should ultimately have led to the appearance of works entirely composed in verse. Such metrical law-books did spring up in large numbers, not all at once, but over a long period of time, extending probably from about the beginning of our era, or even earlier, down to well-nigh the Mohammedan conquest; and, as at the time of their first appearance the epic impulse was particularly strong, other metres were entirely discarded for the epic śloka. These works are the metrical *Dharma-śâstras,* or, as they are usually called, the *Smriti,* “recollection, tradition,”—a term which, as we have seen, belonged to the whole body of Sutras (as opposed to the *Sruti,* or revelation), but which has become the almost exclusive title of the versified institutes of law (and the few Dharmasûtras still extant). Of metrical Smritis about forty are hitherto known to exist, but their total number probably amounted to at least double that figure, though some of these, it is true, are but short and insignificant tracts, while others arc only different recensions of one and the same work.

With the exception of a few of these works—such as the *Agni·, Yama-,* and *Vishnu-Smritis—*which are ascribed to the respective gods, the authorship of the Smritis is attributed to old rishis, such as Atri, Kanva, Vyasa, Sandilya, Bharadvaja. It is, how- ever, extremely doubtful whether in most cases this attribution is not altogether fanciful, or whether, as a rule, there really existed a traditional connexion between these works and their alleged authors or schools named after them. The idea, which early sug- gested itself to Sanskrit scholars, that Smritis which passed by the names of old Vedic teachers and their schools might simply be metrical recasts of the Dharma- (or Grihya-) sutras of these schools, was a very natural one, and, indeed, is still a very probable one, though the loss of the original Sutras, and the modifications and additions which the Smritis doubtless underwent in course of time, make it very difficult to prove this point. One could, how- ever, scarcely account for the disappearance of the Dharmasûtras of some of the most important schools except on the ground that they were given up in favour of other works; and is it likely that this should have been done, unless there was some guarantee that the new works, upon the whole, embodied the doctrines of the old authorities of the respective schools ? Thus, as regards the most important of the Smritis, the *Mâmava-Dharmaiâstra, @@1* there exist both a Srauta- and a Grihya-sAtra of the MAnava school of the Black Yajus, but no such Dharmasutra has hitherto been discovered, though the former existence of such a work has been made all but certain by Prof. Buhler’s discovery of quotations from a Mânavam, consisting partly of prose rules, and partly of couplets, some of which occur literally in the Manusmriti, whilst others have been slightly altered there to suit later doctrines, or have been changed from the original trishtubli into the epic metre. The idea of an old law-giver Manu Svayambhuva,—“sprung from the self-exist- ent (svayam-bhu) ” god Brahman,—reaches far back into Vedic antiquity : he is mentioned as such in early texts ; and in Yaska’s *Nirukta* a śloka occurs giving his opinion on a point of inheritance. But whether or not the Mânava-Dharmasutra embodied what were supposed to be the authoritative precepts of this sage on questions of sacred law we do not know ; nor can it as yet be shown that the Manusmriti, which seems itself to have undergone considerable modifications, is the lineal descendant of that Dharmasutra. It is, however, worthy of note that a very close connexion exists between the Manusmriti and the Vishnuśâstra; and, as the latter is most likely a modern, only partially remodelled, edition of the SAtras of the Black Yajus school of the Kathas, the close relation between the two works would be easily understood, if it could be shown that the Manusmriti is a modern development of the SAtras of another school of the Charaka division of the Black Yajurveda.

The Manava Dharmśâstra consists of twelve books, the first and last of which, treating of creation, transmigration, and final beatitude, are, however, generally regarded as later additions. In them the legendary sage Bhrigu, here called a Manava, is intro- duced as Manu’s disciple, through whom the great teacher has his work promulgated. Why this intermediate agent should have been considered necessary is by no means clear. Except in these two books the work shows no special relation to Manu, for, though he is occasionally referred to in it, the same is done in other Smritis. The question as to the probable date of the final redaction of the work cannot as yet be answered. Dr Burnell has tried to show that it was probably composed under the Chalukya king Pulakesi, about 500 a.d., but his argumentation is anything but convincing. From several ślokas quoted from Manu by Varahamihira, in the 6th century, it would appear that the text which the great astronomer had before him differed very considerably from our Manusmriti. It is, however, possible that he referred either to the *Briiiat-Manu* (Great M.) or the *Vriddha-*

*Manu* (old M.), who are often found quoted, and apparently represent one, if not two, larger recensions of the Smriti. The oldest existing commentary on the *Mânava-Dharmaśâstra* is by Medhatithi, who is first quoted in 1200, and is usually supposed to have lived in the 9th or 10th century. He had, however, several predecessors to whom he refers as *pûrve,* “ the former ones.”

Next in importance among Smritis ranks the *Yâjnavalkya Dharmaśâstra. @@2* Its origin and date are not less uncertain,—except that, in the opinion of Prof. Stenzler, which has never been ques­tioned, it is based on the Manusmriti, and represents a more advanced stage of legal theory and definition than that work. Yâjnvavalkya, as we have seen, is looked upon as the founder of the Vajasaneyius or White Yajus, and the author of the Satapatha- brahmana. In the latter work he is represented as having passed some time at the court of King Janaka of Videha (Tirhut); and in accordance therewith he is stated, in the introductory couplets of the Dharmaśâstra, to have propounded his legal doctrines to the sages, while staying at Mithilâ (the capital of Videha). Hence, if the con­nexion between the metrical Smritis and the old Vedic schools be a real one and not one of name merely, we should expect to find in the Ya- jnavalkya-smriti special coincidences of doctrine with the Kâtîya- sutra, the principal Sutra of the Vajasaneyins. Now, some sufficiently striking coincidences between this Smriti and Paraskara’s *Kâttya- Grihyasûtra* have indeed been pointed out; and if there ever existed a Dharmasûtra belonging to the same school, of which no trace has hitherto been found, the points of agreement between this and the Dharmaśâstra might be expected to be even more numerous. As in the case of Manu, ślokas are quoted in various works from a *Brihat-* and a *Vriddha-Yâjnavalkya.* The Yâjnavalkya-smriti consists of three books, corresponding to the three great divisions of the Indian theory of law :—â*châra,* rule of conduct (social and caste duties); *vyavahâra,* civil and criminal law; and *prâyaśchitta,* penance or expiation. There are two important commentaries on the work :—the famous *Mitâksharâ, @@3* by Vijnaneśvara, who lived under the Chalukya king Vikramâditya of Kalyana (1076-1127); and another by Apararka or Aparaditya, a petty Silara prince of the latter half of the 12th century.

The *Parâiara-smriti* contains no chapter on jurisprudence, but treats only of religious duties and expiations in 12 adhyâyas. The deficiency was, however, supplied by the famous exegete Madhava (in the latter half of the 14th century), who made use of Parasara’s text for the compilation of a large digest of religious law, usually called *Parâśara-mâdhavîyam,* to which he added a third chapter on vyavahâra, @@4 or law proper. Besides the ordinary text of the Parâśara-smriti, consisting of rather less than 600 couplets, there is also extant a *Brihat-Parâśarasmriti,* probably an amplification of the former, containing not less than 2980 (according to others even 3300) slokas. The *Nâradîya-Dharmaśâstra,* or *Nâradasmriti,* is a work of a more practical kind; indeed, it is probably the most systematic and business-like of all the Smritis. It does not con­cern itself with religious and moral precepts, but is strictly con­fined to law. Of this work again there are at least two different recensions. Besides the text translated by Dr Jolly, a portion of a larger recension has come to light in India. This version has been commented upon by Asaliaya, “ the peerless ”—a very esteemed writer on law who is supposed to have lived before Me­dhatithi (? 9th century)—and it may therefore be considered as the older recension of the two. But, as it has been found to contain the word *dînâra,* an adaptation of the Roman *denarius,* it cannot, at any rate, be older than the 2d century; indeed, its date is prob­ably several centuries later.

Whether any of the Dharmaśâstras were ever used in India as actual “ codes of law ” for the practical administration of justice is very doubtful; indeed, so far as the most prominent works of this class are concerned, it is highly improbable. @@5 No doubt these works were held to be of the highest authority as laying down the principles of religious and civil duty; but it was not so much any single text as the whole body of the Smriti that was looked upon as the embodiment of the divine law. Hence, the moment the actual work of codification begins in the 11th cen- tury, we find the jurists engaged in practically showing how the Smritis confirm and supplement each other, and in reconciling seeming contradictions between them. This new phase of Indian jurisprudence commences with Vijnaneśvara’s *Mitâksharâ,* which, though primarily a commentary on Yâjnavalkya, is so rich in original matter and illustrations from other Smritis that it is far more adapted to serve as a code of law than the work it professes to explain. This treatise is held in high esteem all over India, with the exception of the Bengal or Gaudiya school of law, which recognizes as its chief authority the digest of its founder, Jîmûta- vahana, especially the chapter on succession, entitled *Dâyabhâga. @@6*

@@@1 The standard edition is by G. C. Haughton, with Sir W. Jones's translation 1S25; the latest translations by A. Burnell and G. Biihler. There is also a critical essay on the work by F. Johantgen. on the relation between the Dharmasûtras and Smjitis see especially West and Biihler, *Digest of Hindu Law* 3d ed., I. p. 37 *sq.*

@@@2 Edited, with a German transl., by F. Stenzler.

@@@3 Transl. by II. T. Colebrooke.

@@@4 The section of this chapter on inheritance (dâya-vibhâga) has been trans­lated by A. C. Burnell, 1868.

@@@5 See West and Buhler, *Digest,* i.p. 55. A different view is expressed by A. Burnell, *Dâyavibhâga,* p. xiii. @@@6Transl. by H. C. Colebrooke, 1810.