

**Laidlaw Scholars Undergraduate Leadership and Research  
Programme  
Research Outline**

**The Concept of Rights in the Sanskrit World**

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## 1. Title

The Concept of *Adhikāra* in Sanskrit Jurisprudence: Rethinking Rights and Justice through the *Manusmṛti* and Medhātithi's Commentary

## 2. Abstract

This research explores the Sanskrit legal concept of *adhikāra* (entitlement) as articulated in the *Manusmṛti* and interpreted by Medhātithi, aiming to reassess dominant understandings of rights and justice through a culturally contingent lens. Rather than treating the *Manusmṛti* solely as a text of religious prescriptions, this study foregrounds its jurisprudential dimensions—particularly its treatment of entitlement, obligation, and punishment. *Adhikāra*, which governs who is entitled to act under what conditions, challenges liberal notions of rights as universal and inalienable. By examining this legal construct within criminal justice contexts—especially punishment and legal responsibility—this project situates Sanskrit jurisprudence in global debates on legal pluralism, decolonization, and justice.

A two-phase qualitative methodology will guide the research. In Delhi, I will conduct close textual and commentary-based analysis of the *Manusmṛti*, using qualitative text-mining and annotation to map patterns in legal reasoning. In Varanasi, I will carry out interviews with Dharmaśāstra scholars, gathering culturally rooted insights often absent from Euro-American academia. Comparative analysis with key Western theorists—Locke, Rawls, Beccaria—will highlight the distinct ontological foundations of rights, authority, and justice in each tradition. This study ultimately contributes to a more inclusive legal theory that values multiple jurisprudential frameworks rather than subordinating them to a singular model of human rights.

## 3. Research Objectives & Questions

### Primary Objectives:

- Analyze how *adhikāra* functions in the *Manusmṛti*, especially in criminal justice.
- Examine Medhātithi's interpretive strategies and how they shape legal meaning.
- Explore the relationship of *adhikāra* with concepts like *kartavya* (obligation), *niṣedha* (prohibition), and *anujñā* (permission).

### Secondary Objectives:

- Compare *adhikāra* to Euro-American frameworks of rights and punishment.

- Evaluate what insights Sanskrit legal traditions offer to debates on cultural contingency vs. legal universality.

### **Key Research Questions:**

- How does *adhikāra* determine legal responsibility and entitlement in the *Manusmṛiti*?
- What interpretive tools does Medhātithi use to reframe or expand *adhikāra*?
- In what ways does this challenge modern rights theories?
- Can Sanskrit legal reasoning meaningfully inform contemporary legal and criminological theory?

## **4. Background**

Recent scholarship (Olivelle, Davis Jr., Lingat) has shifted focus from the religious to the legal in Dharmaśāstra texts. Yet, few have examined the jurisprudential role of *adhikāra*—a critical but understudied concept linking status, knowledge, and legal authority. Medhātithi's commentarial work offers a rich source to explore how entitlements are contextually constructed and interpreted.

Unlike Western legal thought—where rights are often individual, static, and universal—Sanskrit law conceives legal authority as fluid, hierarchical, and role-based. This research intervenes in current legal theory by questioning liberal universalism and positioning Sanskrit jurisprudence as a valid philosophical interlocutor.

## **5. Methodology**

### **Qualitative, Comparative, and Field-Based Research Design**

#### **Phase 1: Delhi (June 16–July 6)**

- Close textual analysis of *Manusmṛiti* Chapters 7–9 and Medhātithi's commentary.
- Text-mining and annotation to track patterns of *adhikāra*.
- Comparative legal charting against Western frameworks.

#### **Phase 2: Varanasi (July 6–27)**

- Semi-structured interviews with Sanskrit legal experts (e.g., BHU faculty, traditional scholars).
- Ethnographic analysis of interpretive traditions and regional commentaries.

- Member-checking and thematic coding of interviews.

**Training:**

- Text-mining for classical Sanskrit
- Deontic logic in Sanskrit legal texts
- Participatory research via ROP sessions with Dr. Elisa Freschi (UofT)

**No REB approval required** (no sensitive personal data or vulnerable participants).

**6. Potential Impact**

This study contributes to legal theory by:

- Questioning Euro-American assumptions of universality in human rights.
- Reviving *adhikāra* as a legal category rooted in cultural, textual, and hierarchical logic.
- Supporting decolonial efforts to recognize non-Western legal systems as legitimate sources of legal reasoning.
- Enhancing the ongoing project led by Dr. Elisa Freschi on Medhātithi’s deontics by adding the dimension of criminal justice and entitlement.

**7. Timeline**

Week	Location	Focus
Week 1–3	Delhi	Textual analysis, commentary comparison, conceptual framework
Week 4	Delhi	Archival work, interview prep
Week 5	Varanasi	Expert interviews and transcription
Week 6	Varanasi	Final analysis, synthesis, draft writing

**8. Resources & Support Needed**

**Mentorship**

- Dr. Elisa Freschi (supervisor) – manusmṛiti analysis, methodology
- UofT and Vienna University collaborators – comparative legal analysis

### **Field Experts (Varanasi)**

- Sanskrit Dharmaśāstra scholars for commentary interpretation

### **Research Tools**

- Texts: *Manusmṛiti*, Medhātithi, regional commentaries
- Annotation Software: UofT-supported digital tools
- Libraries: IGNCA, Delhi University, BHU Manuscript Library

### **Linguistic Support**

- Minor Sanskrit commentary translation help if needed

### **Logistics**

- Travel to/from India
- On-ground access to archives and scholars