tear of a tiger, etc., or through illness (Rāgh.)  
6 Two copper pānas (Rāgh.)  
7 Or pay a Cāndāla to do it (Medh.)  
8 I.e., they should not be fined (Nand.); one should say, "Don't do it again" (Rāgh.)  
9 Not as enjoined in the treatises (Medh.)  
10 Animals, horses (Nand.), and cows, etc. (Medh., K., Rāgh.)  
11 Stile, or footbridge (Medh.); sign or ensign at the king's door (K., Rāgh.)  
12 Used like the sign for a symbol (Medh.); in a lotus-pond (K., Rāgh.)  
13 This is the "medium" fine; cf. note to vs. 280.
286. For injuring uninjured goods,\(^1\) also for destroying\(^2\) jewels, and for piercing (them) in the wrong place, the penalty is the first fine.

287. Now if any man acts unequally with (things) that are equal; or, again, (if he defrauds) by a difference in the price, he should receive the first, or even the medium fine.\(^3\)

288. And (the king) should have all places for confining (criminals)\(^4\) set by the king's highway; where evil-doers may be seen, miserable and maltreated.\(^5\)

289. One who destroys the (city)\(^6\) wall, one who fills up the moat, and one who breaks the gates, (the king) should at once banish.

290. A fine of two hundred (panas) should be imposed

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\(^1\) By putting worthless goods in with perfect articles (K.)

\(^2\) According to the commentators (so B. K.), the meaning here is “for boring certain gems which ought not to be bored, and for boring other gems (pearls, etc.), in the wrong place.” This gives two meanings to mani, or a new word with a different and elaborate meaning must be supplied. Bhedana, like bhedaaka in vss. 279, 280, may mean simply injure in general, or literally “for breaking or bad boring.” Medh. defines bhedana here as dvidhā-karasām. K. adds that in addition to the fine, satisfaction must be made to the owner, as is the case wherever another’s property is destroyed. Medh. says some order in the fines is to be observed; for medium articles the medium, for the best the highest fine.

\(^3\) K. says the weight of the fine depends on the deceiver’s intention, and he and Rāgh. translate the first clause as meaning “one who employs different goods or different measures for those who give the same amount of money.” Nand. explains “he who uses different weights and measures in (selling) the same goods, and does not demand the same price (for the same goods).” The translation above is based on the first explanation given by Medh., that is, that this represents a case where a limitation has been set by law on the rate of exchange between goods, and one tries to obtain, e.g., for a little oil, which another needs, a larger supply of grain, etc., than is right; or again, if he sells goods at too high an advance on the price he paid, even if no limitation has been set by law.

\(^4\) Medh. and K. take this to mean the houses of confinement where the prisoners are seen in fetters and bonds. Rāgh. explains as fetters, and Nand. (MS. has bandhandāni ca kasyāni) explains by the same word. As it is doubtful if prisons were established at the time of the text, we may perhaps better understand stocks or something of the sort set up by the roadway, where, to be sure, the mutilated victims were better seen than in a “prison-house.” Medh. suggests that torture-places may be anywhere “where(ever) the evil-doers may be seen; the author thus shows the variability of the locality.”

\(^5\) By starvation, \(^6\) poison, etc. (Medh.)

\(^6\) These are all the property of the king in the city (K.)
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for all (cases of) bewitching;\(^1\) and (the same) for a ceremony with roots, (performed) by those not attaining (their object);\(^2\) and for the various (kinds of) magical rites.\(^3\)

291. He who sells bad seed,\(^4\) or improved (worthless) seed,\(^5\) and also he who destroys a boundary,\(^6\) should receive corporal \(^7\) punishment accompanied by disfiguration.\(^8\)

292. But the king should cause a worker in gold who acts in an unlawful manner—(he being) the most evil of all the thorns (infesting a kingdom)—to be chopped up into small pieces with sharp knives.

293. For abducting things (used) in ploughing, weapons,\(^9\) or medicinal plants, let the king establish punishment after he has found out the time and purpose (of the act).\(^10\)

294. The master\(^11\) and his ministers, the (chief) city, the people,\(^12\) the treasury and army,\(^13\) likewise the ally\(^14\)—

1. By hymns (Medh.); oblations to ensure death (K.); such as the hawk-sacrifice (Rāgh.).

2. The ceremony with roots is for the purpose of slaying an enemy, or getting property by certain roots having this power, such as those described in the Ṣebā, which informs us that in the Atharvā (sic) it is ordained that plants which are prickly, and sting, and have red flowers, are to be used in-bewitching one’s enemies (xiii. 98, 20). The expression anāptaiḥ (construe with each clause) may mean bad people (K.), or unskilful people (Rāgh.), unless Nand.’s var. lec. (anāpti) be preferred, which gives practically the same sense as the last (anāptaphale vṛtthavān) “unsuccessful ceremonies for gaining power over one.”

3. Kṛtyā, “any magic to remove enemies,” etc. The fine is in all these cases for unsuccessful attempts to destroy life; successful attempts should meet with death, according to the commentators. Medh. distinguishes between designs on man or cattle, but either may be meant by the text.

4. As good seed (Medh., K.)

5. So K. Nand. paraphrases by upśānāṁ bijānāṁ uddhārā, “one who pulls up seed sown.” The improving of worthless grain is done, according to the commentators, by surreptitiously inserting good grain on the top of the bad, and declaring it is all good.

6. Of village or town (K.); cf. Yāj. ii. 155. According to Medh., the boundary is a legal restriction, “he who breaks a law.”

7. Vadhā; the commentators say the criminal is to have his nose cut off (Medh.), or hand, foot, etc. (K.)

8. This vadhā is opposed to that in vs. 279.

9. Weapons of the king bring a greater, other weapons a lesser punishment (Medh.)

10. That is, in such cases where a plough, yoke, etc., is stolen, there is no set punishment, but it depends on circumstances (Medh., K., Rāgh., Nand.) After this verse Nand. places K.’s vs. 312.

11. The king.

12. City is his capital, home of the king (Medh.); people (so Medh., literally, realm) means “country,” according to K.

13. Danda, better than the alternative meaning “system of punishment, courts,” etc.

these indeed are the seven elements (constituting what is) called a complete kingdom.\(^1\)

295. Now (in case) a great calamity (is liable to occur) to these seven elements of the kingdom one after another, one should know (that it would prove to be) more severe (in the case of) the first (mentioned than in the case of the next), and so on (to the last).\(^2\)

296. When in this world the kingdom of seven members stands firmly together like a threefold staff,\(^3\) no one part then surpasses (another), through any superiority of the qualities of one over the other.

297. But this or that member is especially prominent (only) in the duties respectively pertaining to it; that member is in any given duty called the best by whom this duty is successfully performed.

298. By (means of) spies, by exercising his power, and also by carrying on (various) enterprises, let the king constantly learn his own strength and that of the enemy.\(^4\)

299. Having (first) considered all the unfortunate accidents and injuries (liable to result from his plans),\(^5\) and the relative importance (of these misfortunes), let one afterwards undertake what is to be done.\(^6\)

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\(^1\) Medh., MS. No. 935, has samastam; No. 1551 has this altered in the margin to saptāṅgam, the reading in some K. MSS. Medh. paraphrases krīpaṁ. Another var. lec. is samagam (so Rāgh. MS.) The reading saptāṅgam is prettier, "the seven elements" explaining the "seven-limbed kingdom," but Medh.'s reading is found in the Eengal and Bombay MSS. and in the Nandini text. Cf. Viṣṇu, iii. 33.

\(^2\) In other words, let the king first see to his own safety, then for that of his ministers, etc.

\(^3\) Where each part mutually supports and is supported (K., Nand.) The relation is like that of earth, seed, and water, all necessary each to each for growth (Medh.)

\(^4\) Medh. reads (for K.'s mahipatiḥ) parāmanah, and in this is followed by Nand. (who also has kavalam for karmanām, explaining exercising power as open, and kriyā as secret power, such as reflection). The sense remains the same, except in Nand., who renders para (enemy) as "any one else, a friend." Medh. says he must find out what power the other party has over himself and what he himself has over the other. He also renders utākayoga as "gifts," etc., i.e., by the four means of subjugation enjoined for a king.

\(^5\) This seems to be the meaning, and is so given by K.; so Medh., though he has another explanation.

\(^6\) Nand. has an (unauthorised) var. lec., without material change of meaning: (mahipatiḥ) gurulāghavato jñātā tataḥ karma samacaret. Medh, and K. regard pīdana as of nature, vyāsana as of man.
300. One should just keep on renewing his attempts again and again, however tired and weary (he may be); for fortune favours the man who keeps on renewing his attempts.1

301. The ages—Kṛta, Tretā, Dvāpara, and Kali—all (indicate) the actions of the king; for the king is called the age.2

302. Asleep he is Kali; awake, the Dvāpara age; (when) actively engaged in work, Tretā; but (when) advancing (against the enemy), the Kṛta age.3

303. The king should practise the glory and conduct of Indra (the storm-god), of Arka (the sun), of Vāyu (wind), of Yama (here god of the dead), of Varuṇa (here god of punishment), of Candra (the moon), of Agni (fire), and of Pṛthivī (earth).

304. As Indra rains down upon the people through the four rainy months, so should the king, practising Indra’s rule, besprinkle his realm with favours.4

305. As the sun with its beams takes (to itself) the water during eight months, so let (the king) ever5 take from his realm the revenue; for that is the sun’s rule.

306. As the wind wanders about, proceeding among all created beings, so (the king) should proceed everywhere by means of his spies; for this is the wind’s rule.

307. As Yama (the constrainer) constrains both friend and foe when their time has come, so the people6

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1 Cf. iv. 137. This verse is omitted by Medh. (Nos. 935, 1551).
2 The four ages represent four periods of relative goodness and happiness. Kṛta is the perfect, Kali the worst and latest age. It is a point discussed in the Mbhā. (v. I32, 16) whether the king depends on the age in which he lives, or the age is dependent on the king for its character. The latter is considered the right doctrine; any king by good conduct can produce the age of bliss and perfection, or that of evil, etc.; the notion in vs. 302 is a variation of this.
3 Literally “expanded;” viktas tu is Medh.’s reading (Nos. 935, 1551).
4 Cf. Mbhā. xiii. 102, 26 (the world), yatra Čakro varṣati sarvakāmān.
5 Nand. MS. reads “take properly” (for nityam reads sanyāga).
6 Nand. sarve (for prajāh), i.e., priyadvesāh.
should be constrained by the king; for this is Yama's rule.\footnote{Yama, the constrainer (by a false but old derivation), constrains men to die. The people are constrained to be punished or killed if sinful.}

308. Just as one is seen (to be) bound fast by Varuṇa’s cords,\footnote{Nand. has the whole verse slightly altered in my MS., vārunena tu pācatocca baddhyate vārunair naraḥ. \textit{I.e.}, his inimicable ministers (Medh., K.), or his vassals.} so let (the king) seize hold of evil men; for this is Varuṇa’s rule.

309. As human beings rejoice on beholding the full moon, so that king in whom the (ministers and other) elements (of the realm take delight) fulfils the rule of the moon.

310. Let (the king) be ever ardent and glorious in (consuming) evil-doers, and destructive to the enemies that surround him.\footnote{“The enemy,” eva vā (Nand. MS.) Nand. places this verse more appropriately after vs. 293. “Other means,” are those current in the world (Medh.), even if not specially declared by the law (K.)} That is called the rule of fire.

311. As the supporting (earth) supports alike all creatures, so when (the king) supports all creatures (he follows) the rule of the earth.

312. Ever holding fast to these and other means (of procedure), let the king unweariedly seize hold of thieves in his own realm, and also (in that) of another.\footnote{From vs. 313 through vs. 319 appears to be a late addition to the work, if we judge it by the language, and agrees closely with a portion of the epic that is also a late addition to that work. Cf. Mahā. xiii. 152 adhy. (all the twenty-three verses); cf. also \textit{ib.} ix. 36, 40; iii. 191, 21; and v. 40, 8, where it is said that “one angry Brahman destroys a realm.” I have elsewhere pointed out this fact (Mutual Relations, p. 22 ff.), and the Nandini shows a confusion in the verses (vs. 313, 314, being placed after vs. 319) indicative of perhaps local uncertainty. Nevertheless my former opinion must be modified to this extent, that these verses are by no means among those last added to the work, as Medh. has them all complete in proper order, and with few var. lec.}

313. Even if he has fallen into the greatest distress, let him never arouse the Brahmans to anger; for on being made angry they could destroy him with (all his) dependents, force, and equipment.

314. Who could escape destruction if he angered those
by whom the all-devouring fire, the undrinkable sea, and the waning and waxing moon (were) made?

315. Who could prosper if he injured those who could, when incensed, produce other worlds and (other) guardians of the world, and (other) gods and not-gods?

316. Who, if he had lust to live, would harm those, on whom relying stand eternally the worlds and the gods, of whom also the wealth is brahma (the Veda)?

317. Wise or unwise, the Brahman is a great divinity; just as fire is a great divinity, whether applied (to the sacrifice) or not applied.

318. Even in the places where corpses are burned the glowing purifier (fire) is not defiled, and when it has received the oblation in the sacrifice it is the more magnified.

319. Thus, even if engaged in all (kinds of) occupations (which are looked upon) with disfavour, the Brahmans should (none the less) be reverenced at all times, for that divinity is the highest one.

320. Since the Kṣatriya caste arose from the Brahman, the Brahman caste alone should be the one to subdue the Kṣatriya caste at all times, when it has grown overweening toward the Brahmans.

321. From water fire is produced; from the Brahman

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1 The Bomb. MS., that of the Nandini, and Medh. No. 935, has bhakṣo for bhakṣyo. Nand. has also asir for agir; the word is synonymous, but this is probably a clerical error.

2 Kṣaiva-cārdhiṁśe'nduḥ (var. lec. No. 935, yakṣi (sic), and 1551) in Medh. gives same sense.

3 Medh. (Nos. 935, 1551), Rāgh., and Nand. have śamācṛitya for K.'s ṛṣa' (in Medh.'s gloss); the worlds and gods rely on the Brahmans' offerings (Medh.) for yेṣåm Medh. (No. 1551) has yeṣām.

4 Mbh. iii. 200, 89, gives the same view.

5 Abhivardhate (increases), K., No. 1551, Medh.; abhiprājate, No. 935, Medh.; abhipājate, Nand. (magnified in glory).

6 The Brahman (Nand., singular throughout).

7 That is the highest divinity, i.e. the Brahman is (Nand. has sañ.)

8 Or “would be able” by means of incantations, etc. (Medh., K., Nand.)

9 The water in plants and trees is meant, thence fire comes (Medh.). Nand. has the absurd explanation for brahmataḥ that it refers to Daksā, Marici, and other creators.
caste, the Kṣatriya caste; from stone, iron. In their own
birthplaces their all-pervading force is quenched.1

322. The Kṣatriya caste does not prosper without the
Brahman caste; the Brahman caste does not flourish
without the Kṣatriya caste; but when the Brahman and
Kṣatriya castes are united they flourish both here and
hereafter.

323. Now after giving to the priests the wealth that
has been produced by all the fines,2 and after committing
the realm to (his) son,3 let (the king) meet his death in
battle.

324. The sovereign acting thus, ever 4 constant to the
duties of a king, should also have all his dependents
employed in (such) acts (as will be) beneficial to the world.

325. Thus has been declared the complete and eternal
rule of action for a king; this (following) rule of action
one should know is for a Vaiṣya and Čūdra, one after the
other.

326. Now a Vaiṣya, after being initiated and having
married a wife, should be always employed in gaining
wealth 5 and in tending cattle.

327. For after Prajāpati had created cattle he gave
them over to the Vaiṣya, (while) he gave all the people
to the Brahmans and to the king.

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1 Vs. 320 is found in Mbh. xii. 78, 27, and vs. 321 is found ib. v. 15, 34, xii. 56, 24 (and in ib. 23 is
ascribed to Manu, along with another verse not found in our text); also ib. 78, 22, and i. 137, 12 (sāditā
tuṭṭhito rānih), although in vs. 14 cases of “Brahmans born from

2 All the fines except those paid by the great criminals (which must
be given to Brahmans at once or
thrown into the water). This verse
refers to king ill or dying; and if
to die fighting is impossible, he
should burn, drown (Medh.), or

3 Nand. gives a slight change by
reading (MS.) sutam rājya samā-
veṣya, setting his son over the king-
dom (cf. the reading of Medh., samā-
sādyā, and the Bengal MS. var. lec.
samāṣajya); cf. iv. 257. Medh.
says some interpret “fines” as
including money got by taxes, etc., i.e.,
his whole property.

4 This is omitted in some MSS., and
the word reads, “closey constant.”

5 Vārāṇa often includes cattle-
tending; the term is general, and
means all the work and activity by
which the Vaiṣya gained his living.
328. The Vaiçya should, moreover, never express any such desire as "I would not tend cattle;" and, when the Vaiçya is willing (to tend them), they should never be tended by another.

329. (The Vaiçya) should know the relative value of gems, pearls, corals, ores, woven-stuffs, perfumes, and essences.

330. He should understand the sowing of seeds, know the defects and good qualities of land, and be well acquainted with the application of measures and of weights in all (their particulars);\(^1\)

331. Also the comparative worth of goods, the good and bad qualities of (different) districts, the gain and lack of gain in different wares, and the propagation of cattle.\(^2\)

332. He should know the support of his dependents, the various languages of men, the means of preserving commodities, and also (all about) purchase and sale.\(^3\)

333. He should expend the greatest effort in justly increasing his goods, and he should also take pains to bestow at least food on all creatures.

334. Now the supreme duty of a Çūdra, and that which ensures his bliss, is merely obedience toward celebrated priests who understand the Veda and (live as) householders.

335. If he be pure, obedient to the higher (castes), mild in speech, without conceit, and always submissive to the Brahmans,\(^7\) he attains\(^8\) (in the next transmigration) a high birth.

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1 That is, in what districts they are valuable, etc. (Mdh.)
2 Such as how weights like the dhraga, áṭhaka, etc., are to be estimated, whether by hand, etc. (Mdh.)
3 Ca vivardhanam (Mdh.)
4 How much is necessary to support the cowkeepers (etc.) (Mdh.)
5 Mālava - Mañjyaka - Drucicā - ċidēcābhāsāh (Mdh.)
6 Nand. says, "at least food even to Çūdras." "He must give much food" is what is meant by "take pains to bestow food," otherwise the king should be fined.
7 "Finds refuge in Brahmans" is K.'s explanation. Mdh. reads, both in No. 1551 and No. 935, Brāhmanāmāgraṇo, explaining "aṅgām api vīra vāsadbhāsa, aṅgāvagāvāsadbhāsa." Nand. reads Brāhmanāmām ērayah (mitgum), "everlasting bliss of Brahmans" he obtains.
8 Aṣṇute in Mdh. No. 1551; aṣṇute in No. 935.
336. Thus has been declared the pure rule of action for the castes (when) not in (time of) distress: learn (now) also in order the rule which they should follow in time of distress.

END OF THE NINTH LECTURE.
LECTURE X.

THE MIXED CASTES AND CLASSES: PROCEDURE IN TIME OF NEED.

1. The (members of the) three twice-born castes, abiding by their respective occupations, should peruse (the holy texts); but among these a Brahman only, not (members of) the two other (castes), should expound (these texts): this is the decision.

2. The Brahman should understand the lawful means of livelihood of all (the castes); he should both expound (them) to the others and also be himself such (as the rule demands).

3. By reason of his excellence, his pre-eminence of origin, his carrying the ordinances, and because of the difference in his initiation, the Brahman is lord of the castes.

4. The Brahman, Kṣatriya, (and) Vaiṣya (constitute) the three twice-born castes; but the fourth, the Čūdra, has only one birth. There is no fifth (caste).

5. In all the castes those (sons), and those only, are to be recognised as born equal in caste which are born in the caste order, of pure wives, equal (in caste).

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1 Excellence in qualities, which then follow (Medh.); "Four causes" (Rāgh.); Pre-eminence in birth, i.e., from the head of Brahmā (Medh., K.)

2 So, or perhaps bearing vows of Snātaka (Medh.) Govindarāja explains as bearing vows of Snātaka, which is not correct, as that applies to the Kṣatriya as well (K.)

3 He has no religious birth (Medh., K.)

4 Or, family.

5 Who are pure maids till married. Not uniting wife with akṣatayoniṣu. The ancients read nārīṣu, rejecting the word pātī; but "pure" merely means (except in the vernacular rajakasya pātī, where no real marriage occurs), an honourably wedded wife, married for the first time; not one gone and returned again (Medh.)
6. They call those sons (which are) born of the twice-born by women of the next (caste below) Similar,\(^1\) being exposed to blame by the fault of the mother.

7. This is the eternal rule for those born of women of the next (caste below): one should know that this (following) is the lawful rule of right for those born of women (who have) one or two (castes) intervening.\(^2\)

8. From a Brahman by a Vaiçya girl is born (a son) with the name Ambaṣṭha;\(^3\) by a Čudra girl (one named) Niṣāda, who is (also) called a Pāraçava.\(^4\)

9. From a Kṣatriya by a Čudra girl is born a creature called an Ugra (cruel), which has a nature partaking both of Kṣatriya and of Čudra, and finds its pleasure in savage conduct.

10. (The sons) of a priest (Brahman) by (women of) the three (lower) castes, those of a king (Kṣatriya) by (women of) the two (lower) castes, and those of a Vaiçya by (women of) the one (lower) caste,\(^5\) these six (kinds of sons) are called Rejected.

11. From a Kṣatriya by a girl of the priest(ly caste) is born a son (called) a Śūta; from a Vaiçya are born by women of the king(ly and) priest(ly caste) a Māgadhā and Vaideha.

12. From a Čudra are born by women of the Vaiçya, regal, or priestly castes, by\(^6\) a mixture of castes, an Āyogava, a Kṣattar, and a Cāṇḍāla, (who is) the basest of men.

13. Just as the Ambaṣṭha and Ugra are said to be those

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\(^1\) K. gives the names and acts of these (from Yāj. and Ucānas; cf. Yāj. i. 91 ff., though the text does not specify them) as Mūrdhāvasikta (tending horse and chariots); Māhiṣya (dancing, etc.); Karaṇa (police).

\(^2\) That is, two or three grades lower than the husband.

\(^3\) Also called Bhṛjjakāṇṭha in another Smṛti (Gaut. iv. 20), (Medh.) (vide vs. 21 note).

\(^4\) Cf. ix. 178. K. says, referring to the lost (?) verse of Yāj. (cf. ix. 178 note, and ix. 160), that the "girl" means one married. So Medh., "it means the wife (stīr) of the Vaiçya," etc.

\(^5\) Čudra; in general of lower mothers.

\(^6\) Medh. locative "in" (Sankara, in Nos. 989, 1551, and 935 (palimpsest).
(born) of women two castes below in the direct order (of the castes), so the Kṣattar and Vaidehaka are of the same sort in a birth which goes contrary (to caste order).

14. The sons of the twice-born which are born of women of the caste just (below) (as) declared, one after the other, they call Next, on account of the mother’s defect.\footnote{Cf. vs. 6.}

15. (A son called) Āvṛta by name is born from a Brahman by an Ugra girl; an Ābhīra (by name), by an Ambaṣṭha girl, and a Dhitigvana, by a female Āyogava.

16. The Āyogava, Kṣattar, and Cāndāla, (who is) the basest of men, are born against the caste order from a Čudra (as) the three rejected (of that caste).\footnote{Cf. vs. 10.}

17. The Māgadhā and Vaidehā (produced) by a Vaiça, and the Süta alone from the Kṣatriya, these also are born against (the caste order) as three other Rejected.

18. (The son) begotten by a Niṣāda by a Čudra woman is by birth a Pukkasa, and (the son) begotten by a Čudra by a Niṣāda woman is called a Kukkutaka.

19. Moreover, (the son) of a Kṣattar by an Ugra woman is called a Čvapāka, while he begotten by a Vaidehaka by an Ambaṣṭha woman is called a Vena.

20. If the twice-born beget by (women of) the same caste sons (who do) not (undergo) the proper ceremonies\footnote{The ceremonies prescribed at birth, etc.} (_vratā), one should designate these (sons) as Vṛtya (inasmuch as they) are excluded from the gāyatṛi.\footnote{Sāvitrī. All the three MSS. of Medh. have ity abhinirdiet.}

21. Now from a Vṛtya priest is born (a son) whose soul is sinful (called) Bhṛjjakaṇṭaka, Āvantya, Vāṭadhāna, and Puspaçekhara.\footnote{Medh. says the names are owing to difference of locality, but the ancients explained them as born from the preceding; thus the father of the Āvantya was the Bhṛjjakāṇṭaka, that of Vāṭadhāna was the Avantya, that of Puspaçekhara the Āvantya. The different names of this one son depend on difference in locality (K.), i.e., all these people are regarded as having their origin in some outcast priests. The wife is a Brahman woman (of the same caste, Medh., K.) Bhṛj or Bhṛjjakāṇṭaka (sic) (as in vs. 8); also Puspaçekhara (sic) ever so in the three Medh. MSS. (935, 939, 1551), which from its glosse, must be correct. The Vṛtya is practically outcast, or outsider.}
22. From a Vṛātya member of the regal caste (is born) a Jhalla, Malla, Licchivi,¹ Naṭa,² Karana, Khasa, and also Dravida.

23. Now from a Vṛātya Vaiśya is born a Sudhanvan, likewise a Cārya, Kārusa,³ Vijnman, Maitra, and Sātvata.⁴

24. The mixture of castes is produced by adultery on the part of the (pure) castes, and by marrying those who ought not to be married, and by men deserting their respective occupations.

25. Now I will proclaim without omission those who are of mixed origin, born either in conformity with, or against the order of the castes, and those (whose birth is) mutually confused.

26. The Śūta, and Vaidehaka, and the Cāndāla, basest of men; the Māgadh, and he (who is) by birth a Kṣattar; so also the Āyogava;

27. These six beget, by (women whose) origin is (the same as) theirs, castes (which are) similar; and they produce them by the mother’s family, and by women of the higher (kinds of) origin.⁷

28. As a man’s self is born of (women of) two of the three castes, and, when there is no (caste) intervening, (of women) of his own caste, so even thus is the order among the outcasts.

¹ Licchivi (Medh., Nos. 935, 989, 1551), perhaps for Licchavi; K. has Nicchivi (?).
² The Naṭa as nom. agentis is a “play actor.”
³ (Stc. Medh.)
⁴ All these in vss. 22, 23, are names of one person as before (K.)
⁵ Medh. (jāyate ... saṅkarah, Nos. 935, 989, 1551).
⁶ Cf. ix. 65.
⁷ The similarity is in respect to the mother’s, not to the father’s family (K.). Medh. reads jāyati, (jātav saye). The last clause means they go against caste order (Medh.), as the mother’s family of each is higher.
⁸ Ča ... kramaḥ is Medh.’s reading (Nos. 989, 935, 1551). K. (quotes incorrectly, and) refutes Medh.’s notion that this shows the twice-born-ship to inculcate initiation; for those born against the caste order have no right to this. The type at the beginning is the Brahman, the two out of three castes are Kṣatriya and Vaiśya (Medh., K.) But Medh. says twice-born-ship is produced thus against the order, and where that exists the initiation must be made (antidvijate upanayanam kartavyam).
29. These two by each other's wives produce again many more debased and despised outcasts than themselves.

30. As a Çūdra begets outcast children by a Brahman woman, so an outcast produces (a son) more outcast (than himself) by (women of) the four castes.

31. Acting in a manner opposed to the caste order, the degraded outcasts beget again (those) degraded and still more outcast, (to the number of) fifteen.¹

32. A Dasyu begets by an Āyogava woman a Sairandhra, who not being a slave, yet lives by slavery,² knowing how to adorn and to serve, and obtaining his livelihood by trapping.

33. A Vaideha begets a Maitreyaka,³ whose voice is pleasant,⁴ and who unweariedly extols men by striking a bell when morn arises.

34. A Niśāda begets a Mārgava⁵ (or) Daça, who lives by working in vessels, whom they that live in Aryavarta call Kaivarta (fisher).⁶

35. These three,⁷ degraded in family, are severally born of Āyogava (women), who wear the clothes of the dead, are ignoble,⁸ and eat forbidden food.

36. A leather-worker (called) Kārāvara is born of a Niśāda, an Andhra, and a Meda, who live outside the village, (are born) of a Vaidehika.⁹

37. From a Cāndāla¹⁰ (is born) a Pāṇḍusopāka, whose

¹ This refers only to cases against the caste order. Medh.'s (and Govind.'s) explanation including cases in caste order is wrong (K.); the fifteen are worked out by each. Medh. paraphrases pratikūlaḥ var-tamanāḥ generally by castravyati-kramena var-tamanā mithunibhavanti, "marry in opposition to the statute."

² Dāṣyajivana (Medh., Nos. 939, 935, 1551).

³ Or, Saireyaka (v. l., Medh.)

⁴ K. and Medh., also with a varied explanation.

⁵ Like Mrgayu, of hurtful occupation, because they who live in boats hunt fish (Rāgh.)

⁶ As if a known but foreign district.

⁷ One MS. (No. 989) Medh. has ime traverse; the three are Sairandra, Maitreya, Mārgava (K.)

⁸ Anāryāsu = asprṛgyāsu, "not to be touched" (Medh.)

⁹ Same as Vaideha. The mother is a Vaideha, Kārāvara, and Niśāda woman in turn (Medh., K.)

¹⁰ Perhaps by Vaideha woman
occupation is in reeds; an Āhinḍika is also born of a Niśāda by a Vaideha woman.

38. From a Cāndāla is produced by a Pukkaśa woman an evil Sopāka, who gains a livelihood by the occupation of his progenitor,\(^1\) and is always despised by the good.

39. A Niśāda woman by a male Cāndāla produces a son, Antyāvasāyin\(^2\) (living among low people), occupied in places for burning the dead, and despised even by the outcasts.

40. These mixed classes (have been) explained according to their fathers and mothers; whether hidden or exposed to view they may be known by their respective occupations.

41. Six (sons) are said to have the twice-born's laws of duty;\(^3\) (those) born in the same caste and those born of the next (caste),\(^4\) but all those born of lower (father than mother) are said to have the same laws of duty as Čūḍras.\(^5\)

42. But\(^6\) age by age they ascend by virtue of austerity and lofty seed to a high position here among men, or (descend by their opposites) to a low position, (all being) in accordance with their birth.

43. Gradually, through the loss of sacred ceremonies, and by not seeing Brahmans,\(^7\) the following families of Kṣatriyas have reached the condition of Vṛṣalas among men:

44. Paunḍrakas, Oḍras, Draviḍas, Kāmbojas, Yavanas

\(^{\text{Medh., K.}}\) from eva; or with Medh. the Āhinḍika has just the same business to pursue.

\(^1\) Like the Cāndāla he kills criminals (Medh., K.; cf. vs. 56), or (Medh.) trades in wood he chops down (vyasanam = vibhāgakaranam).

\(^2\) Proper name, or designates Cāndāla, of which caste this is an epithet (Medh.)

\(^3\) Dharmin.

\(^4\) The natural explanation is: Brahmans, Kṣatriyas, Vaiṣyas' sons by wives of their respective castes, or of the caste next below; but as this brings in the Pāṇḍara, Medh. and K., violating the evident sequence, bring in the Brahman's son by a wife of any of the three upper castes (cf. vs. 14), and render anantara as anuloma.

\(^5\) For Sūtā (K.), uktā (No. 989, Medh.), corresponding to smṛtā in next verse.

\(^6\) Ca (Medh., Nos. 935, 1551); tu (K.)

\(^7\) Or by violating the rules ordained for the Brahmans (Medh.) Cf. Mbh. xiv. 29, 15.
(Greeks), Çakaś (Indo-Scythians), Pāradas, Pahlavas (Persians), Cinas (Chinese), Kīrātas, Daradas, Khaçaś.\(^1\)

45. Whatever classes (there are) among men outside of those born from the mouth, arm, thigh, and foot\(^2\) (of Brahmā), all those (people) are called Dasyus, whether the language\(^3\) they use be that of Mlecchas (barbarians)\(^4\) or of Āryas.

46. (The sons) of the twice-born which are termed the Rejected and the Lowered\(^5\) should occupy themselves only with such occupations as are blamed\(^6\) of the twice-born.

47. Management of horses and driving waggons (is the occupation of Sūtas; the practice of medicine (that) of Ambaśṭhas; attendance on women\(^7\) (that) of Vaidehakas; the way\(^8\) of the tradesman (that) of Māgadhās;

48. Killing fish (that) of Niśādas; carpentry (that) of an Āyogava; killing forest animals (that) of Medas, Anḍhras, Cuñcus, and Madgus.\(^9\)

49. Moreover, catching and killing animals that live in holes (is the occupation) of Kṣattaras, Ugras, and Pukkasas; dealing\(^10\) with skins (that) of Dhiğvaṇas; making instrumental music (that) of Veṇas.

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\(^1\) Other than translated are probably Indian tribes; Kāmbojas, in the Kāś; Yavanas, probably Greeks; possibly more generally applied to Alexandrians, etc. The last mentioned, Khaçaś, are not given in Medh., Nos. 935 like 989 and 1551 having tathā, but amended in the first to Khaṣāḥ (sic.) Pundraka, as in Bomb. MSS., in all three MSS. of Medh. Rāgh. follows K. in adding Khaṣāḥ.

\(^2\) I.e., the four regular castes.

\(^3\) This means even those living in Āryavarta (cf. ii. 22), or who, like the Çabarās and Kīrātas, are wild tribes and speak a barbarous language (the first = āryavartanivāsīṇaḥ), Medh. "Outside" means "degraded on account of lack of religious ceremonies" (K.); "by being of other caste than the four regular castes" (Medh.)

\(^4\) Not the place but the language makes the Mleccha (Medh.)

\(^5\) Cf. vss. 10 and 41.

\(^6\) Disapproved for themselves.

\(^7\) Guarding the harem (Medh., K.)

\(^8\) Trading on land is specified by K. Medh. gives "the way" as on "land and water," etc.

\(^9\) Cf. vs. 36. But the Cuñcu and Madg are not otherwise mentioned; they are given (Baudh. in K.) as sons of Brahmans by a Vaidehaka woman and by the Bandistri, who in turn is born of a Kṣatriya by a Çudra woman = Ugra woman (cf. iii. 158). (Cuñcu, Bhūbhū, Medh., 989, 935, Vūca or Vīva (B. ?))

\(^10\) That is, the sale of leather to distinguish him from the Karavara in vs. 36 (K.), though not necessarily from the text (carmakaṇa and carmakārya).
50. These should live, being recognised, occupied in their own several works, in places for burning the dead, around trees of temples, in the mountains, and in the woods.

51. The dwelling of Čandālas and Čyapacas (should be) outside the village; they should be deprived of dishes (apapātra); their property (consists of) dogs and asses;

52. Their clothes (should be) the garments of the dead, and their food (should be) in broken dishes; their ornaments (should be) of iron; and they must constantly wander about.

53. A man who practises the rule of right should not desire intercourse with these (people); their business transactions must be among each other; their marriages (should be only) with their equals;

54. Their food, (for which they are) dependent on others, should be given in a broken dish; they should not wander by night about the villages and towns;

55. They should go about by day to attend to their work, made known by the (signs of) punishments (inflicted) by the king; and they should carry out the corpse of one (who dies) without relatives: so stands the rule.

56. They shall always slay those who are to be slain in accordance with the king’s orders, and as the statute (has arranged); the clothes of those to be slain they may take, and (their) couches and ornaments.

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1 By carrying a mark of their order (Mehd.)
2 In artificial groves, according to the usual definition of upavāna.
3 Broken dishes or mean dishes must be supplied, or the dish is to be set down, not handed to them (Mehd.). Apapātra in the Sūtras is synonymous with low caste, etc.
4 K. Or, bhinnabhānde ca (Mehd.), “given them in a broken dish.”
5 He must not stand, or sit, or sport in the same place as they do (Mehd.)
6 That is, they bear about banners and other tokens of their profession, or mount axes, etc., on their shoulders to proclaim that a criminal is to be killed (Mehd.) Rāgh. thinks it means “branded on the forehead;” and K. does not understand the “work” to be that of vs. 56, but “business.” In this sense we should have to translate rājaçādāwaiḥ, “by order of the king.” This alternative meaning is also in Mehd.
57. One should make known by (his) deeds (a man who), being shut out from his caste\(^1\) and unknown, (and being) of impure origin and ignoble, has, as it were, a noble (\(\text{ārya}\)) appearance.\(^2\)

58. Ignobility, coarseness,\(^3\) savageness, laziness,\(^4\) reveal here among men a man of impure origin.

59. Whether he assume the father’s or the mother’s character, or that of both, the base-born man never disguises his true nature.

60. Even if born in a high family, the man whose birth is due to a mixture of caste acquires, in small or great degree, a character (suitable to) this (impure birth).

61. That realm where these caste-debasing mixtures are produced goes right quickly to destruction, together with the inhabitants of the realm.

62. Desertion of life for the sake of a Brahman or for the sake of a cow, (if the act be) done without secondary motives,\(^5\) or, again, losing life in coming to the rescue\(^6\) of a woman or of a child, (are acts which) cause the ultimate bliss of life.

63. Not to commit corporal injury, (to speak) the truth, not to steal,\(^7\) to be pure, to restrain the senses, this condensed rule of duty Manu declared for the four castes.\(^8\)

64. If (the caste) produced from a Brahman by a Çûdra

\(^1\) By neglect of initiation (Râgh.)

\(^2\) Or “ignoble,” (but), as it were, of noble nature (\(\text{āryabhūtam īva, Medh.}\)); or \(\text{ārya ī}\), perhaps, merely twice-born.

\(^3\) Selfishness (Medh.)

\(^4\) So B. R. Medh. and K., “neglect of prescribed ceremonies.”

\(^5\) So K. More specifically Medh. says, “without having received money.”

\(^6\) \(\text{Abhyava}, \text{Nos. 989, 935}; \text{adhyāva}, \text{No. 155 (Medh.)}; \text{abhūpa} \) (K., Râgh.)

\(^7\) Or “not to be angry,” \(\text{akrodhaḥ for asteyam} \) (Nos. 989, 935, 1551, Medh.)

\(^8\) This rule, however, holds for all classes, the mixed as well as the pure (K.) Medh. notes that the first rule, not to do harm or not to kill (as \(\text{ahimsā} \) may mean) is in seeming contradiction to those statutes which enjoin fish-killing, killing animals in holes (\text{vs.} 48, 49), which is explained by some as having reference to gaining a livelihood only, while this includes also other cases. Others say not to kill animals is recommended as a negative means of obtaining bliss, but is not absolutely forbidden.
woman keeps reproducing itself by nobler (marriage), this ignoble attains a noble family at the seventh union.  

65. The Çūdra attains Brahmanship and the Brahman attains Çūdraship. This also one should know (to be the case with) the offspring of a Kṣatriya, and likewise of a Vaiṣya.

66. If there is (a son) born anyhow of a Brahman by an ignoble (anā-ya) woman, and again one born of an ignoble man by a Brahman woman, and (the question) arises, “Where is the superiority?”

67. (We answer): He (who is) born of a noble man by an ignoble woman might, by means of his good qualities, become noble, while he (who is) born of an ignoble man by a noble woman (remains) ignoble. Such is (our) decision.

68. But both of them are incapable of being initiated; with these words is the rule of right established, the former on account of his birth being devoid of good traits, the latter because (his birth is) against the caste order.

69. As good seed alone (when) sown in good land is successfully raised, so (the son) alone (who is) born of a noble man by a noble woman deserves complete initiation.

70. Some wise men extol the seed, others the land; others only seed and land combined; but on this point the fixed rule is this:

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1 Yuga (here birth, generation; yuga-cabdo janmavacanaḥ, Medh.), i.e., if the woman of this class (called Pāraça, by union of a Brahman and a Çūdra woman) marries a Brahman, and her daughter does the same, and so on to the seventh generation, this last generation acquires Brahmanship (Medh., K.) Last word is tu, not ca, in Medh. (Nos. 989, 935, 1551).

2 Yadrechayā = yathā katham, i.e., by an unmarried woman (Medh.)

3 Or (Medh.) What, would superiority ever exist? gṛyas tu kina, kṣacas bhaved (kṣacabdo) kepo. Here and below “noble” is ārya.

4 Cf. ix. 34. This was of equal wife with husband; the present discussion is whether the father exceeds the wife enough to make the son lose the bad influence induced by the evil land (field, womb), or vice versa.
71. Seed sown in poor land is within that very (land) destroyed; land which has not even received seed (is) nothing but bare ground.¹

72. Since (creatures) born of animals have become seers through the excellence of the seed, and (have been) both honoured and praised, therefore the seed is extolled.²

73. The creator on considering an ignoble man whose actions are noble, and a noble man who acts ignobly, said “The two are neither equal nor unequal.”³

74. Those Brahmans who, abiding in Brahma as their source,⁴ (are) established in their own occupations, should live by six occupations (one after the other) in order:

75. Giving instruction in, and perusing (the holy texts); giving sacrifice themselves, and also offering sacrifice (for others); giving and receiving (presents) also: (these are) the six occupations of (him whose) birth is highest.

76. Of his six occupations three occupations afford him a livelihood—offering sacrifice (for others), giving instruction (in the holy texts), and the reception (of presents) from a pure man.⁵

77. Three of the Brahman’s duties⁶ cease with the Kṣatriya—offering sacrifice (for others), giving instruction (in the holy texts), and third, the reception (of presents).

78. These (acts)⁷ in the same manner should also cease with the Vaiṣya. So stands the rule, for Manu Prajāpati said these duties (were) not (intended) for these two (castes).

¹ Whence no fruit is obtained (Médh.)
² Or, “is superior” (Médh.) Cf. ix. 35.
³ Cf. iv. 224, 225.
⁴ Brahmans who live in Brahm as their source. According to Médh. and K., those devoted to means of attaining (source) Brahma (viz., pious meditation).
⁵ From one of the twice-born (K.)
⁶ That is, in the outspoke words of Médh., the three which are employed by the Brahman for a livelihood are not permitted to the next caste, while the three that bring him no gain (adṛṣṭārthānī), sacrifice, study, generosity, are also for the Kṣatriya. “Giving instruction” means in the sacred texts, Veda, etc., but does not include the Dhanurveda (science of arms, implied vs. 79) and worldly sciences generally (Médh.)
⁷ Tathāi’tānī (Médh.)
79. In order to support life (it is the part) of a Kṣatriya to bear the sword and spear,¹ and of a Vaiṣya (to) trade, (tend) cattle, and (practise) agriculture; but (their) religious duty is to give (presents), peruse (the holy texts), and (to give) sacrifice.

80. Among their respective occupations the most excellent (are) studying the Veda (in the case) of a Brahman, affording protection (in the case) of a Kṣatriya, and earning a living by industry (in the case) of a Vaiṣya.

81. But a Brahman when not able to support life by his own proper occupation, as (it has been) declared, should live by the rules of duty (enjoined) for the Kṣatriya, since he (stands) next to him (in the caste order).

82. But if he (be) not able to support life by either² (course of life), and (if the question) should arise “What is he to do?” (then) let him live by the means of life (enjoined) for a Vaiṣya, following agriculture and cattle-tending.³

83. But a Brahman, or even a Kṣatriya, when living by the means of life (enjoined) for a Vaiṣya, should carefully avoid agriculture, (as it) causes great pain (and) is dependent on other (creatures).⁴

84. They⁵ think agriculture is an excellent thing, (but) by the good this occupation is blamed, for the iron-faced block of wood smites the earth and also the (animals) dwelling in the earth.

85. But when one is forced to omit the fulfilment of these religious duties because his occupation is not sufficient to support life, he may multiply his wealth by selling

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¹ This includes all knowledge of the Dhanurveda (Medh.)
² Literally, "both."
³ This manner of supporting life, which includes selling and buying, is in case of need, and may be employed by the Brahman himself; when there is no need (distress) he is not to employ it (K.) There seems to have been an uncertainty if these occupations of the Vaiṣya were really meant to be done personally, and include usury and trade in things not forbidden. Medh. says some quote the verses found in iv. 5, 6, against it. Cf. Gāut. x.
⁴ As steers, etc. (K.)
⁵ Some (K.); people generally (Medh.)
the things a Vaiśya is permitted to sell, with the exception of (what in his case also is usually) excepted.

86. One should avoid (to sell) all essences and made food, together with sesame, (precious) stones, salt, cattle, and human creatures.

87. And all woven stuff dyed; hemp, flax and woollen goods, even if not dyed; fruits and roots and (medicinal) plants;

88. Water, a weapon, poison, meat, soma, and perfumes under all circumstances; milk, honey, sour milk, ghee, sesame oil, sweets, sugar, kuça-grass;

89. And all forest cattle, creatures that rend with the teeth, (large) birds; intoxicating liquor, indigo, lac; also all creatures with whole hoofs.

90. But if by farming a farmer has himself raised sesame for pleasure, he may sell that which is pure and has not been long kept in order to (fulfil) his religious duties.

91. If he does anything else with sesame than to eat (it), anoint (with it), or make a present (of it), he with his ancestors sinks in the form of a worm into the excrements of a dog.

92. A Brahman falls at once through (selling) meat, lac, and salt; in (the course of) three days he becomes a Cūdra through selling milk.

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1 According to Medh., stones of all sorts.
2 The special mention of salt shows the special heinousness of the crime in selling it (K.); no special salt is mentioned, but Medh. says it is sea-salt.
3 Belonging to town or wood (Medh.); such as cows and horses (Itagr.); मन्न्याग ( = मन्न्याह, Medh.) Cf. with this Yāj. iii. 39; Ap. i. 7. 20. 12 ff. Gaut. viii. 8 ff.; Vas. ii. 24 ff.
4 Saffron (K.); red mantles, etc., according to Medh., who adds that rakta (dyed) generally is applied to red (lohiye varna rakṣatredhay prasiddhataraḥ), but may mean any colour not white.

5 Cf. Yāj. iii. 37 (K.); or medhū may be = mādkeka (Medh., with other explanations, who also says yuddha (sugar) is mentioned as belonging to māsa, or, according to some, to permit candy.)
6 As dogs and wild bears (Medh.)
7 That is, many of them (bāhāṁ iti tathā-cudastheśu patanti), it is no fault to see one only (Medh.)
8 To aid religious rites, etc. Medh. observes that this, together with the words “pure,” and “not long kept,” mark the distinction between vs. 90 and vs. 80. (In Medh., Nās. 925, 989, kastam for kumaw).
9 This refers to (tila) sesame in its natural state (Medh.). Cf. Vas. ii. 30.
93. But through the wilful sale of other commodities a Brahman in (the course of) seven nights acquires here on earth the nature of a Vaiṣya.

94. Essences may be exchanged for essences, but not thus salt for essences; and made food (may be exchanged) for unmade food, and sesame for grain, when equal to it (in value).

95. A man of the regal caste (Kṣatriya) may live by all these (means) when he has come to need, but he should at no time meditate (living by) a higher occupation.

96. If any man low in birth should, through greed, live by the occupations of the exalted, the king should banish him at once, after depriving him of his property.

97. Better one's own duties incomplete than those of another well performed, for he who lives by the duties of another falls from caste at once.

98. A Vaiṣya, if not able to live by his own duties, should support himself even by the occupation of a Čūdra, engaging in nothing that ought not to be done; and he should stop (as soon as he is) able.

99. Now when a Čūdra cannot slave for the twice-born, and has reached (the point where) his son and wife are dying, he may live by the work of a manual labourer;

100. (That is), that work of a manual labourer and those various arts by performing which the twice-born are served.

101. A Brahman not taking up with the occupation of a Vaiṣya, (but) abiding by his own path, being in distress

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1 Other than those allowed. Medh. says "without necessity" must be added.

2 Or, fluids.

3 Or, "for sesame oil" (tilaḥ, var. lec., Medh.); "by this reading the exchange of salt with tila alone is forbidden, not with other essences." The priestly.

4 Parādharmaśāstra and its itāt (Medh. in Nos. 935, 989). This is a common proverb, occurring repeatedly in the epic. K.'s reading is, "his own... is a better (thing), not another..."

In Medh., No. 1551, the oldest of the three MSS., the following change of order occurs: 96, 105-115, 97-105, 115, etc., as the rest. This may indicate an old uncertainty in respect to the verses; from their character they may easily be believed to be late.

5 But not the Brahman or Kṣatriya, which some say this includes (Medh.)
(because) harassed by lack of subsistence, may act in accordance with this (following) rule of duty:

102. A Brahman (who) has come to need may take (gifts) from everybody, for it cannot justly¹ be said that the pure becomes defiled.

103. Neither by giving instruction (in holy texts), nor by sacrificing (for others), nor by a receipt (of presents), (which is generally) censured, does any fault arise (on the part) of the Brahmans, for they are like fire (and) water.

104. If one eats food (procured) from any source whatever when he has reached (the point where) life (is) passing away, as the air (is not soiled) by dirt, so he is not besmeared by (this) sin.

105. Ajīgarta,² when desiring to eat, undertook to kill his son, and was not (on that account) besmeared with sin, (because) practising (this as) an antidote to hunger.

106. Nor was Vāmadeva besmeared (with sin) when he, well knowing right and wrong, wanted to eat dog’s flesh in order to preserve animation, (because) oppressed with hunger.

107. Moreover, Bharadvāja, whose devotion was great, being oppressed by hunger in a lonely wood with his son, received many cows from Vṛdhu the carpenter.

108. Moreover, Viśvāmitra, well knowing right and wrong, being oppressed by hunger, proceeded to eat the rump of a dog, having received it from the hand of a Cāndāla.

109. Of (all these three)—the receipt (of presents), offering sacrifice (for others), and, too, even giving instruction (in holy texts)—the receipt (of presents) on the part of a Brahman is lowest, and after death (is) censured.

110. Offering sacrifice (for others) and giving instruction are always done for (those who) have had their souls pre-

¹ Pāruitra, the Ganges is not defiled by filth, so the Brahmana (Medh.).² Medh. takes ḍharmatāḥ as “in accordance with the law,” referring to “the stream is purified by its motion” (v. 105) as an explanation of this.

² Ajīgarta, he who has nothing to eat, and his son Čunabhṛṣṭa are well known from the tale in the Ait. Br. (vii. 15 ff.) The other sages are familiar in early and later epic. Vss. 105 to 115 are perhaps later than the rest; ride note to vs. 97.
pared (for it), but one receives (presents) even from a low-born Çûdra.

111. Through prayer and sacrifice the guilt incurred by (improperly) offering sacrifice and giving instruction de-parts, but that which has its cause in the (improper) receipt (of presents departs) only by giving up (the gift) and by penance.

112. A Brahman may accept (the right to) glean ears and pick up kernels from any one whatever, when he cannot (otherwise) support life. To glean ears (is) better than to receive (presents), and to pick up kernels is even better than that.

113. The sovereign ought to be besought by Brahmans who have completed their studies, when they are in dis-tress and want the (baser) metals or property; if he does not choose to give he ought to be deserted.

114. (Amid) a (field) uncultivated, a cultivated field, cows, goats, sheep, gold, grain, and food, each preceding object is void of fault.

115. The just modes of acquiring wealth are seven: inheritance, receiving, purchase, conquering, earning by lending money or by labour, and also receiving (presents) from the good.


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1 Medh. has the genitive case.
2 The priest should leave his country (Medh., Govind.), or the king, if not inclined to give, should not be asked (K.). Cf. viii. 389. The first is noted in K., but Medh. really has another explanation, according to which kûna = hûni, i.e., dharmâhûnim prâputi. “He receives less of virtue,” a forced explanation. When it is said that a priest should not take presents from a king (iv. 84 ff.), the remark applies only to a bad king (Medh.)
3 The earlier mentioned in order is less sinful than the following throughout the list; can be received with less sin.
4 Receiving is to take a gift from a friend or depositor. The first three are for all the castes, the fourth for the Ksatriya, the two next for the Vâsiya, the last for the Brahman (Medh., K.); but Medh. quotes “some” who give a broader sense to the passage, e.g., that conquering applies to all, and may include gaming, etc. Cf. Gaut. x. 39-42.
5 Vâdy, Vedic knowledge (?); the commentators say all but this.
6 Determination or firmness. K. says “contentment, for where this exists life is supported by even a little.”