Dharma - What it is

The word Dharma is used in a peculiar sense in Sanskrit. The word is used in the sense of sacrifice and other rituals in the \textit{Rgveda}. In other Vedas also the word signifies the duties and responsibilities of the four stages of life (four āśramas) as well as of the four castes (varṇāśrama). In a planned society no one has the liberty to give up one's own duties or take up those of others. It is a matter of social discipline.

The Dharma of everyone involves a catalogue of virtues of both personal and communal nature. Personal virtue has itself a social reaction, but all actions should be so oriented as to proceed on the principle of treating others as one would like to be treated.

The word Dharma is used in a number of senses, such as nature, ordinance, usage, duty right, justice morality, virtue religion, good works etc. The word is derived from the root \textit{Dhr.}, meaning to uphold, to support, to nourish etc.\footnote{P.V. Kane, \textit{History of Dharmasastra}, Vol. I, Part I, 1908.}
The word Dharma, in Indian literature is used in various senses. This word is used in the Ṛgveda to mean the religious ordinances.² The meaning of Dharma seems to be "fixed principle" or rules of conduct.³ The word when used in the masculine, may mean upholder or supporter or sustainer.⁴

The word Dharma carries the above senses in the Vājasaneyasaḥhitā also.

The word is used in the Atharvaveda in the sense of merit acquired by the performances of religious rites.⁵ The word appears to be used in an abstract sense in the Āitareya brāhmaṇa, viz. the whole body of religious duties.⁶ The word Dharma and satya (truth) are treated as equivalent in the Brhadāranyaka-Upaniṣad (1.4.17). The Chāndogya upaniṣad, uses the word as it appears, to mean the peculiar duties of the four stages (āśrama) of life.⁷

The word Dharma passed through several transitions of meaning and essence and in the long run its most significant connotation in the śāstras came to be the privileges.

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² Sayana on RV. 1/22/18, V/26/6, VIII/43/24; IX/64/1
³ Sayana on RV. 1/164/50, X/90/16.
⁴ Sayana on RV. 1/187/1, X/92/2.
⁵ AV. VI.51.3, VII.5.1, Sayana on AV. VII.27.5, XI.7.17.
⁶ Sayana on AV. VII.2.
⁷ Ch. Up. II. 23.1.
duties and obligations of a man, his standard of conduct as a member of the Aryan community, as a member of one of the castes, as a person in a particular stage of life (āśrama). The word might be used in the Taittirīya-āranyaka to carry the above senses. The word is used to carry the same meaning in the Dharmasūtra literatures. The sages requested Manu, in the Manusmṛti, to instruct on Dharmas of all the Varṇas. It appears that the word Dharma is used in the Yajñavalkya smṛti, to carry the same meaning. The Arthasastra of Kauṭilya, prescribes for all men, ahimsā, satya, saucaka, anasūyā, anrṣāmsya, and kṣamā which are warranted by the śāstras under Dharma.

The word Dharma is defined in the Mīmāṃsā sūtra, as 'an object itself and its binding character is by reason of the vedic injunctions, Dharma is that particular act conducive to the highest good which is indicated by the veda.' The Vaiśeṣika sūtra also defines Dharma as 'that from which accrue happiness and final beatitude'.

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8. dharmo viśvasya jagatah pratisthā loke dharmisthām orjā
   upasarpanti dharmena pāpamapanudanti dharme sārvaṁ
   Pratisthitam tasmāt dharmam paramam Vadantīṁ.  
   T.A.X 63 and Maha U 32.1.

9. M.S 1.2
10. Ys. 1.1
11. Arthasastra, 1.3.4., 1.3.13-14.
12. Mīmāṃsā sūtra and sabara on 1.1.2.
13. yato abhyudaya nihāreyaskara siddhiḥ sa eva dharme Vassutra.
used in several senses in the Buddhist canonical literature also.\textsuperscript{14} It is considered that religion is a system of beliefs put forward by some authority and to be accepted as true without question on the basis of a working hypothesis of human conduct. The fundamental concept of Indian religious life concerns the realisation of the real nature of the self and communion with the supreme.\textsuperscript{15}

It is stated that Dharma has to be known by inference (anumāna) through its effects, because there is no perceptibility (pratyakṣa) in it. The logicians conceive it as an innate property (guna) of the self and in that sense it is regarded as invisible (aprtyakṣa) and as cognisable only by inference.\textsuperscript{16}

As Dharma relates to conduct or action, the ancient definitions have been based on intuition, conscience, behaviour and scriptural sanction as well as on its beneficial reaction on the doer, society and the cosmic order. It is already stated that Dharma of every one involves a catalogue of virtues of both personal and communal nature. Personal virtue has itself a social reaction. Dharma stands for a

\begin{itemize}
  \item \textsuperscript{14} K.P. Sinha, \textit{Nairatmya Vāda}.
  \item \textsuperscript{15} Radhakrishnan, \textit{Indian philosophy I. Religion and Culture}
  \item \textsuperscript{16} dharmastu na pratyakṣah/kintu anumāna gamyḥ satirādijanaka ātmaviṣéṣaguna sa eva dharmah. Tarkabhāṣā.
\end{itemize}
complete code of high morality and hence it can be equated with morality in the widest significance. A basic concept of Dharma is the law of Karman stressing the need to lead a moral and balanced life.

It is a well accepted principle that every ritual, ceremony or other religious act is performed for the purpose of enabling the individual who performs it to realise the four puruṣārthas of life. Viz. Dharma, Artha, Kāma and Mokṣa. Scholars therefore, argue that the endeavour should be to get rid of the results of Karma and to attain a state where the Karma has no longer any effect.

It is propounded that Dharma is a word of protean significance. It means the underlying fundamental laws of one's being, that which holds things together, makes it what it is, prevents it from breaking up and changing it into something else. In other words the primary function, peculiar property, fundamental attributes or essential nature of a thing is its Dharma, the law of its being.

Though the word Dharma connotes many things and its significance is very wide, in so far as the word is used to denote the primary puruṣārtha, its basic conception and its principles are very clearly enunciated by the ancient scholars.
Sources of Dharma

The Vedas are accepted as the primary sources of Dharma. The Manusamhita states five different sources of Dharma, namely the Vedas, the Smritis, the practice of those who know both (the Vedas and Smritis), the tradition of those learned people and the action of one which is pleasing to one's oneself. The Vājñavalaka-smṛti corroborates the view expressed in the Manusamhita. The Gautama dharmaśūtra states that the Veda is the source of Dharma and the tradition and practice of those who know it (the Veda). Apastamba also said that the authority (for the Dharma) is the consensus of those who know Dharma and the Veda. Thus the sources of Dharma to Mīmāṃsā is the Veda. Other works on Dharmaśāstra and smṛti warrant similar views.

17. Vedokhilo dharmamūlam smṛtiśile ca tadvidām / ācārasaiva saḍhūnāmātmanastuṣṭireva ca //
18. Sruti-smṛtiḥ sadācāraḥ svasya ca priyamatmanah / samyak saṃkalpajaḥ kāmo dharmamūlamidam smṛtam //
19. GDS. 1.1.2
20. athātassamayācārīkān dharmaṁ vyākhyāyayam / dharmajña samayaḥ pramāṇam / Vedasca /
   GDS 1.1.1-3
21. codanā laksanottro dharmah / Jaimini śūtra. 1.1.2.
22. dharmamūlam vedamāhur grantharāśīmakrtrimam /
   tadvidām smṛtiśile ca śudhvācāraṁ maṇah priyam //
  Vyasa-samhitā
dedāḥ pramāṇam smṛtayāḥ pramāṇam dharmārtaha yuktam /
   vacanam pramāṇam /
   yasya pramāṇam na bhavet pramāṇam kātaṣya kuryād vacanam pramāṇam //
   Harita
It is clear from the above discussion that the principal sources of Dharma were conceived to be the Vedas, the smrtis and the customs. Though Veda is said to be the sources of Dharma, yet it is difficult to find any positive precepts (vidhi) in the Vedas on matters of Dharma in a systematic form. There are incidental references in the Vedas to various topics dealt with in the Dharmaśastras of later times. There are many Vedic passages that throw light on marriage, different kinds of sons, adoption, partition, inheritance, śrāddha etc.

We find references to wedding, funerals, conception in a concise form in the Rgveda. It may perhaps be presumed that the later rituals of Vivāha, garbhdhāna and antyesti owe their origin to these hymns. We find innumerable hymns that are recited at different rituals and ceremonies.

The yajurveda represents an advanced stage in the ritualistic litanies. The Yajurveda is concerned with the ārauta ceremonies as described in the ārautasūtras. We hardly get any material help from it for the study of the domestic rites and ceremonies. On the other hand, we get ample informations in the Atharvaveda about popular beliefs.

23. RV. X.17, X. 85
25. RV. X.184, X. 185.
and customs. Mantras concerning almost every aspect of human life are found in the *Atharva Veda*. The *Atharva Veda* throws light more on common faith and rites of the common people rather than on the highly specialised religion of the priests.  

The Brāhmaṇa literature is mostly occupied by śrauta ceremonies that were the supreme religious concern of the time. We find occasional references to the āryya rites in the Brāhmaṇas. The Vivāha ceremony is referred to in the Aitareyabrāhmaṇa. The progeny in the form of a son is called tantu in the same brāhmaṇa. prāyścitta is also referred to in the Aitareya brāhmaṇa. Upanayana is referred to in the Gopatha brāhmaṇa.  

The Śatapatha brāhmaṇa uses the word Brahmacarya in the sense of the life of a student as well as the word ante-vāsī is used in the sense of a student. The recognition of valid marriage within the third or fourth degree (generation) 

Kulācaryārādavicccheda hetuvāt putrarūpaprajātantu śabdenocye - śāyana. 
29. Śāyana on *Ap*. XIII. 9 
31. ŚP. XI. 3,31, V. 1.5, 17.
is also found in the same brahmana. The Taittiriya brahmana also referred to marriage. The Aranyakas and the Upanisads are mainly important for philosophical discourses. The Taittiriya-aranyakas hints at late marriage. The Chandogyoponisad refers to the admission of a student to the institution of a guru.

The śrauta and the Grhyaśūtras:

The sacrificial and domestic rites of the people of India are systematically treated in the sutra literatures. The śrauta sūtras, the Grhya-sūtras and the Dharma-sūtra treatises are known as kalpa-sūtras. The word kalpa means a ritual and the word sūtra means an aphorism. Those writings which deal with Vedic, domestic and customary rituals in the form of aphorisms are designated as Kalpasūtras. The Kalpasūtras discuss the rituals and traditions current in different Veda-sākhās. All the Vedas had once their respective and independent Kalpasūtras.

31. SB. XI. 3.3.1, V. 1.5, 17
32. SB. 1.8.3.8
33. Yam kāmayate duhitaram priyāsyāditi taṁ nisthāyaṁ dadyāt.  
   Tā. 1.5.2
   Nisthā svātī nakṣatram tasminnakṣatredattā duhitā patyauḥ priyaṁviva bhavati.  
   Śāyana.
34. TA. 1. 27
35. Ch. UP. IV. 4.
The śrauta śūtras discuss the performances of the great sacrifices (śrauta yajñas). The śrauta śūtras describe the Vedic sacrifices which are to be performed with the help of three or more sacred fires. The ceremonies, such as Agnyādhiāna (the setting up of sacred fire), agnihotra, Darsā-pūrṇamāsā, cāturmāsya, nirudha pasūbandha and other śrauta sacrifices are discussed in details in the śrauta sūtras. The śrāutasūtras deal with the āsvamechā, the Ṛājasūya and the Vājapeya sacrifices too.

On the other hand the Grhya-sūtras deal with the directions for all sorts of ceremonies, rites and rituals, customary and domestic sacrifices, the performance and observances of which were compulsory for all the Hindu house-holders. The Grhya-sūtras, generally begin with the Vivāha ceremony of an individual and deal with the samakāras, viz. Garbhādhāna, Pumsavāna, sīmantonnayana, jātakarma, jāmakarana, Niskramana, Annaprāśana, cūdākarana or caula, Upanayana, samāvrata and Antyesti or the funeral ceremonies. These sūtras lay down Mantras and formulas to be recited at different stages of the performance of each ceremony.

The Grhyasūtras state also regulations regarding the age of an individual and proper time for the performance of a particular ceremony. It is observed that some of the Grhyasūtras leave out the obsequies. The funeral rites are
deal with in the *pitrmedha-sūtras*. Perhaps it can be supposed that the *Grhya-sūtras* pre-suppose the knowledge of the *śrauta sūtras*.  

The *Grhya-sūtras* also belong to different Vedic schools like the *śrauta-sūtras* and as such they differ from one another to some extent in the treatment of different topics. The *Pāraskara-grhyasūtra*, for example, prescribes the holding of the right hand along with the thumb of the bride at the time of performing the *lājāhoma* at the time of the marriage ceremony.  

The *Āśvalāyana-grhyasūtra*, on the other hand, prescribes the following alternatives to have Kāmya results by holding the right hand of the bride in different positions. It prescribes that, if the groom desires that she (the bride) should get male children, he should hold only the right thumb of the bride, if he desires to have female children he should hold the fingers except the

36. R.N. Sharma, *Culture and Civilisation as Revealed in the śrauta sūtras*, 1977, pp. 3-6  

37. athāṣyai daksīṇāṁ hastam gṛbhaṁti sānguṣṭham / gṛbhāṁmi te saubhagatvāya hastāṁ mayā patyā jaradaṣṭyathāsaḥ / ...... etc.  

PG.S 1.7 pp. 123-125.
thumb, if he desires both male and female children, he should hold the right hand along with the thumb of the bride. 38

MM. P.V. Kane observes, "It is clear that the later rules contained in the Dharmasūtra and other works on Dharmastra had their roots deep down in the most ancient Vedic tradition and that the authors of the Dharmasūtras were quite justified in looking up to the Vedas as a source of Dharma". 39

The Yājñavalkya smṛti enumerates fourteen sources of Vidya and Dharma. 40 It may be noticed in the enumeration here that the fourteen classes of works are in an ascending order of importance and authoritativeness. The Vedas are regarded as the most authoritative on matters of Dharma, where as the Purāṇas are the least authoritative ones. As the early writers on dharma hold that the Vedas are the primary basis of Dharma and so are the smṛtis. According to Manu śruti means the Vedas and the smṛti denotes the Dharmaśastras. 41 In other words śruti is identical with the Vedas where as the smṛti is identical with the Dharmaśastras.

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38. Commentary on AGS, 1.7.3-5.
   Cf. Āpastamba grhyasūtra, śatāla, 2,11-14.
40. Yājñavalkya smṛti, 1.3
41. Manusamhitā, 10.
The Dharmasūtras and Dharma śāstras:

The Dharmasūtras form a part of the Kalpasūtras in the early stages of the sūtra literature and were studied in distinct sūtra - caraṇas. The great mīmāṃsaka Kumārilabhaṭṭapāda says that the Gautama and the Viśnuśūtras were studied by the chandogas (followers of the sāmaveda). The Vasiṣṭha dharmasūtra by the followers of the Rgveda, the Dharmasūtra of Śāmkhalikhitā by the followers of the Vaiṣṇavaśāṃhitā and the Dharmasūtras of Āpastamba and Baudhāyana by the followers of the taittirīyaśākha of the Kṛṣṇajjurvīveda. It is accepted by all as a siddhānta that all the Dharmasūtras and Grhya-sūtras are authoritative for all the Aryan people. It is interesting to note that Kumārilabhaṭṭapāda has not referred to the Viṣṇusmṛti. The Dharmasūtras are mostly connected with the Grhya-sūtras and were perhaps written in continuation with the latter.

The Dharmasūtras, the smṛtis, the śamhitās and the medieeva treatises refer to authorities or Dharma or law, both sacred and secular.

42. Purāṇamānavatihāsa vyatirikta gautama vasiṣṭha śāmkhalikhitā-hāritāpaśastaṃ bauḍhāyaniūdu pranīta dharmasūtrasam gṛhya-granthanām ca prātiśākhya laksanavat prati caraṇām pāṭha vyavasthupalabhīyate / tad yathā gautamiyogbhiliye chandogaira ṇe ca priyāhīte / Vasīṣṭham bauḍhāyaniye gṛhya-vyavasthāh bhagyapagmahī darsāyitvā vicāra yitavyam/ kiṃtani teṣāmeva pramānanyuta sarvāni sarve-śāmīti /

Tantravārtttika, Chs. 1/2 to 2/1, n. 172.
The Dharmasūtras occupy a very important position in Indian literature. The Dharmasūtras contain informations about the geography and the flora and fauna of ancient times, besides throwing light on the Indian society of remote past. The Dharmasūtras deal with our domestic, social and religious lives. We find in these works, rules of conduct for the people in general as well as those for the kings (pāṇīṣa-dharma) and matters of secular law (vyavahāra).

It is difficult to make a line of demarcation between the Dharmasūtras and the Dharmasāstras. The Dharmasūtras are often designated as Dharma-sūstras. It may perhaps be said that all Dharma sūtras are Dharma sāstras but all Dharmaśāstras are not Dharmasūtras. When the scholars speak of Dharmaśāstra they seem to mean the metrical smṛti works as opposed to smṛti treatises written in prose of sūtra style or in mixed prose and verse. The prose of the Dharmasūtras differs from that of the smṛti digests. The prose of the Dharmasūtras is composed in terse aphoristic style, while the prose of the smṛtis is of the ordinary sanskrit. Max Müller states that "All the genuine metrical Dharmaśāstras are without exception, nothing but mere modern texts of earlier sūtra works." 

43. Max Muller, HASL, p. 70.
M. Winternitz holds that "versified law books followed up the ancient vedic Dharmasūtras". The Dharmasūtras contain many more archaic forms than the metrical smṛtis. We are told in the Manusāṁhitā that Dharma śāstra and smṛti are identical. The Dharmasūtras contain many more archaic forms than the metrical smṛtis. The Dharmasūtras, in most cases, do not arrange the topics in an orderly manner, while the metrical smṛtis and sāṁhitās arrange the topics under distinct heads. For example, the contents of the Yājñavalkya smṛti otherwise known as Yājñavalkyasāṁhitā have been divided into three broad and separate heads, namely, Ācāra, Prāyaścitta and Vyavahāra. Some of the Dharmasūtras show close resemblance with the Uṣṇīṣaśūtras while the Dharmāśāstras do not reveal such resemblances. A striking feature of the Dharmasūtra literature is the interweaving of metrical passages into the texture of the sūtras. The language, it appears, used in the Dharmāśāstras, is classical sanskrit, although unpaninian forms occur here and there.

The word Smṛti is a generic term applied to orthodox non-vedic works in contradistinction to śruti, so that the Dharmāśāstras fall under the purview of Smṛtis. Smṛti again

45. Dharmasāstram tu vai smṛtihat /
Manu, II:10
is synonymous with Dharmāṣṭras as indicated by such statements as "dharmāṣṭram tu vai smṛtih". Some of the Dharmāṣṭra works are designated as Dharmāṣṭra or smṛti, such as Vasistha dharmāṣṭra and Visnu smṛti. The Visnu-smṛti is called Vaishnava dharmāṣṭra in the colophon of the printed book edited by J. Jolly, S.C. Banarjee observes.

'Sūtras were composed for the guidance of the society in its very early stages. With the progress of civilization the need was felt for more elaborate treatment of the rules for the guidance of a far more advanced society.'

Macdonnell states, "The sūtras represent the third and the last stage of the Vedic literature. The rise of this class of writings was due to the need of reducing the vast and growing mass of details in rituals and customs, preserved in the Brāhmaṇas and floating traditions, to a systematic shape, and compressing them within a compass which did not impose too great a burden on the memory." The sūtras are essentially founded upon the Brāhmaṇas and must be considered as their necessary supplement.

The śrauta sūtras are based on śruti while the Čṛyāsūtras though based on śruti treat of domestic ceremonies, those are celebrated at birth and before it, at marriage, as well as at death and after it. The Čṛyāsūtras

47. A.A. Macdonnell, HSL, p. 36
are also called smārta-sūtras and hence do not claim direct revelation as their basis. These Grhyasutras are of much importance as we find in them the beginning of the legal literature in India.

The term Dharmasūtra, in its proper sense, applies to those works which form a part of a greater collection of the sūtra works. The Dharmasūtra literature includes not only the precepts and injunctions for moral duties of all Aryans, but also the special rules regarding the conduct of kings and the administration of justice. The sūtra treatises on law, both religious and secular, cover the whole range of topics, contained in the metrical smṛtis attributed to Manu, Yājñavalkya, Hārīta, Drhaspati and other sages.

Period of Dharmasūtra and Dharmāśāstra:

"The literature on Dharmāśāstra," observed, No. 4345, "falls into three well marked but somewhat overlapping periods. The first period in which the ancient Dharmasūtra and the Manusmṛti were written cover the period from the sixth century B.C. unto the beginning of the Christian era. The second period ranges from the first century B.C. unto about 800 A.D. During this period the versified smṛtis were composed. The third period is that of the commentaries, digests and nibandhas. This period covers more than one thousand years from the seventh century unto the eighteenth century."
A.D. The general tendency from the twelfth century onwards, was to write works in the nature of digests containing a syntheses of all the dicta of Smṛti writers on topics of Dharma. There is no hard and fast line of demarcation between a tīkā and a nibandha or digest.49 While the Dharmaśūtras possess a considerable antiquity, the metrical smṛtis cannot be equally ancient because there is much in their form that is modern. As the metrical smṛtis are later than the Dharmaśūtras, it may be probable that each of them is based on a particular Dharmaśūtra.

Subject Matter of Dharmaśāstra:

The subject matter of the Dharmaśāstras is the regulation of a man’s conduct as an individual and as a member of the society. Man is endowed with imagination and vision. He has the power to remember the past and capacity to visualise the future. The Dharmaśāstra and the orthodox systems of Indian philosophy agree in fundamentals. Both the śāstra and the smṛti declare the sruti to be the valid authority free from all blemishes.50 The Dharmaśāstra deal with the Dharma of the varṇas (castes) and the āśramas (stages of life). Accordingly Dharma are divided into varṇadharma, āśramadharma, varṇāśrama dharma, desadharma, jātidharma, kuladharma, āpad-dharma, rājadharma and so on and so forth.51

49. MM. P.V. Kane, DHDh.Ś. Vol. I.
50. Dr. N.R. Sharma, The Kāmarūpa School of Dharmaśāstra, Ch. I.
51. Manusamhitā, Ch. I, 114-118.
The Dharmasastras deal with the social aspect of the saṃskāras that were simply suggested in some of the Gṛhyaśūtras.

The śrītis represent a later and systematic development of the Dharmasūtras. The Dharmasastras are also concerned with the social conduct of men rather than rituals. The content of the śrītis can be classified under three heads, namely, Ācāra, prāyaścitta and Vyavahāra.

We find in the śrītis, discussions on the rights (adhikāra) of performing the sacraments (saṃskāras) as well as minor rites and ceremonies, the worship of neo-pūrāṇic deities on various occasions and on stages of life, which are unknown to the Gṛhyaśūtras and the Dharmasūtras. Some of the śrītis like Nārada śrīti are entirely devoted to Vyavahāra or jurisprudence, while others like the Parāśāra śrīti deal with prāyaścittas. The śrītis mark the transition from the vedic to the smārta and paurāṇika Hinduism. They omit almost all the vedic sacrifices and introduce new types of worship and ceremonies in greater details. The śrītis deal with Varna, Jāti, Āśrama and cognate topics. Accordingly the beliefs and practices of the people are reflected in the śrītis.

K.V. Rangaswami Aiyanger observes: "Śrītis are divided into five categories according to their out look viz. Those which deal with visible i.e. worldly matters
(drṣṭārthaḥ), matters those which deal with both visible and unseen, those based on reasoning or equity (nyāyamūlaḥ) and those which merely recapitulate what has been stated, by the elites (śīstah). The political portions of a smṛti like Manu's e.g. the six expedients or sādgunaḥya and four means (upāya) come under these which deal with visible results. Such portions have not absolute validity, while the others have it, because the latter have their source (by presumption) in the Veda (Vedmūlaḥ). 52 It is stated in the Vasistha dharmasūtra that 'Manu has declared the peculiar laws of countries, castes and families may be followed in the absence of rule of the śruti.' 53 Scholars like Radhabinod Pal opines in the Tagore Law Lectures 1930, "Hindu Law was no doubt a racial law in one sense, the laws of the individual Vedic branches had originated in and developed upon a basis of common habit and legal conviction, though they nevertheless may reveal many variations.

drṣṭārthā smṛtiḥ kācid adṛṣṭārthā tathāparaḥ /
drṣṭādṛṣṭārthā rūpāṇāḥ nyāyamūlā tathāparaḥ /
anuvāda smṛtastavānā śīstairdrṣṭā tu pañcamī sarvā etā vedamūlā dṛṣṭārthā pariḥṛtyatu //

53. desādharma jātidharma kuladharmān śrutyabhāvāda brāhin-manuḥ :

Vasistha 1.8–9.
which under the influence of external circumstances might attain considerable importance. According to the old Hindu view this racial law was not only binding upon the members of the racial branch but was also determinant of all legal relations that arose within the territory occupied by the branch. Men knew no law other than their own, where they could not and would not apply that, there was no law at all. Law as determined solely by personal, not by territorial, bonds of mutual dependence, yet the conception of territorial law, is not altogether foreign to the Hindu system."

The Mahābhārata itself states that it is a great Dharmaśāstra, Arthaśāstra and Kāmaśāstra. There is a close relation between the Mahābhārata and the Smṛtis. The Vṛddhagautama smṛti, the Brhaspati smṛti and the Kāmasmṛti originally formed parts of the Mahābhārata. Some of the earliest Dharmasūtras refer to the purāṇas that testify their popularity. Caland found close relation between the Mārkandeyapurāṇa and the Gautamasmṛti between Visnudharmottara Purāṇa and the Visnusmṛti, between the Kurmapurāṇa and the Uśānasa smṛti and between the Brahma purāṇa and the rites of the Kathas.

55. arthaśāstramidāṃ proktām dharmaśāstramidāṃ saṁcitā kāmaśāstramidāṃ proktām vyāsenāmita buddhīna //
   M.Bh., Adi, 11.35.
The commentaries on the Grhyasutra, the Dharma sūtra and the smṛtis give further and later informations about the duties and customs of the people in general and of the individual in particular. The commentaries are more important than the texts as the Hindus of different regions follow different commentaries in deciding social and religious matters. Modern scholars reject even the authorities of Vedic passages if they are not quoted by commentators.

The nibandhas or the mediaeval treatises in the form of digests gave a new orientation to the Hindu ritualistic litanies. The Grhyasūtras and the Dharmaśastras have close relationship with different Vedic schools and the smṛtis were connected with them to some extent. But the nibandhas or digests do not owe allegiance to any definite Vedic school.

It is seen that there is a close relation between the works on Dharma and astronomy. A particular time is prescribed in the Grhyasūtras and the Dharmaśastras for the performance of a particular ritual. Tithis, naksatras and Muhurtas of different ceremonies are referred to in the works on Dharma. The Paraskara Grhyasūtra states that one should marry a girl on an auspicious day of the bright
fortnight in the uttarāyana. Some rituals are performed according to the calculation of the position of the sun whereas some other ceremonies are performed according to the position of the moon. It is also warranted by some Dharmasūtras.

The Dharmasūtras deal with the customs of everyday life to some extent, but are engaged for the most part with secular and religious laws. In one department of law, that of expiation, these sutras rooted in the Vedic hymns. The oldest sutras dealing with law may perhaps be those of Āpastamba and Baudhāyana belonging to the Black Vajurveda schools of that name; The Gautama belonging to the Sāma veda, the Viṣṇu belonging to the katha school of the Black Vajurveda and the Vasistha of less certain association. 59

In the Gṛhya and Dharmasūtras which deal with the domestic and legal rules prevailing at the end of the Vedic period, the new doctrine of transmigration appears alongside by side and united with the simpler view of heaven and hell, while new element appears in the conception that all creation including heaven, is periodically destroyed. 60

58. Udgāyana āpūryamanapakṣe punyāśe kumāryaḥ pāṇiṁ grhnīyat trisū triṣūttarādīsu / svātāu mṛgasīraṁ rohiṇyāṁ vā / PGS: Vivāha Prakarana


60. Encyclopaedia of Religion and Ethics, Vol. XI.
The earliest law books were composed in and for the Brahmanical schools studying the various parts of the Vedas. The ancient law books have been preserved as parts of the manuals of Vedic texts studied in those schools or as independent works. Such compositions are the Dharmáṣástras and Dharmásūtras of Apastamba, Baudhāyana, Gautama, Vasishtha, Viṣṇu and others. These works are composed in sūtra style, either entirely in prose or more usually in mixed prose and verse. Some of these works are supposed to have been composed and written in the 5th or 6th century, B.C. or even earlier. They may have undergone many changes due to times and climes. The contents of these works are mainly religious but the positive law is also treated in them.

These works are very useful for tracing the gradual development of legal institutions as well as the socio-cultural development in India. 61