Which fidelity, whose adultery?

Minding Manu's Verse

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Introduction[1]

The call for a "comparative political theory" (CPT) is about two decades old. Inspired by the diagnosis that political theory is 'Eurocentric' and 'parochial' in some significant sense, "…the project of comparative political theory introduces non-Western perspectives into *familiar debates about the problems of living together*, thus ensuring that 'political theory' is about human and not merely Western dilemmas" (Euben 1997: 32, emphases ours). Surely, this is odd: if non-Western theories also conduct familiar debates about living together and it is possible to recognize the connection of those debates to ours, why do we need a special 'plea' to introduce them? Is it not sufficient to introduce these ideas into our discussions the way we do with Aristotle or Locke or Mill or Rawls or Nozick, despite their differing perspectives?

All too often, theorists treated dominant ideas and theories of Western political thinking as though they "are not just products of the *modern* West, but…products of universal reason itself" (Parel 2003: 11). Does that mean the reasonableness to non-Western thought was denied just because it was different from the West? Dallmayr (2004: 249) also appears to agree and to localize the responsibility in Western theories: "[t]he point of comparative political theory is precisely to move…beyond the spurious 'universality' traditionally claimed by the Western canon and by some recent intellectual movements".

Such thoughts[2] are both unclear and disturbing. It is unclear what 'spurious' universality actually implies: does it mean that all Western claims about political structures and process elsewhere framed by Western notion(s) of politics are spurious and false? These ideas disturb too because we do not know what hinders or obstructs a dialogue between political theories from different cultures. Where should we localize the problem?

Answer to this question depends on our approach. We suggest that we take a recognized domain about a non-Western culture as an example, viz, Indology, in our case. This more than two centuries old domain – that once studied India as a whole but now appears to focus on Ancient India before the emergence of historical records – is a mix of multiple partial theories about culture and language. While Sanskritists mostly study the language, many mix it with a generous dosage of philosophy and the study of India; most Indologists focus on India with forays into Sanskrit and all other domains required to study a culture, a society and its people. This means that the Indological enterprise can be looked at cognitively as a collection of multiple theories and many research traditions.[3] However, because Indology as a domain contains more connotations than a domain name, say Sociology or Physics, we shall use the Lakatosian 'research programme' in this article.[4] This has the

advantage of looking at Indology as housing multiple research programmes, each containing partial theories, protective belts and metaphysical cores. Thus, we shall focus on one such research programme.

We would like to identify it as '*the received view*'[5] on Manu, known as an author of a famous treatise on *Dharma*. Here, we would like to focus on one of the verses from that book, which has contributed enormously to his notoriety and the book's fame. The verse talks about a phenomenon called '*varṇa sankara*' that apparently leads to a disintegration of existing order. Since the verse is on disintegration of social order, it is a suitable candidate for expressing a non-Western perspective "about the problems of living together". What is required for this verse to participate in a debate within the framework of a CPT? In answering this question, we shall investigate what the verse has been made to say in its multiple translations over 200 years, what the verse actually says, and, what if any, are the obstacles to a CPT.

We approach the task by concretely looking into the issue of *translational fidelity*. After noticing that all existing translations obfuscate important political and social themes by deforming them into nonsensical claims about the loose morals of women, we then trace the root of this practice to a centuries old Indological tradition. We outline a serious problem with the accumulated Indological scholarship and try to identify its source. In short, we examine whether it is possible to concretely identify the problem that CPT talks about using a Lakatosian language from the philosophy of sciences.

This focus forbids us from identifying the problem or its source either in the bad faith or in the 'Eurocentrism' of Indologists and Sanskritists. Even if there is a serious problem with Indological scholarship, we do not join the bandwagon of those explicitly calling for a total rejection of Indology while seeking a '*swadeshi*' Indology in its stead.[6] Whatever others might think or do, we do not advocate rejection. In this article, for instance, we rely on very commendable research in Indology (especially those of P.V. Kane and Patrick Olivelle), even where we take objections to their proposals and translations. We merely suggest some modifications, alterations, and changes to what has been accomplished hitherto by scholars.

I

Introducing a Text and an Issue

Few ancient texts are as infamous as the *Mānavadharmaśāstra* or "Laws of Manu." Considered a central text of 'Hinduism' created by Brahmin priests seeking privileged positions, it is seen as a compendium of the caste and gender discriminations afflicting traditional India that make Manu a "symbol of oppression" (Olivelle 2005, p.

4). Ever since its first translation into English in the late eighteenth century, Manu's text, which stands out among a series of *Dharmaśāstras,* is presented as "a law code made by priests," serving as "the standard source of authority in the orthodox tradition for social and religious duties tied to class and stage of life" (Doniger 1991, pp. 24, 30). Its author(s) "probably came from the class of educated and somewhat conservative Brahmins intent on protecting the rights and privileges of their class" (Olivelle 2005, p. 38; see also Doniger 2014, pp. 267-8).

Several scholars suggest that Manu's text has undergone changes, including the order of verses and chapters. The *Manusmrti* (*MDh*) is conjectured to have been composed around 2nd century CE but the oldest extant manuscript dates from 1182 CE. All translations, with the major exception of Olivelle, are based either on the 15th century commentary of Kullūka Bhatta or Medhātithi.[7] Latter's work (800-900 CE) is the oldest available commentary and is often considered along with Bhāruci's commentary from the same period. All extant versions of Medhātithi's *Manubhāṣya*, however, go back to a 14th century reconstruction made by king Madana (Bühler 1886 cxxiv-cxxv; Colebrooke 1787, xi-xii; Olivelle 2005: 368). Of Bhāruci's undated commentary, "[o]nly a single incomplete and damaged ms. of the commentary in Malayalam script is extant" (Olivelle 2005: 368), edited by J. Derrett (1975).

On the one verse we focus upon in this article, in *the received view*,[8] there is agreement about translation, content, and its evidential value: the prevailing consensus is that Indian culture rigidly limits "inter-caste" marriages.[9] The received view on "Manu's Code of Law" is that it is a prototypically Brahminical division of society into four *varṇas* and explicates it thus: (i) the *Brāhmaṇa*, *Kṣatriya*, *Vaiśya* and *Śūdra* represent the hierarchical four-fold division of social classes (Sahu 2009) in India; (ii) sexual relations and the resulting progeny mix these varṇas together. Thus, Varṇasankara is the "sexual intermingling" or "sexual corruption" of classes which "is treated as the very worst state of affairs in society, the hallmark of society's descent into chaos before the final dissolution of the world" in the *Mahābhārata* (Dhand 2008, pp. 119-20). Olivelle (2005, p. 39) notes that "the intermixture of classes" is considered "the most serious social and moral corruption within Brahmin ideology." The received view refers to this intermingling as "mixed classes," "mixed castes" or "confused castes" (Doniger and Smith 1991, p. li; Jha 1970, pp. 287-88; Sharma 2002, p. 341; Tambiah 1973, p. 194); some also equate 'varṇasankara' with children from "inter-caste" marriages (Jha 1970, pp. 287-88; Sahu 2009, p. 45; Sharma 2002, pp. 131-32; Tambiah 1973, pp. 194-208). It is suggested that an "important issue facing the Brāhmaṇa ideologues who strove to rationalize and systematize the varṇa system was how to prevent children being born between members of different varṇas and thus keep the four-varṇa ritual order

intact and functioning according to plan"; these "Brāhmaṇa ideologues" cleverly solved the issue "by the theory of varṇasankara (the mixture of varṇas)" (Yamazaki Gen'ichi 2005, p. 214).

II

Translational Problems

Manu's verse (verse 24, chapter 10) [10] on the intermixture of varṇas goes as follows:

vyabhicāreṇa varṇānām avedyāvedanena ca |

svakarmaṇāṃ ca tyāgena jāyante varṇasaṅkaraḥ ||

Let us present some extant translations of the first and the third word from the first source line and the last from the second source line in a tabular form to facilitate their discussion.

Translation	*Vyabhicāra*	*Avedyāvedanena (avedya + āvedanena)*	*Varṇasankaraḥ*
Jones (1796)	intermixture	by…marriages with women who ought not to be married	impure classes
Burnell (1884)	adultery	by marrying those who ought not to be married	mixture of castes
Bühler (1886)	adultery	by marriages with women who ought not to be married	confusion of the castes
Ganganath Jha (1920)	infidelity	by the marrying of women unfit for marriage	'Confused castes'
Doniger and Smith (1991)	sexual misconduct	through (carnal) knowledge of women who should not be [carnally] known	(sons of) confused class
Olivelle (2005)	adultery	[by] marrying forbidden women	intermixture of classes

Each translation *adds* words to the target text whose equivalents are *absent* from the source text. These semantic replacements are not justified because the source language, Sanskrit, does have its own words to express them. From the *four words* in the first line of the verse (*varṇa, vyabhicāra, avedya, āvedana*), the last *three are replaced* by English equivalents of Sanskrit words not present in the source text. 'Varṇa' has 'class' as translation; all three other words in the source verse are replaced.

Possible equivalents of 'adultery', 'infidelity', and 'marriage' are absent from the verse as are 'forbidden women', 'women unfit for marriage' and 'sons.' That is, notions absent from the verse are crucial to these translations: "adultery," "women," "progeny," "infidelity," "marriage", "sexual misconduct" and "fitness of women to marry". New words, phrases and ideas not found in a text could be justifiably attributed to the author(s) in a commentary. But *not* in a translation if translational fidelity is important.

To arrive at extant translations, we must read the first word in the verse, '*vyabhicāra*', as sexual misconduct. If that is 'adultery', we must assume that Manu and/or Indian culture insist that 'marriages are made in heaven'. One's proper or innate duty would then consist of being a faithful spouse. Violating this duty and having children born out of wedlock could then be the creation of confused classes. Of course, we still need to account for 'sons' or progeny, but the Biblical notion about the goal of sex in marriage, namely, to produce children, could take care of that requirement. However, if Manu merely repeats a Biblical commandment, why all the song and dance about 'Brahmanical' priesthood, its conspiracy, or the 'end of times'? Is Manu merely complicating a simple Biblical injunction and surreptitiously stealing from 'the book' or are the translators facing the difficulty of forcing Manu to speak the Bible? There might have been Indians who were Biblical moralists *avant la lettre*, but we cannot 'derive' that evidence through linguistic acrobatics and present its results as faithful renditions of Manu's text.

The replaced words could indicate authorial intentions. Is this move permitted? Yes, if and only if translations become meaningless otherwise. Is that the case here? As an answer, consider two amended translations (from Olivelle, and Doniger and Smith, respectively), retaining one Sanskrit word:

(a) By *vyabhicāra* among the classes, by knowing the forbidden [knowledge], and by abandoning the activities proper to them, arise the intermixture of classes;

(b) Through *vyabhicāra* between classes, through the knowledge of [what] should not be known, and through rejection of one's own innate activity, confused class[es] are born.

Surely, these two translations are meaningful. The verse carries implied but unanswered questions about the how's, why's and the wherefore' s of the event, but its *semantics* (meaningfulness of the verse as a whole) is unaffected by this *epistemic* issue.

We cannot claim that these scholars do not know Sanskrit; yet, they misread the text. It is impossible to doubt their scholarship; like many others, our own research (including this article) is greatly indebted to their immense labor. Yet, instead of accurate translations, we get their pet commentaries.

The issue of polysemy

Is the polysemy of 'vyabhicāra' responsible for the deletions and additions? Consider four other examples of its polysemous use: (a) "*Beef consumption and gambling*" (by Brahmins or by other varṇas) is a vyabhicāra; (b) "*Polluting places of worship for worldly benefits*" is a vyabhicāra, if Brahmins do it;[11] (c) When 'vyabhicāra' becomes sexual 'misconduct', we have the extant translation(s) ; (d) If we retain the extant assumptions, and *presuppose* that the verse *defends* 'the caste system', we get: "When members of varṇas transgress rules of sexual union ('vyabhicāra' here means to have forbidden sex with certain members from different varnas)…"[12]

While words from natural languages are polysemous partly because of their use, syntactic rules define the limits of change in Sanskrit: meaning of words are derived from a root (*dhātu*) and the word combinations are defined by syntactic rules. The user can shift the meaning (over time and place) within pre-defined limits or by formulating a 'new' rule. 'Effecting', 'impacting', 'my bad', 'root-causing', etc., find their home in today's English because of the practice of language-users. But only words approved by the *L'acdémie Française* (the French Academy, established in 1635) enter the French language and, in its meetings, the Dutch Language Union (*De Nederlandse Taalunie*) directs and corrects Dutch by defining its use and meaning. In Sanskrit, the linguistic rules define and limit the meaning of words. Thus, the question becomes: is 'adultery' the core or central meaning of the word vyabhicāra? Even though we will answer this question when we translate the verse, we can note here that most translate vyabhicāra differently in its other occurrences in the current text.[13]

For now, we can note that vyabhicāra is *exclusively* understood as 'adultery' (especially as *parastrigamana* or sex with another woman) in this verse in extant translations and commentaries. Thus, the choice for translating vyabhicāra as 'adultery' is *underdetermined* by the semantics of this word. Hence, the polysemy of the word cannot be the justification for current translations.

Consequences of Translations

1. When notions absent in the source are introduced as 'translations', they become arbitrary. Consider 'vyabhicāra' again. Olivelle translates it as 'adultery' (as do most); to an anonymous referee, 'vyabhicāra' means *more*: it is 'forbidden sex with certain members from different varṇas'. However, adultery requires at least one married person. Does promiscuity between the unmarried become vyabhicāra? This is not an argumentative pseudo-issue: in the *Kāmasūtra*, sex with prostitutes and widows, adultery, masturbation, etc., are important topics.
2. Olivelle speaks of vyabhicāra "among" varṇas. It could mean vyabhicāra is either (a) intra or (b) inter varṇa or (c) both. In Doniger and Smith, it occurs "between" varṇas suggesting an inter-varṇa interaction. Is adultery allowed within the 'same' varṇa but only disallowed with "certain members from different varṇas"?
3. In citing and commenting on Medhātithi, Jha's (1920, p. 269) claim is that vyabhicāra, marriage and duties occur within the caste. If (a) Manu prescribes moral imperatives regarding marriage and progeny; and (b) violation of these rules is immoral, it follows that vyabhicāra *normatively* restricts individuals in the domain of marriage and children. Though deductively valid, this conclusion is an argumentative fallacy (*petitio principii*), if presented as *proof or evidence* for the truth of the conclusion.
4. Almost all translators talk about 'adultery' *with women* of different castes. If married women seduce men, does it violate the injunction? Why read the verse as though it applies to married men? In Chapter 5, Manu uses 'vyabhicāra', while talking about married women. There, the word does not refer to 'adultery' but to remarriage of women. When such women seek progeny with 'other' men, Manu does not speak about 'intermixture' of castes or 'adultery' but about (re)marriage. If we look at the uses of 'vyabhicāra' and 'abhicāra' in the text,[14] the current translations become even more difficult to understand. In any case, the question remains: why is vyabhicāra between (among) varṇas translated as seductions by married men and not by married women?

Some translations change from one translator to the other without explanation or justification. Neither the change nor the 'deviation' is the problem here. They are *sine qua non* of all new, fruitful translations. Their acceptability, however, is subject to linguistic rules and must be supported by good reasons. These are lacking in the extant translations.

5. Would 'deviant' translations not damage the tradition? This worry[15] has little hermeneutic support. The Protestant reformation initiated Biblical Hermeneutics, which birthed the textual hermeneutics we know; Protestants translated the Latin Bible into 'vernaculars', an act forbidden by the Church. '*Sola Scriptura*' ('only the scriptures') rallied people together and challenged the millennial old understandings of a text. A textual hermeneutic is possible if and only if the integrity of the text is respected; a deformed and arbitrary translation does not preserve textual integrity just because it is centuries old or has been accepted as 'the' tradition. If a 'tradition' damages integrity of texts by encouraging mistranslations, such a tradition must be criticized.

III

On the Catastrophic 'Varṇasankara'

Suppose that we accept that Indian texts treat varṇasankara as "the most serious social and moral corruption" (Olivelle 2005, p. 39). Then, while in Jha's translation, "not studying the Veda" or "not being initiated" gives birth to varṇasankara, others locate its origin in classes (castes) violating 'prescribed', 'proper', 'innate' duties. Could this be a causal result? Acts of omission cannot be causally effective in the world. They constitute the empty set. So, the violation in the second line in Manu's verse must be about beliefs held by people, but *which* people held these beliefs? Because the only evidence comes from an ancient Indian text, the verse must evidence beliefs held by Manu. Translations, interpretations, and commentaries would furnish the required evidence. But, when we attribute beliefs to others, *we* advance a knowledge claim: we hypothesize that those others hold the attributed beliefs. Thus, two different tasks confront an Indological enterprise simultaneously: (a) its textual readings must make these texts meaningful; (b) it must also make knowledge claims about a culture.

Consider two illustrative problems regarding varṇasankara in the context of such an Indological enterprise:

A. If the *prescribed* activities include creating the 'right' progeny within one's varṇa, there is a problem.[16] Having children is not just dependent upon desires; surely, people knew this in Manu's time too. If failure here (by being unmarried or barren, for instance) leads to varṇasankara, it would be a normal and daily occurrence. How could it *possibly presage the end of times then*? Further, since no one knows now (or knew then) what all prescribed duties of a member of a varṇa are, is it possible to predicate the catastrophe of varṇasankara to acts of omission?

Because the translation is also making a knowledge claim about Indian culture, the question is: do these translations make their world intelligible to us? Are the beliefs we attribute to them also reasonable? We are compelled to answer these two questions either by saying that (a) the translations are nonsensical or (b) ancient Indians (Manu, the author(s) of Mahābhārata) *knowingly spout nonsense*. The second is a knowledge claim about Indians; the first is our judgement about translations.

B. If the verse's first line indicates acts that give birth to varṇasankara, it undercuts a famous '*puruṣārtha*' (one of 'the four proper aims of life') in Indian traditions, namely *Kāma*. Vātsyāyana's *Kāmasūtra*, an old Indian text, is about the pursuit of this goal and contains several chapters on the "seduction" of married women (Daniélou 1994, p. 8). Vātsyāyana cites authors who list reasons why one may seduce and sleep with the wife of another and with certain other types of women (*KS* 1.5). An entire part of the Kāmasūtra is devoted to seduction of other men's wives or about permitted and approved 'adultery' (*KS* 5). Vātsyāyana 'ethically' approves this. If forbidden, how could the pursuit of a puruṣārtha (kāma, in our case) be praiseworthy, not just by Vātsyāyana but also by the others he refers to? A prized state (a *brahmacāri sādhu*, kinds of yogic practice involving celibacy, etc.) could not have been sought after either.

Again: based on our knowledge of people and psychology, either our attributions are nonsensical or ancient Indian writers (Manu, the author(s) of Mahābhārata, Vātsyāyana and some of his contemporaries) knowingly spout nonsense. We must make choices here too about meaning and advance knowledge claims.

The results violate a well-known methodological rule, viz., *the principle of charity*. Used in philosophy (including philosophy of science), rhetoric, hermeneutics, linguistics, law, etc., this principle prescribes interpreting interlocutors as reasonable persons, attributing rationality to them, and, where possible, seeing them as creatures much like us (it is also called "the principle of humanity"). In the examples above, we appear *logically compelled* either into portraying other peoples and cultures as silly and stupid or write nonsense ourselves: surely, not studying the Veda or not being initiated, or even an "unauthorized access to the Veda" cannot be cosmic violations of such magnitude that a sane person could reasonably believe that violations of these 'imperatives' lead to destruction, chaos, and dissolution of the existing *society and the entire Cosmos*.

Therefore: the assumptions of the translators either render their translations nonsensical or make Indian authors talk nonsense. We cannot say that the translations are nonsensical; they do make sense as English

sentences and paragraphs. Thus, we are logically compelled to say that ancient Indians were either silly and stupid or dissimulated knowingly.

IV

Our Translation[17] of the Verse

What is "*varṇa*"? Like most translators, we prefer "class". If a varṇa is a class, the vyabhicāra of such classes is some practice (an *ācara*) or behaviour of a varṇa.

What is 'vyabhicāra'? When '*car*' (the dhatu or root that means 'to go' or 'going'), combines with '*vyabhi*' (which is itself a combination, or a *Sandhi*, of the words 'vi' and 'abhi'), we have '*vyabhicāra*'. The prefixes ('*vi*' and '*abhi*'), suggest that Vyabhicāra is '*Vividham Abhimukhyena Charanam*', i.e., 'to go facing different ways (by objects that normally go together)'. Thus, the word is a special case of the act of separation. Consider, as an example, '*Na Sattam padartham Vyabhicharati*', which can be translated as: 'objects do not move away (vyabhicharati) from existence'. Thus, we have *Abhicāra*, *Sahacāra*, *Vyabhicāra* as intricately linked words, where vyabhicāra suggests that two entities that normally go together (smoke has Sahacāra with fire normally) are in vyabhicāra when separated from each other (smoke unaccompanied by fire is in 'vyabhicāra'). In simple terms: where things that (normally) go together move away from each other, there vyabhicāra comes into existence. Thus, Monier-Williams explicates it as 'going apart or astray, deviating, not falling or fitting together, being separated or isolated'.[18] This is the linguistic limit within which the word could be used to suggest multiple violations. They could be rules of grammar, social or legal rules, rules for right speech in informal logic, rules for valid deduction in logics, rules of marriage, etc. In *Kāvyamimāmsa* (the 'Indian Poetics') and in *Alamkāraśāstra*, *vyabhicāri* is 'transient'. Emotions (*bhāva*) that change or move are not *Sthyāyi* (steady or constant). In *Nyāya* (treatises on reasoning), *vyabhicāra* is a *hetvabhāša*, i.e., denial of cause-effect relationships, a *doṣa* ('flaw').[19] Vyabhicāra is 'adultery' in this verse only by making very restricted assumptions about marriage, sex and children in India of that time.

What is "*avedyāvedanena*"? This compound word can be split in two ways: as *āvedana* either with *avedyasya* (masculine or neuter singular) or with *avedyāyāha* (feminine, singular). We choose the first: knowing (*āvedana*) the not to be known (*avedyasya*).[20] Thus, the first line in our translation says:

"By the deviation of the classes (or going astray) and (their) knowledge of the forbidden".

The standard translations, which choose the second way of splitting the compound word, face several questions: (a) how can *avedyāyāha* (feminine singular), mean '*women*' in plural? (b) Neither 'Ignorance' nor 'not knowing' (whether carnal or otherwise) are count nouns. When *avedya* (in the feminine gender) conjugates and becomes avedyāyāha, it does *not* acquire cardinality. But 'women' has a cardinal value indicating the presence of "at least two or more women". (c) Further, neither 'being unfit' for marriage nor 'not to be married' have a self-evident cardinal ordering. These considerations tell us that the second translation accumulates incoherence. Thus, it is preferable to choose a translation that does not confront problems the source text does not.

Reflections on the first line

Because we face experts in both source and target languages (Sanskrit and English respectively), our translation faces a *test*: does the new effort assist in making sense of extant translations? This question also generates a *meta-explanatory* problem: does the answer tackle the 'why' of the mistranslations without making ad hoc modifications? We will deal with both questions now.

1. If we understand vyabhicāra as 'deviating', it is obvious that the kind of deviation talked about depends upon the chosen standard whether legal, moral, or rhetorical. From this, it follows that if the translator assumes that the verse is about sexual conduct, one could speak of adultery. However, this is an extraneous presupposition. Consequently, it *cannot* be presented as a faithful translation of the target verse but only as an interpretative translation at best.

2. Such an extra assumption has its impact on the syntax and semantics of other words.

    2.1. One easily noticeable effect is in the gendering of words: 'avedya' can have all three genders but āvedanena is in neuter gender singular. But the translators transform the combined word into a feminine plural with cardinal values: 'marrying *women* who ought not to be married'. A deontic operator ('forbidden') ranges over two non-existent terms (equivalents of "marrying" and "women") from the source language.

    2.2. Further, except for one, all others translate avedyāvedanena as "marrying an unfit woman". For this, we need something like *avivāhya vivāha* but not avedyāvedanena.

The second source line

Because our disagreements with the translations of the second line have no heavy conceptual implications, we will be brief here. Olivelle's (2005) translation of the second line can be chosen with some caveats. The translation goes like this:

"and by abandoning the activities proper to them, arise the intermixture of classes".

Only Bühler (1886) and Doniger and Smith (1991) add novelties for "*varṇasankaraḥ*". Bühler speaks of "(sons who owe their origin) to a confusion of the castes"; they are "(sons) of confused class", say Doniger and Smith. The others are silent about progenies or their gender. Why?

Possibly, the reason is not far to seek: the Sanskrit phrase varṇasankaraḥ is in the plural and is masculine in gender. If '*jāyante*' is read as 'birth' (of children), the gender and the plural use of classes could suggest the birth of sons. However, it generates an interpretative problem: what does 'varṇasankara' pick out? Is it an intermixture that occurs due to marriages or is it the creation of sons through marriage consummation?

If "(sons) of confused class", as Doniger and Smith say, result in varṇasankara, what happens if the progeny is a daughter? Which norm is violated here? Three thousand years ago, Indians were not able to determine or control the gender of the unborn child. The moral norm could not have been about the gender of the progenies: one cannot formulate a moral norm that human beings cannot possibly follow. In that case, which moral norm is allegedly violated? What if one chose abortion to avoid the risk that a son would be born? Abortion was considered a moral violation in Indian culture, but Manu is silent about this norm. Is an infertile sexual conduct a sexual misconduct or not? In other words, the choice based on grammar create elementary conceptual problems of a kind that Manu seems to be ignorant of. Why, then, *create problems through translations*?

Thus, our amended translation of this verse would read:

"By the deviation of classes and (their) knowledge of the forbidden, and

by (their) abandoning activities proper to them, the amalgam of classes arise."

Now, we can be brief. The extant translations do make sense, if an assumption extraneous to the target verse is added. Our translation does not forbid such additions, but it also makes clear that they must be

introduced explicitly. The virtue of our translation is that while remaining neutral with respect to the addition of extra interpretative assumptions, it retains its *accuracy* as a translation.

The meta-explanatory 'why' question is hereby answered without ad hoc modifications. If assumptions about the nature of the text include the claim that it is about sexual conduct and marriage, the translator is compelled to translate the text in ways conducive to those assumptions.

Now, in defence of extant translations, we can ask: where do the extraneous assumptions come from? Probably, it comes from the text itself: Manu's book is also very much concerned with marriage and sons; it is worried too about the types and nature of marriages and progenies. Consequently, the translators can say that the assumptions are drawn from the text even if they are extraneous to the verse. To this reasonable defence, here are our answers: (a) if translational fidelity is the goal, then additions to and word replacements from the verse, even if drawn from other parts of the text, damage that goal. (b) Besides, the contents of the verses define the content of the text. If this verse is made to say what is not in it, how do we know that the translations of other verses are not doing the same thing?[21] Assumptions extraneous to a verse cannot be incorporated into a faithful translation, even if they are present in other verses.

Why is the fidelity of translation important for our purposes? The additional reason is that this issue does not appear significant. Translators do not discuss earlier translations or weigh the merits of proposed translations; they do not justify their choices on linguistic, logical and semantic grounds. In so far this is how the Indologists and Sanskritists work, it reflects the nature of the practice in the domain itself. Then, it raises questions about Indology: are the problems we encounter here indicate the presence of some other kind of *a problem in the domain* itself? That is, is 'something' about the accumulated scholarship a problem, which our example illustrates? In that case, of *what exactly is it an example*?

Before we take up this issue, let us submit that our translation (a) is intelligible and transparent, (b) does not beg questions by introducing terms presupposing extraneous assumptions (c) is linguistically faithful to the source language, in the sense that there is no addition of concepts and ideas absent in the source, and (d) additions are motivated by linguistic considerations that affect the target language alone.

V

Varṇa and Ideology

Why is there so little concern for presenting accurate and faithful translations? Why a generalized indifference to correcting deformed translations? No simple answers to these questions are possible because of their scope and depth: for more than 200 years, scholars from all over the world have sustained these practices. Given the variety of the cultures they hail from, the different historical events of which they have been a part, and the diversities in their psychologies, it is not possible to provide a satisfying *explanation* to these 'why' questions now. However, it is possible to identify some hindrances and difficulties plaguing Indological and Sanskritist practices. For now, we will focus on explicating one or two *sources of these difficulties*. Even though far from being an explanation, what follows provides elements that any future explanation needs to consider.

Perhaps, it is best to start with 'varṇa', with whose vyabhicāra the verse itself begins. Since we translate 'varṇa' as "class" what *kind* of classes are varṇas? ('Estates' and 'Order' have also been proposed.[22]) As we have already indicated, the received view reads it as referencing four *social classes*. The four varṇas appear in Indian texts from the Rigveda to medieval Dharmaśāstra commentaries and beyond.[23] Scholars see these texts conceptualizing society as a varṇa 'system': the varṇas form a hierarchy of descending social *status*, each with corresponding privileges and duties. Classes are defined in terms of status, without drawing from the work done by contemporary sociology on 'sociological status'. If Indologists used this word the way sociology does, a lot of nonsense about the privileged position of the Brahmin class deriving from its superior 'ritual status' would not get written. Here, we notice a fundamental source of weakness in Indology: the use of terms from other sciences (both social and natural) with scant understanding or knowledge of these domains. Thus, there is no understanding of what 'class' is in sociology or political science but almost every Indologist 'knows' that varṇa 'is' a social class. Thus, the received view *imagines*[24] that the Brahmins are the priestly class; the Śūdras are the servant class and, as the lowest among the varṇas, they suffer from restrictions and disadvantages. While the ontological, social and epistemic status of the varṇa system is ambiguous in the extreme,[25] scholars agree that it reflects "a social ideal rather than a social reality," an "ideologically motivated social classification" rather than "an empirical reality in ancient and medieval India." "The ideologies and aspirations of the priestly class," "a theoretical socioreligious ideal," is the "varṇa ideology".[26] To the received view, the varṇa system is the core of an 'ideology' created and promoted by the Brahmin priestly class. Then, to understand what varṇa is, we must understand its ideology about these curious 'social' classes in a society.

In Search of an Ideology

The *Puruṣasukta*, a hymn from *Rigveda* (10.90), relates the Brahmin, Kṣatriya, Vaiśya, and Śūdra respectively to the mouth, arms, thighs, and feet of the Puruṣa, the 'primeval' or 'cosmic' being from whose sacrifice different parts of the cosmos originate. This hymn is said to provide "a cosmological justification of the four-tiered caste-system" by inscribing "the social hierarchy of caste which places the priests and the warriors on top…in the cosmic order" (Malinar 2011: 65). "…[T]his important hymn shows that the hierarchical, hereditary social groups were part of the structure of the cosmos. If the cosmos was in some sense sacred, then so was society which manifested its hierarchical order" (Flood 1996: 49). Thus, it indicates that "the division of society into four classes is to be considered as natural and God ordained" (Dwivedi 2012: 111-2). Some also claim that "this framework for the caste system is laid out in the Veda itself," which thus "became the sanctifying source of a hierarchical social order in which the Brahmins are placed at the summit" (Smith 1994b: 68). By connecting the social to the cosmic order, Puruṣasukta encodes "a social ideology" into a myth of creation.[27]

Several difficulties emerge here. If the Puruṣa's body represents 'society' and the four classes emerge from its different parts, one could postulate that these classes partition the society exhaustively. However, the hymn *does not* carve up this body into four exhaustive segments; it just mentions the four varnas and relates these to four parts that constitute a subset of the Puruṣa's body. Objects are born also from other parts: from the head, the sky; the sun came from his eyes; the earth from his feet; etc. (Some prominent organs known at the time, such as the heart, liver, spleen, intestines, are not mentioned.)[28] That the hymn presents a hierarchical relation of four classes is entirely dependent on *analogy* and on an assumed hierarchy between parts of the Puruṣa's body. From the dismembered primal person, the Brahmin emerged from the 'top' body part (the mouth) and others emerge from the 'lower' parts. If this is evidence for hierarchy, it lacks credibility.

(a) Whether a part of the body is 'higher' or 'lower' depends on positioning: was the primal person standing or lying down? The text mentions that the deities consecrated the Puruṣa on the ritual grass. If the body is prone on earth, its parts are horizontally positioned. Further, a vertical position cannot logically imply hierarchy: the crown of a tree is not higher in status than its roots; the roof of a house is not superior to its foundations. That is, it is an empirical but not a logical question.[29] Recently, Gray (2020: 252) notices it: "(i)nterestingly, these varnas could be viewed as either vertically or horizontally arranged. While the position of Puruṣa could be interpreted as standing while sacrificed, whereby the hierarchical organization between the groups is clear, I suggest that we could also interpret Puruṣa as lying down since he is a sacrificial victim,

which would evoke a levelled, horizontal relationship between the groups and, most important, between the capacities associated with each body part and function."

(b) As Sharma (1978: 297-300) shows, tying the Puruṣasukta hymn to the caste system has multiple interconnected problems: 1) hermeneutic problem "[t]he verse is capable of two contradictory interpretations--one hierarchical, the other organic." This is an interpretative choice whose accuracy "depends on historical facts about the caste system'; 2)Historical problem: no definite answer to the question of historical proof pf the caste system seems possible and "the extent to which caste had developed in the age of the Rigveda Samhita [remains] 'a subject of keen controversy among scholars[30].'" Although even the newest translators of the Rig Veda admit that "there is no evidence in the Rigveda for an elaborate, much-subdivided and overarching caste system", they hedge by adding that "the varna system seems to be embryonic" and "both then and later, a social ideal rather than a social reality." (Jamison and Brereton 2014:58-59).

Can this matter be settled exegetically? Sharma, citing Sarkar (1926), concludes that it is not an option either. If the social ordering (the so-called social hierarchy) is based either upon the order of mentioning or the order of genesis in the Rig Vedic Hymn, it would be difficult to come to a single and unambiguous result: one and the same place of emergence is mentioned in different orders as are the objects that emerge in different orders. The conclusion is: "(n)o value can, therefore, be reasonably attached to the order in which the Brahmana, Rajanya etc. are mentioned."[31] (Sharma 1978 citing Sarkar 1926:258-59)

Thus, "in face of the hermeneutical possibilities, the historical ambiguities (and perhaps the exegetical difficulties) associated with the Purusasukta; and in view of the fact that the Purusasukta is not the sole explanation essayed within the Hindu tradition of the Caste System (even though it is one of the earliest), the relation of the Purusasukta to the Caste System is perhaps much more tenuous than has sometimes been assumed." (Sharma 1978: 303)

(c) This makes the alleged 'dirtiness' of the feet and its status as the 'lowest and most disgusting' part of the body even more important since the low status of the *Śūdra* in the Puruṣa hymn now seems to hinge on the low status of the feet. Scholars write that that the feet are "the lowest and dirtiest part of the body," which corresponds to the Śūdras' "low social status" as "the servants" (Doniger 2010: 117-8; Jamison and Brereton 2014: 1538).

Then we must ask: did/do Indians perceive the feet this way? Symbolically, the feet have generally not represented 'low' status but instead were a sign of a variety of things, including will, humility, fertility, the soul, and the support of one's entire person (Becker 2000: 118; Cirlot 2001: 111), the 'firm foundation'(Smith 1994: 301-2). "In Indian literature, performance art, religious life, and everyday social etiquette the human foot is both ambiguous and polyvalent… both dirty and divine; both disgusting and erotic; both directly physical and highly elusive. They are not only staggeringly ambivalent, they are confusingly polyvalent." (Nugteren 2018: 226).

They are objects of veneration as seen in many typical Indian actions: touching the feet of the elders; the presence of numerous pāda-temples(footprint-temples), e.g., the famous Vishnu pāda Temple in Gaya, Bihar; the importance of pādukas (footwear) which function as 'representations' of a deity; the drawing of the images of the feet of Lakshmi or Bala-Krishna during different festivals etc. Feet also hold significance in many rituals like that of the groom placing the toe-ring on the bride's toe during the marriage ceremony, or the performance of pāda-puja on various occasions; they are objects of aesthetics and eroticism as evidenced by a vast body of art and literature ; they are the focus of beautification and are one of the characteristics of beauty: 'feet like lotus buds' is a description used for humans (both men and women), and the gods.

So, it does not make sense to claim that feet are 'lowly and disgusting' alone. Funnily, Nugteren's reason for seeing the foot as 'modest', 'dirty' and 'low' is the Puruṣa hymn and the hierarchically ordered varna system. So, in his case, the Puruṣa hymn is proof of the low status of the foot while the low status of the feet acts as the evidence for the hierarchy in the Puruṣa hymn.

(d) If the status of the feet is ambiguous, how about the other parts of the body? About 3,000 years ago, there was no knowledge of the role of the brain and its crucial importance to the human body. For much of the past, Andrew Wickens (2015: 1) points out, people "saw their thoughts, desires and actions arising not from the brain, but the heart."

Loukas et al (2016) show that cardio centric view of the body was widespread in antiquity: the ancient Egyptians were one of its earliest supporters and they believed that the heart was the seat of human intelligence, emotions and action, the Chinese saw it as related it to circulation and the movement of Qi. Aristotle believed that the heart was the most important part of the body and was the seat of intelligence, sensations, and emotions. Although today, the head's 'higher' status is related to its prominence as the seat

of our cognitive or 'higher' functions, this was far from obvious to Aristotle who believed that the brain was 'a radiator' meant to reduce the heat generated by the working of the heart (Clarke and Stannard 1963). Galen, whose insights dominated European medical science up until the 17th century, while confirming the importance of the heart, considered the liver even more important. Heart held a central role in Indian anatomy as well. Its pre-colonial texts indicate that the brain was of secondary importance: "While there were multiple and detailed conceptions of the body, the brain, like most internal organs except the heart, does not appear to have been the object of any interest" (Tarabout 2015: 31). The activities of 'the spirit' or 'mind' were attributed to the heart. The oldest Indian texts on medicine, the Charaka and Sushruta Samhita from the Vedic Period emphasize the importance of the heart (*hridaya*) in Ayurveda as the location of many things including the crucial *buddhi*, *chitta* and *manas*. According to Khedikar et al (2017:162) "it is evident that the Ayurvedists in Samhita period regarded the hridaya as the chief site of *manovyapara* (functioning of Mana)" except for Bhela who locates it in the head. The long-standing controversy regarding the location of Manas, whether it is in the head or in the heart attests to the fact that a simple superior/inferior classification of different parts of the body cannot be easily made. Another example is the notion of shraddha which is "widespread in all religious literature… considered important in every phase of Hindu life" (Cantwell Smith: 60) not just in Sanskrit but in various other Indian languages. It can be split to mean 'heart+to put' or 'to put your heart into' (ibid:61). It seems that the Vedic hymn would consider the Kṣatriya (emerging from the chest) as the 'highest' class. Minimally, the Brahmin must be demoted to the second place. In fact, both the Buddha (the *Agganna Sutta*, the 'Buddhist Book of Genesis') and the Upanishad make the Kṣatriya more important than the Brahmin.

(e) The root of Ayurveda (Indian medicine) is traced to the Vedic Samhitas and the Vedic period (Subbarayappa 2001). Speaking of the hymns of Rigveda and Atharvaveda related to medicine, Zysk (1996:5-7) notices the difficulties in even identifying body parts: "doubts concerning the meanings of specific words and phrases are present, although not unexpected…difficulties remain in proper identification of many internal parts which tend to be described by the native authorities in terms of a locality or as attached to a known organ". When organs (diseases, plants etc.) are given ostensive definitions, it is far from evident to know their references. Given this difficulty, how seriously should we treat the claim of 'experts' that they have laid bare the ideology of the varna system and the psychology of the Brahminical writers purely on the basis of a single textual fragment that is three millennia old?

(f) According to some, the connection of the Brahmin to the mouth makes him a "master of sacred speech" or a "master of knowledge and speech" and therefore ranks him the highest (Doniger 2010: 117-8; Jamison and Brereton 2014: 1538). Even if it stands for speech in this hymn, 'speech' is not self-evidently essential or the 'highest' function either.[32]

(g) In his much-cited *History of Dharmaśāstra* (1941), P. V. Kane notices that "all writers on dharmaśāstra" start with the proposition "that the four varṇas, brāhmana, kṣatriya, vaiśya and śūdra, are arranged in a descending scale of social status" (1941: 51-2). This is taken to be clear from the special duties and privileges assigned to the varṇas and from the fact that the first three are the 'twice-born' (*dvija*), whereas the Śūdras are not. From all the passages cited by Kane in his two chapters concerning varṇa, about 60 could be said to concern 'privileges' of the Brahmins, whereas at least 50 deal with (often strict) restrictions. He tries to reconcile these aspects,[33] but the verses show something more: one could construct an ideology of 'hierarchy' in terms of the restrictions[34] and demands put on the varṇas. In that case, the Brahmins become the 'worst off' class upon which the highest number of restrictions and demands are put. If the Śūdras are subject to very few restrictions, most acts are permissible and only some are forbidden. In what, then, lies the unfreedom of the Śūdra?

(h) When Indologists translate 'varṇa' as 'class', they claim that Indian texts evidence an ideology in defense of such a system. Its import is unclear: surely, classes exist in all developed societies including India. All complex societies are class societies. However, Indologists do not seek to know how a *generic* class system emerged and survives in India. They want to know about the typical 'Indian' class system.[35] If its 'typicality' is the 'caste system', why connect its survival to 'its' ideology?

In short: it is very unclear what this varṇa 'ideology' is, how to find it, what evidences its presence, etc. It is equally nebulous what is specifically hierarchical about it, how it differs from other class societies, and so on. Therefore, blissful ignorance of what modern sociology and political science knows about class and ideology becomes more glaring and even less forgivable. This is the first major source of difficulties in Indological practice.

VI

The Nature of a Textual Tradition

The received view also makes meta-claims about *Mānavadharmaśāstra* as a text. Since it is called the "Laws of Manu" or "Manu's Code of Law," it appears as a set of laws or as the paragon of 'Hindu law'. Yet, a closer look reveals confusion.

Manu's text belongs to a genre or type of texts called the Dharmaśāstras. What is their nature and role? A contemporary scholar, Donald Davis Jr., writes the following: "In common parlance, though not without distortion, these texts are…called the Hindu legal texts or lawbooks." To correct the distortion, Davis instead describes the texts on Dharmaśāstra as embodiments of "Hindu jurisprudence, a way of thinking about law from a distinctively Hindu perspective." They are texts of "legal theory" and "religious law"; in fact, we can think of them as "the textbooks for the Hindu scholastic tradition of religious jurisprudence" (Davis 2010: 13-15). They also constitute "a theological system focused on discovering and transmitting the religious significance of ordinary human activities, especially those linked with the family, household, and other localized institutions" (ibid.: 23). In that case, Dharmaśāstras must be textbooks for teaching a specific system of law and jurisprudence, which is religious and theological in nature. Then, these texts would be akin to the Church Laws or the Canon Law of the Roman Catholic religion.

Yet, scholars of India have argued for decades now that *dharma* is neither religion nor law and that Dharmaśāstra cannot therefore be equated to Hindu law. Ludo Rocher (2012: 40), an expert on the subject, claims that the "pivot of the entire system is dharma, which is neither religion nor law."[36] After emphasizing that "dharma is not religion, and religion is not dharma," Richard Lariviere writes:

> "…from 1772 to the present there has been the idea (first among the British and later among their successors in legal administration) that dharma represents the religious aspect of Hindu life and that the dharmaśāstra is the repository of permanently codified legal provisions pertaining to the religious aspect of life … (U)ntil the British invented it, there was no such thing as Hindu law. (Lariviere 1989: 758)"

He further argues that "dharmaśāstra, literally the science of dharma, was a highly flexible and ingenious science in which the standards of orthodoxy and righteousness of a given locale or group could continually be adapted

to the needs and desires of its subjects and at the same time continue to be strictly enforced…" (ibid.: 1989: 760)

If dharma is not religion and Dharmaśāstra is not Hindu law, how could these Sanskrit sources be (text)books of religious law and theological jurisprudence? If they can be constantly adapted and changed with no limits, how can they be considered as textbooks of religious Law? If it is wrong to circumscribe dharma by the categories of religion or law, why do scholars continue to speak of Dharmaśāstra as the 'Hindu law'?[37]

The confusion about the nature and role of the Dharmaśāstras is more than a century old. Some scholars claimed that texts such as Manusmrti do not "represent a set of rules ever actually administered" but are "in great part, an ideal picture of that which, in the view of the Brahmins, ought to be the law" (Maine 1861: 18). Or:

> "The treatises are almost all of them apocryphal. They have a character which is primarily didactic and often purely literary. They never had the force of positive ordinances, and the doctrine itself which they propound, half religious and half juridical, undoubtedly shares the fate of holy and ideal books. They agree only moderately with the way of the world and are more respected than obeyed."[38]

Others insisted that "the ancient Smritis and the subsequent commentaries were evidently recognized as authoritative statements of law by the rulers and by the communities in the various parts of India" and there "can be no doubt that the smriti rules were concerned with the practical administration of the law" (Mayne [1878]2014: 2).

More recently, one expert sees the texts as "a highly intellectual, comprehensive system of thought…devised by generations of pedants inclined to encyclopedism" (Derrett 1973: 31); another as "legal fiction because they were divorced from the practical administration of justice" but also as "books of law—rather, books of laws…containing 'rules and observations' that were, indeed, *at some time and in some place* 'governing the life and conduct of people'"[39] (Rocher 1993: 267, emphasis added). It is as easy to say that "the dharmaśāstra literature represents a peculiarly Indian record of local social norms and traditional standards of behavior" (Lariviere 1997: 98) and is "in its essential parts, a record or codification of custom and convention" (Wezler 2004: 642), as it is to claim that it "represents an expert tradition and, therefore, presents not a 'record' of custom but a jurisprudential, or in Indian terms, a sastric *reflection* on custom" (Olivelle 2005: 62-4). The Dharmaśāstra texts are also said to be treatises on ritual and ethics, articulating the "brahmanical ideology of

dharma" (Flood 1996: 52). Or to confuse things further: "Dharmaśāstra, like all sastra, presents itself a 'model for' religious law, not a 'model of' it. In reality though, the texts are also 'models of' the prevailing views and practices of particular places and times, now transposed into a prescriptive format" (Davis 2018: 4).[40]

Scholars have designated one and the same body of texts as 'religious', 'not-religious', 'legal', 'theological', 'ideological', 'science', 'jurisprudential', 'scholastic', 'half religious and half juridical', 'neither religion nor law', 'an intermixture of religion and law', 'primarily didactic' and 'often purely literary'. These works can be viewed as (a) lawbooks with rules for the practical administration of law, (b) books of laws with rules that governed the conduct of people, (c) not lawbooks but textbooks of jurisprudence, (d) a theological system concerning ordinary human activities, (e) validators of decisions based on local circumstances, (f) carriers of an ideology, ideal picture, or comprehensive system of thought fabricated by Brahmanical authors, (g) a record of local customs, norms and standards of behavior, (h) not a record of custom but jurisprudential reflection instead, and (i) a model *for* and *of* prevailing views and practices. If such divergent and sometimes conflicting characteristics continue to be attributed to a body of texts, and if similar disagreements keep cropping up over generations, a simple conclusion forces itself upon us: currently, we have no insight into the genre, nature, usage, and role of these texts. In other words, the ambiguities and problems we noticed in the verse turns are present in the scholarship of that 'genre' of texts in Indology.

Current knowledge claims about dharmaśāstra and its "varṇa system" are as incoherent as they come; renderings of "The Laws of Manu" dress up interpretations in the guise of translations; and the beliefs attributed to the author(s) make ancient Indians into unreasonable human beings writing foolish nonsense or simply dissimulating. This is the second major source of difficulties that plague the practice of Indological scholarship.

VII

An Impermanent and Transient Conclusion

If we notice that our house leaks, we do not break it down or go live in the open spaces or in our backyard. We *localize* the fault (a leaking roof, a burst water pipe in the kitchen, water in the basement…) and try to repair it. We do not reject a scientific theory because it faces anomalies; we ignore them as long as it is rational to do so or even modify the theory on an ad hoc basis until a better alternative is available. None would reject a domain of research (e.g., physics) just because some or another theory (however well-accepted) faces criticisms or counter examples (e.g., Newtonian theory).

Though well-known, these need repetition for two reasons today. One: to learn not to junk Indological enterprise because of a few false theories; two: to draw the appropriate lesson from philosophy of sciences about the received view. We will focus on the second point here.

In terms of Lakatosian understanding of scientific progress,[41] Indology seems to house multiple research programmes. The received view, which is a degenerating research programme in Laktosian terms, is one such. Its practitioners are protecting its 'metaphysical core' through immunizing strategies, which form a protective belt. The aim is to deflect anomalies, which are in plentiful supply.

One such immunizing strategy is this: Manu's text is proclaimed to be a particular kind of text but is treated differently than how such texts are and should be treated. It is seen as a 'religious' text of sorts but it is not accorded the grace of a serious theological treatment; it is seen as a quasi-moral text, but is not treated as a text in ethical or moral theory; it is seen as a quasi-sociological text (that "accounts" for social classes) but is not treated as a text in sociology (when it allows "priest/poets" and "the people" to become "incipient" social classes, *pace* Witzel); it is seen as a quasi-political text (because it expresses an ideology propagating "class interests") but is not treated as a text in political theory (classes do not appear to exist in India and words mysteriously possess "ideological aspirations"); it is seen as a quasi-anthropological text (that speaks about "tribes" and "chieftains" during the Vedic period) but is not treated as an anthropological or ethnographic text; finally, it is some kind of a 'legal' text that, obviously, does not deserve a jurisprudential treatment… The point is not whether this strategy is 'deliberate' but that it immunizes and thus protects the core from the effect of anomalies.

One way of identifying this metaphysical core is to ask the following question: do the problems that we have so far noticed have a Faultline? Yes. Apart from being subject to 'moralizing' criticisms, Manu's text is treated as confirming evidence for an outdated, fragmentary hypothesis from 19th century Europe. Even though much has been discovered since then in all domains of knowledge, including Indology, these discoveries do not affect their belief(s) about the text, which can be summarized thus: Manu is the precursor of the Indian 'caste system' both openly and through 'clever' camouflage; his varṇas are 'somehow' connected to that socially reprehensible and morally evil system. Admittedly, this summary is crude but precisely that *crudity is its Faultline*. This, in the Lakatosian sense of the term, appears to be its 'metaphysical core'. The deflections of criticisms and the immunizing strategies protect it from facing the cognitive consequence of anomalies, viz., falsification.

To this day, we do not know what the infamous caste 'system' is; what the varṇa system is and how it bred a system allegedly worse than the apartheid or human slavery (hypotheses on this is a massive graveyard of ideas); we do not know what ideological defenses of such a system would require; what counts as evidence; where, how, and what is inadmissible as evidence, etc. How can any reasonable person defend the suggestion that most (if not all) texts of a culture hide or express devious but successful conspiracies of a "priestly class" that has protected its alleged "privileges" over three millennia or more? How is it sociologically or politically possible for any class, anywhere in the world and at any time—without centralized organization of any kind—to achieve this feat in a giant country like India and sustain it over three thousand years? The above two questions indicate the crushing weight of the accumulated anomalies. Nothing in our entire world of knowledge prepares us for this *miracle*; yet the received view has been trumpeting this 'Good Tidings' for centuries.

Does this mean that we can look at Manu's text differently today? Would treating it seriously as a text provide us with different insights? Our answer is an *unqualified* 'yes'. If the tendency within the received view is not corrected (or modified), we get useless texts replete with mistakes that we would not tolerate in any domain of human knowledge.

Now we can see where the focus on correct translations leads us when raised within the framework of a CPT. Our conclusion: CPT can fulfil its promise, only if its inputs are 'correct' texts and not interpretations masquerading as translations. Many Indological translations merely seek confirmations of presupposed centuries-old prejudices. Since these deny the participation of "non-Western perspectives in *familiar debates about the problems of living together"*, texts that embody them cannot participate in the project of CPT. Probably, this is why Dallmayr (2004: 249) localizes the responsibility for preventing non-Western perspectives from participating in creative and mutually enriching dialogues in Western theories. This issue must bother us: *why have Indological scholars not noticed the problem for 200 years or more*?

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[2] For parallel claims, see Godrej (2009: 99); Hassanzadeh (2015: 185); Idris (2016: 1); Jenco (2011: 27); Jenco, Idris and Thomas (2020: 1-2); Kapust and Kinsella (2017: 1); Shapcott (2020: 107-8); Simon (2019: 2).

[3] Using notion of 'research tradition' as a term of the art from the philosophy of science that Laudan (1978) has developed.

[4] See Lakatos (1980) for an elaboration of these terms.

[5] Suppes (1974) claims the phrase is original to the philosopher of science Hilary Putnam (1962), who speaks of the "received view on theories." Since then, the phrase is used to indicate prevailing consensus in a domain. We abbreviate 'the received view on Manu' as 'the received view' henceforth.

[6] The old and discredited story of the 'insider/outsider' is being retold as a new story in India and the US.

[7] For his critical edition of the text, Olivelle has collated 53 such manuscripts. He also thinks (2005: 51) that there has been a break in the transmission of the text prior to the commentaries of Bhāruci and Medhātithi.

[8] Suppes (1974) claims the phrase is original to the philosopher of science Hilary Putnam (1962), who speaks of the "received view on theories." Since then, the phrase is used to indicate prevailing consensus in a domain. We abbreviate 'the received view on Manu' as 'the received view' henceforth.

[9] See Bayly 1999, p.10.

[10] Regarding chapter 10 of MDh, Olivelle tells us that there are "not one but three discourses on mixed classes, and they are not always in agreement. Some suspicion, therefore, may be directed at the second and third re-tellings of the origin of the mixed classes" (Olivelle 2005: 58). According to Bühler it is "not impossible" that in the Mânava Dharma-sûtra, of which he considers MDh to be a "recast and versification," there was a section on "mixed castes" and one on "âpaddharmas," which have been combined in one chapter under a common title in MDh (Bühler 1886: lxxi).

[11] 'Temple entry' for 'lower castes' has been a sensitive issue in India for centuries. The subject of many laws during the British rule, it is now a part of the Indian Constitution but there is a great deal of strife even now.

[12] This was the proposal of an anonymous referee to an earlier draft of this article. The referee adds: "The texts are very clear…—there isn't any ambiguity…"

[13] See, for instance, the following verses in Manu (5.165; 8.122; 8.220; 9.21) on 'abhicāra', 'vyabhicāra' and 'avyabhicāra'. Olivelle, for instance, translates *abhicharati* as 'unfaithful'; *a-vyabhicāra* as 'miscarriage of justice'; *samaya-vyabhicāra* as 'violation of compact'. He also translates one occurrence of *vyabhicāra* as 'contemplating anything harmful' in one place while adding 'infidelity' to it elsewhere. Jha varies interestingly in translating *vyabhicāra* in 9.21 as 'thinking ill of someone' ('husband' in the verse).

[14] As examples, see the verses: 9.101-102; 9.21; 5.162-163. We would like to thank Tilak Rao for drawing our attentions to these uses by Manu.

[15] This was one of the worries of an anonymous referee.

[16] If having progeny from "forbidden" women is a violation, then progenies from "recommended" women is a duty.

[17] We would like to thank Ramakrishna Bhat and Tilak Rao for the many illuminating discussions on this matter.

[18] 'Adultery by the wife' could translate vyabhicāra (the word is in masculine gender) because of this.

[19] Thanks to Chaitra Mathighatta for drawing our attention to this.

[20] It is also possible to read it as not knowing (*avedana*) the forbidden. However, that would mean that ignorance of the forbidden would become an offence or violation. This is implausible.

[21] This is not an idle question. In another verse (10:12) on Varṇasankara, we encounter exactly the same problem. We will take up this verse and the issue it raises elsewhere.

[22] Some postulate that "the word varna in Dharmashastras means social classes" (Sharma 2004: 12), while others merely use the term 'social classes' to refer to the varnas (Aktor 2018). Trautmann (1964: 198) suggests the use of 'estate' and 'order' to translate 'varna', since the varnas in Indian thought "are not essentially economic but sacred, that is, immutable and of divine creation…" Few scholars follow this suggestion today.

[23] The latest sections of Rigveda are dated to 1200-1000 BCE (Jamison and Brereton 2014: 5), while the most recent digests or *nibandhas* in the Dharmaśāstra tradition are from the 18th and 19th century. Between these two extremes lies a period of about 3,000 years.

[24] 'Imagines' because it is flabbergasting to read that the priest (singular), the poets (plural) and the people (plural) are *social classes*!

[25] If we read what follows carefully, we appreciate the extreme ambiguity: though not a 'reality', a social 'ideal' nonetheless 'classifies' society because it is 'motivated' by 'ideology'! Could this 'ideal' still classify if it was not motivated by ideology? If all classes have ideologies, what is the ideology of the 'servant' class or of the 'middle classes' between the priest and the Śūdra?

[26] The quotes are from Jamison and Brereton (2014: 57); Aktor (2018: 60-64); Dimock et al. (1998); Yamazaki (2005: 3-4, 30).

[27] Bruce Lincoln (1986: 4-5, 164-70) identifies the hymn as one of several Indo-European texts that do so. For similar claims, see Avari (2016: 114); Doniger (2010: 117-8); Gray (2017: 121); Jamison and Brereton (2014: 1538); Klostermaier (2007: 289); Kulke and Rothermund (2002: 39-40); Smith (1994: 69).

[28] Manu refers to other groups existing outside the four varṇas (e.g. *MDh* 10.99 and 10.100). The *Mahābhārata* also makes it obvious that the existence of other groups in the kingdom was a well-known fact. In these texts, 'varṇa' is used as a technical term, a term of the art, a claim which we will not argue here.

[29] This distinction between the 'logical' and 'empirical' does not signify ontic differences. Ever since Quine's "Two Dogmas of Empiricism" (in Quine 1953), we cannot follow the logical positivists, who made rigid distinctions between these statements.

[30] Majumdar 1965: 388 cited by Sharma 1978:300

[31] The last sentence of this paragraph from Sarkar is also worth citing: "But of course those who do not care to follow any logic and are prepared to consider any string of names as constituting a "system" simply because it is to be found in a Sanskrit book, forsooth, in the Rig Veda itself, are likely to see in it the things which do not exist there." (Sarkar 1926:859)

[32] In fact, one of the most famous 'anti-caste' novels by a greatly lauded Kannada writer associates only stinking mouth and flat chests with Brahmin women, which is why they are 'repulsive' and 'disgusting'. The 'lower caste' women's mouths, though stinking with sour alcohol, apparently function as an aphrodisiac and make them fertile: "which brahmin girl,-- cheek sunken, breast withered, mouth stinking of lentil soup,-- which brahmin girl was equal to Belli? …(S)he'd have drunk her father's sour toddy…ready for seed…" ('Belli' comes from the 'lower caste' in this novel by U.R. Anantha Murthy 1965:37; emphases added.)

[33] Kane (1941: 137)

[34] The Śūdra's low status is said to reveal itself in the restrictions imposed upon him.

[35] See for example Smith (1994) who announces in the beginning that he 'translates the word varna as 'category' or 'class'. He also uses 'social class', 'ruling class', 'classificatory scheme', 'categorical system' to refer to the same thing without ever explaining which is which and why (e.g. pp.3, 18, 19, 90, 91 etc.) Brahmins and Kshatriyas are the ruling classes and other are ruled (p.28-29, 36, 103) However, how to make sense of sentences like "varnas functioned as super categories which cut *across the boundaries* of the species or discrete classes and thus ordered all the realms of the visible and invisible cosmos...*up, down, and sideways*"? (P.13, emphasis added.)

[36] Rocher then goes on to discuss the treatises on dharma in terms of 'religion', 'law', and 'Hindu law'. In fact, the term 'dharma' "has been variously translated as 'duty', 'religion', 'justice', 'law', 'ethics', 'religious merit', 'principle' and 'right'" (Flood 1996: 52). Apparently, then, dharma is *neither* religion *nor* law but also *both* religion *and* law.

[37] For instance, a major new volume, edited by Olivelle and Davis, is titled *Hindu Law: A New History of Dharmaśāstra* (2018).

[38] Auguste Barth (1917: 299-300), cited in Lingat (1973: 140).

[39] Some 'rules' always govern the 'life and conduct' of people 'at some time' and 'in some place'. Does this trivial truth lend them the status of 'laws'?

[40] Davis (2018) lists some of these conflicting views concerning the *Dharmaśāstra* texts but does not seem to be too perturbed by their occurrence and reoccurrence in Sanskrit scholarship.

[41] Even though we are not followers of either Popper or his student Imre Lakatos, the latter's take on the methodology of scientific research programmes (Lakatos 1980) is quite useful at this juncture. Laudan (1978) is historically and philosophically more grounded than Lakatos.