M.) or the *Vriddha-Manu* (Old M.), who are often found quoted, and apparently represent one, if not two, larger recensions of this Smriti. The oldest existing commentary on the *Manava-Dharmasastra* is by Medhãtlthi, 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 *pürve,* “ the former ones.” The most esteemed of the commentaries is that of Kulluka Bhatta, composed at Benares in the 15th century.

Next in importance among Smritis ranks the *Yõfnavalkya Dharma- sastra.@@*1 Its origin and date are not less uncertain—except that, in the opinion of Professor 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. Yãjñavalkya, as we have seen, is looked upon as the founder of the Vãjasaneyins 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 Dharmasãstra, to have propounded his legal doctrines to the sages, while staying at Mithilã (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 Yãjñavalkya-smriti special coincidences of doctrine with the Kãtïya- sûtra, the principal Sutra of the Vãjasaneyins. Now, some sufficiently striking coincidences between this Smriti and Pãraskara's *Katïya- Grihyasütra* have indeed been pointed out; and if there ever existed a Dharmasutra belonging to the same school, of which no trace has hitherto been found, the points of agreement between this and the Dharmaéãstra might be expected to be even more numerous. A connexion between this Smriti and the Mãnava-gphyasütra seems, however, likewise evident. As in the case of Manu, slokas are quoted in various works from a *Brihat-* and a *Vriddha-Yãfñavalkya.* The Yãjñavalkya-smriti consists of three books, corresponding to the three great divisions of the Indian theory of law: *achära,* rule of conduct (social and caste duties); *vyavahãra,* civil and criminal law; and *prayaéchitta,* penance or expiation. There are two important commentaries on the work: the famous *Mitäksharä@@*2by Vijñãnesvara, who lived under the Chalukya king Vikramãditya of Kalyãna (1076-1127); and another by Aparãrka or Aparãditya,

a petty Sîlãra prince of the latter half of the 12th century.

The *Nãradiya-Dharrnaéãstra,* or *Naradasmziti@@*3 is a work of a more practical kind ; indeed, it is probably the most systematic and business­like 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 Asahãya, “the peerless ”—a very esteemed writer on law who is supposed to have lived before Meahãtithi (? 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 *dïnara,* an adaptation of the Roman *denarius,* it cannot, at any rate, be older than the 2nd century; indeed, its date is probably several centuries later.

The *Paräsara-smziti@@*4 contains no chapter on jurisprudence, but treats only of religious duties and expiations in 12 adhyãyas. The deficiency was, however, supplied by the famous exegete Mâdhava (in the latter half of the 14th century), who made use of Parâáara’s text for the compilation of a large digest of religious law, usually called *Paräsara-mädhavïyam,* to which he added a third chapter on vyavahãra, or law proper. Besides the ordinary text of the Parasara-smriti, consisting of rather less than 600 couplets, there is also extant a *Brihat-Paräéarasmzüi,* probably an amplification of the former, containing not less than 2980 (accord­

ing to others even 3300) álokas.

Whether any of the Dharmaáâstras 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 century, 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 Vijñãneávara's *Mitäksharä,* which, though primarily a commentary on Yãjñavalkya, 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 Gaurîya

school of law, which recognizes as its chief authority the digest of its founder, Jîmütavãhana, especially the chapter on succession, entitled *Dayabhãga*.@@6 Based on the Mitäksharä are the *Smziti- chandrikäi@@*7 a work of great common-sense, written by Devanda Bhatta in the 13th century, and highly esteemed in Southern India; and the *Vïramitrodaya,* a compilation consisting of two chapters, on ãchãra and vyavahãra, made in the first half of the 17th century by Mitramisra, for Rãjã Vîrasirpha, or Bïrsinh Deo of Orchha, who murdered Abul Fazl, the minister of the emperor Akbar, and author of the *Åïn i Akbañ.* There is no need here to enumerate any more of the vast number of treatises on special points of law, of greater or less merit, the more important of which will be found mentioned in English digests of Hindu law.

II. PhilosopHY.@@8-The contemplative Indian mind shows at all times a strong disposition for metaphysical speculation. In the old religious lyrics this may be detected from the very first. Not to speak of the abstract nature of some even of the oldest Vedic deities, this propensity betrays itself in a certain mystic symbolism, tending to refine and spiritualize the original purely physical character and activity of some of the more prominent gods, and to impart a deep and subtle import to the rites of the sacrifice. The primitive worship of more or less isolated elemental forces and phenomena had evidently ceased to satisfy the religious wants of the more thoughtful minds. Various syncretist tendencies show the drift of religious thought towards some kind of unity of the divine powers, be it in the direction of the pantheistic idea, or in that of au organized polytheism, or even towards monotheism. In the latter age of the hymns the pantheistic idea is rapidly gaining ground, and finds vent in various cosmogonic speculations; and in the Brãhmana period we see it fully developed. The fundamental conception of this doctrine finds its expression in the two synonymous terms *brahman* (neutr.), probably originally “ mystic effusion, devotional utterance,”@@9 then “ holy impulse,” and a*tman@@*10 (masc.), “ breath, self, soul.”

The recognition of the essential sameness of the individual souls, emanating all alike (whether really or imaginarily) from the ultimate spiritual essence *(parama-brahman)* "as sparks issue from the fire,” and destined to return thither, involved some important problems. Considering the infinite diversity of individual souls of the animal and vegetable world, exhibiting various degrees of perfection, is it conceivable that each of them is the immediate efflux of the Supreme Being, the All-perfect, and that each, from the lowest to the highest, could re-unite therewith directly at the close of its mundane existence? The difficulty implied in the latter question was at first met by the assumption of an intermediate state of expiation and

purification, a kind of purgatory; but the whole problem found at ast a more comprehensive solution in the doctrine of transmigration *(samsara).* Some scholars have suggested@@11 that metempsychosis may have been the prevalent belief among the aboriginal tribes of India, and may have been taken over from them by the Indo- Aryaps. This, no doubt, is possible; but in the absence of any positive proof it would be idle to speculate on its probability; the more so as the pantheistic notion of a universal spiritual essence would probably of itself sufficiently account for the spontaneous growth of such a belief. In any case, however, we can only assume that speculative minds seized upon it as offering the most satisfactory (if not the only possible) explanation of the great problem of pheno­menal existence with its unequal distribution of weal and woe. It is certainly a significant fact that, once established in Indian thought, the doctrine of metempsychosis is never again called in question— that, like the fundamental idea on which it rests, viz. the essential sameness of the immaterial element of all sentient beings, the notion of *samsara* has become an axiom, a universally conceded principle of Indian philosophy. Thus the latter has never quite risen to the heights of pure thought ; its object is indeed *jijñäsä,* the search for knowledge; but it is an inquiry *(mïmämsä)* into the nature of things undertaken not solely for the attainment of the truth, but with a view to a specific object—the discontinuance of samsãra, the cessation of mundane existence after the present life. Every sentient being, through ignorance, being liable to sin, and destined after each existence to be born again in some new form, dependent on the actions committed during the immediately preceding life, all mun­dane existence thus is the source of ever-renewed suffering; and the task of the philosopher is to discover the means of attaining *moksha,* “ release ” from the bondage of material existence, and union with the Supreme Self—in fact, salvation. It is with a view to this,

@@@1 Edited, with a German translation, by F. Stenzler.

@@@2 Translated by H. T. Colebrooke.

@@@3 Ed. *(Bibl. Ind.,* 1885) J. Jolly, trsl. *S.B.E.* xxxiii.

@@@4 Edited in Bombay Sansk. Ser. (1893) » translated *Bibl. Ind.* (1887).

The chapter on inheritance (dãya-vibhãga) translated by A. C. Burnell (1868).

@@@5 See West and Bühler, *Digest,* i. p. 55. A different view is ex­pressed by A. Burnell, *Däyavibhäga,* p. xiii.

@@@6 Translated by H. C. Colebrooke (1810).

@@@7 The section on inheritance has been translated by T. Kristna- sawmy lyer (1866).

@@@8 Cf. F. Max Müller, *Six Systems of Indian Philosophy* (1899); R. Garbe, *Philosophy of Ancient India* (Chicago, 1897).

@@@9 The etymological connexion of *brahman* (from root *varh, vardh)* with Latin *verbum,* English *word* (corresponding to a Sanskrit *vardha),* assumed by some scholars, though doubtful, is not impossible. The development of its meaning would be somewhat like that of λ0γos.

@@@10 The derivation of *atman* (Ger. *Atem)* from root *an*, to breathe (or perhaps *av,* to blow) seems still the most likely. A recent attempt to connect it with *αIπfa* can scarcely commend itself.

@@@11 See, *e,g, A.* E. Gough, *The Philosophy of the Upanishads,* p. 24; A. A. Macdonell, *Hist. of Sanskrit Lit.* p. 387.