



Laidlaw Scholars Undergraduate Leadership and Research Programme

Research Project

The Concept of Rights in the Sanskrit World

Scholar: Janhavi Pasricha

Research Advisor: Elisa Freschi

Date: June 16 - July 27, 2025

Title

How does the concept of *Adhikāra* in the *Manusmṛti*, as interpreted by Medhātithi, illustrate the cultural contingency of rights, particularly in the context of criminal justice?

**STUDENT
LIFE**

**Centre for International
Experience**



**UNIVERSITY OF
TORONTO**

Table of Content

Acknowledgement	1
Abstract	2
Introduction	2
Literature Review	4
1. The Concept of adhikāra	4
2. The Manusmṛti in the Dharmaśāstra Tradition	5
3. Medhātithi's Juristic Contribution	6
4. Varṇa and the Structure of Eligibility	7
5. Cultural Contingency of Rights	7
Methodology	7
Analysis	10
1. adhikāra in Legal Standing (vyavahāra)	10
2. Adhikāra and Punishment (daṇḍa)	11
3. Adhikāra in Remedies and Royal Liability	13
Fieldwork Findings	15
Discussion	17
Conclusion	19
References	21

Acknowledgement

I am deeply grateful to the Laidlaw Foundation for providing a platform through which students can pursue independent research and develop as leaders. I would also like to thank the University of Toronto Laidlaw Programme, specially You Jia Lee, Shraddha Prasad, and Tyler Thom, whose guidance and encouragement have been invaluable throughout this project.

Above all, I wish to express my profound gratitude to my research advisor, Professor Elisa Freschi. Her mentorship, depth of expertise, and unwavering support have shaped every stage of this work. She not only guided me in navigating the complexities of Sanskrit legal philosophy but also inspired me to think critically, to question rigorously, and to approach research with curiosity and intellectual discipline. This project would not have been possible without her insight and encouragement.

Finally, I would like to acknowledge my peers and fellow Laidlaw Scholars for creating a supportive and collaborative research community, and the Professors in Varanasi and Delhi whose perspectives and conversations enriched the fieldwork dimension of this study.

Abstract

This project investigates how the concept of *adhikāra* in the *Manusmṛti*, interpreted through Medhātithi's commentary, illustrates the cultural contingency of rights in the administration of criminal justice. Modern legal theory often conceives rights as universal and equal, but the Dharmaśāstra tradition provides a strikingly different model in which justice is organized through differentiated eligibility and obligation.

Through close textual analysis of Chapters 7–9 of the *Manusmṛti*, this research shows that *adhikāra* governs legal standing, punishment, and royal authority. Access to juridical procedure, liability to penalty, and the scope of sovereignty are all distributed according to competence, social role, and ritual capacity. The fieldwork in Varanasi has deepened this analysis by engaging

with Sanskrit scholars who emphasized that *adhikāra* was understood not as privilege but as responsibility, and that differentiation functioned as calibration within the dharmic order.

The findings demonstrate that rights in Dharmaśāstra are best understood as culturally contingent qualifications rather than universal entitlements. This conclusion enriches the study of Hindu law while also contributing to comparative legal theory, by highlighting how legal systems can achieve coherence and legitimacy through context-specific principles of responsibility and competence.

Introduction

In contemporary legal and political thought, rights are typically regarded as universal, inherent, and inalienable. The Universal Declaration of Human Rights, as well as the Enlightenment tradition of natural rights from which it partly draws, assumes that entitlements belong to all human beings irrespective of social or cultural differences. This framework of universality, however, has long been challenged by scholars who emphasize that legal categories are historically situated, emerging within particular traditions and contexts. To understand rights only as timeless universals risks obscuring the alternative ways in which societies have articulated questions of law, obligation, and justice.

The Sanskrit Dharmaśāstra tradition offers one such alternative. Composed over many centuries in South Asia, these texts seek to regulate ritual, social conduct, and governance within a comprehensive normative framework. Among them, the *Manusmṛti*, or “Laws of Manu,” occupies a central position for both its scope and its influence. The *Manusmṛti* addresses domains ranging from ritual and kinship to criminal justice and kingship, presenting a vision in which law is inseparable from cosmic and social order. Its internal logic belongs to a normative world, where legal standing and liability are defined not by universal rights but by differentiated qualifications.

At the core of this system lies the concept of *adhikāra*. The term is complex and polyvalent. Rather than denoting an abstract entitlement, *adhikāra* refers to eligibility or competence, always tied to one's social role, ritual capacity, and moral condition. The concept operates across domains: it determines who is qualified to perform rituals, who may serve as a witness, who is subject to a particular punishment, and who may undertake expiation. In this sense, *adhikāra* offers a striking example of how rights, or what appear as rights in modern terms, can be culturally contingent.

This report investigates the operation of *adhikāra* in the *Manusmṛti* as interpreted by Medhātithi, one of its most authoritative commentators. Composed in the ninth or tenth century CE, Medhātithi's *Manubhāṣya* is the earliest full commentary on the *Manusmṛti* and became foundational for later Dharmaśāstra exegesis. Far more than a gloss, it systematically interprets and extends Manu's prescriptions, transforming the text into a practical legal manual. Particular attention is given to the treatment of criminal justice in Chapters Seven through Nine of the text, where questions of liability, punishment, and royal authority are explicitly linked to differentiated competence.

The central research question guiding this study is: How does the concept of *adhikāra* in the *Manusmṛti*, as interpreted by Medhātithi, illustrate the cultural contingency of rights, particularly in the context of criminal justice? By addressing this question, the project contributes both to the study of Dharmaśāstra and to comparative legal theory. It demonstrates that what modern jurisprudence often frames as universal rights may in other traditions appear as context-specific qualifications grounded in duty and capacity.

The sections that follow are organized as follows. The Literature Review surveys relevant scholarship on *adhikāra*, the *Manusmṛti*, Medhātithi, and the broader idea of cultural contingency. The Methodology outlines the textual hermeneutic approach adopted here, alongside fieldwork conducted in Varanasi and Delhi. The Analysis turns to close readings of key verses in Chapters Seven through Nine of the *Manusmṛti*. The Fieldwork Findings present insights from interviews with scholars of Dharmaśāstra. The Discussion then interprets these

findings to show how justice in the Dharmaśāstra tradition is structured by differentiated eligibility, and the Conclusion reflects on the significance of these results for both historical and contemporary debates about law and rights.

Literature Review

1. The Concept of *adhikāra*

The term *adhikāra* is derived from the root *adhi-√kr*, meaning to authorize, superintend, or empower. Within Sanskrit jurisprudence it denotes eligibility or competence to perform an action, but always in a duty-bound sense rather than as an abstract entitlement. In the Mīmāṃsā hermeneutic tradition, *adhikāra* functions as the principle that delimits the scope of injunctions (*vidhi*): a rule applies only to those qualified by initiation, capacity, and circumstance. Thus, the prescription “one should perform the Agnihotra sacrifice” is not universal but binding only upon those who possess the ritual competence and initiation. Others are neither obligated nor eligible.

This is codified - “That person alone, and none other, should be regarded as entitled to the scripture, for whom the sacraments beginning with conception and ending with the crematorium, are prescribed as to be done with mantras.” (*Manusmṛti* 2.16)

For instance in this case, there is *adhikāra* for the *dvija* or twice-born castes (Brahmins, Kṣatriyas, Vaiśyas) who undergo Vedic initiation. Medhātithi clarifies the sense of obligation embedded in the term: *mantraiḥ yasya uditāḥ vidhiḥ* - “for whom the injunction (*vidhi*) has been prescribed with mantras” which integrates the idea of “this should be done by me.” “None other” shows that rest are not eligible. (Medhātithi on *Manusmṛti* 2.16)

As Timothy Lubin, one of the foremost contemporary scholars of Dharmaśāstra and Hindu law, observes, *adhikāra* straddles multiple domains: it may refer to ritual eligibility, political office, or liability under law, but in every case it functions as a principle of normative qualification rather than universal right (Lubin 2015).

2. The Manusmṛti in the Dharmaśāstra Tradition

The *Manusmṛti* (ca. 200 BCE–200 CE) is one of the most influential Dharmaśāstra texts. It presents a comprehensive normative vision that regulates ritual obligations, social duties, family law, royal authority, and punishment. While modern readers sometimes describe it as a “law code,” scholars emphasise that it is instead better understood as a prescriptive discourse on *dharma*, integrating cosmic, social, and juridical order (Olivelle xxv–xxviii).

A crucial feature to discuss is the absence of universal entitlement. Rights and duties are distributed according to one’s *adhikāra*, which is itself determined by caste, gender, and circumstance. The seventh to ninth chapters, devoted to kingship, punishment (*daṇḍa*), and expiation (*prāyaścitta*), show how criminal justice is organized through graded responsibility rather than equality. These chapters reveal how differentiated liability and entitlement were systematically embedded within the Dharmaśāstra vision of law.

Colonial administrators later translated the *Manusmṛti*, making it one of the first Sanskrit texts used in the codification of “Hindu law” (Derrett 59). This appropriation amplified its visibility but also detached the text from its original conceptual framework, in which rights were never conceived as universal but always as context-bound qualifications.

3. Medhātithi’s Juristic Contribution

Among the extensive commentarial tradition on the *Manusmṛti*, the commentary (*Manubhāṣya*) of Medhātithi (9th–10th century CE, Kashmir) is one of the earliest and most authoritative. Later digests cite him simply as “the commentator,” signaling his canonical status (Lingat, 1973). His importance lies not only in clarifying Manu’s verses but also in shaping the juristic reasoning of subsequent Dharmaśāstra literature.

Medhātithi’s interpretive method frequently centers on *adhikāra*. He insists that injunctions apply only to those qualified, and that liability is inseparable from eligibility. Thus, an expiatory rite binds only the person who has *adhikāra* for it; others, lacking such eligibility, are not subject

to either obligation or remedy. Similarly, punishments prescribed in the text are not equal across society but differentiated according to caste and initiation because the scope of *adhikāra* itself is differentiated.

For example, commenting on *Manusmṛti* 8.336, where Manu prescribes that a king who commits an offense must be punished a thousandfold, Medhātithi explains that the king must punish himself by ritual offerings to Varuṇa, the *daṇḍadhara* (bearer of punishment). Liability here is inseparable from the king's unique role and ritual capacity. The point is not universal accountability, but obligation through status-specific *adhikāra* (Medhātithi on *Manusmṛti* 8.336). Medhātithi's commentary thus reinforces that *adhikāra* is the decisive axis of Dharmaśāstra jurisprudence.

4. Varṇa and the Structure of Eligibility

The operation of *adhikāra* cannot be understood apart from the framework of *varṇa*. The four *varṇas* are Brāhmaṇa (priests and teachers), Kṣatriya (rulers and warriors), Vaiśya (merchants and agriculturalists), and Śūdra (servants and laborers). This forms the broad categories through which duties and liabilities are distributed. Each group is associated with particular obligations and forms of legal standing. In this system, eligibility is relational: one's capacity to perform rituals, to testify in court, to receive certain punishments, or to undergo expiation depends on one's *varṇa*. *adhikāra* therefore illustrates how rights are culturally contingent, emerging not as universal entitlements but as differentiated competencies embedded in social hierarchy.

5. Cultural Contingency of Rights

The idea of "cultural contingency" underscores that legal categories are never timeless universals but products of particular traditions. *adhikāra* exemplifies this logic. What might resemble a "right" in a modern framework appears here only as a conditional qualification. Elisa Freschi's work on deontic logic in Mīmāṃsā demonstrates that categories like obligation, prohibition, and eligibility cannot be neatly mapped onto Western notions of rights, since they presuppose a world in which duty and qualification are primary (Freschi 17).

Modern critiques of the *Manusmṛti*, such as B. R. Ambedkar's rejection of its hierarchical exclusions, highlight the tensions between culturally contingent frameworks and contemporary ideals of equality. Yet for historical analysis, the crucial point is to recognize the internal logic of the system: rights, in this context, are not natural or universal but culturally specific qualifications that govern access to ritual and law.

Methodology

This research employed a combined textual and field-based methodology designed to investigate the concept of *adhikāra* as interpreted by Medhātithi. Because Dharmaśāstra is a tradition that has always been mediated through interpretation, both by ancient commentators and by living scholars, this dual approach was designed to balance philological precision with contemporary intellectual context. The central aim was to understand how eligibility, obligation, and liability function within Dharmaśāstra jurisprudence, and how these categories illustrate the cultural contingency of rights in the domain of criminal justice.

The first methodological component was textual hermeneutics, focusing on close reading of Chapters 7–9 of the *Manusmṛti* alongside Medhātithi's *Manubhāṣya*. The primary source for this study is the 1920–1929 English translation of the *Manusmṛti with the Commentary of Medhātithi* by Gaṅganātha Jhā, reissued digitally on WisdomLib (Jhā 1920–1929).

Medhātithi's interpretations were analyzed through the lens of *adhikāra*, with attention to how he construes eligibility in legal procedure, punishment, and remedies. These sections provide the clearest articulation of how justice is structured through *adhikāra*.

Hermeneutic analysis was guided by three principles:

1. Contextual interpretation — Each verse was read within its larger narrative unit to avoid extracting rules in isolation. For example, punishments in Chapter 8 were interpreted

alongside the king's responsibilities in Chapter 7, showing how liability was envisioned as part of a comprehensive legal order.

2. Commentarial exegesis — Medhātithi's gloss was treated as an indispensable interpretive layer. His commentary does not merely repeat Manu's words but supplies juristic reasoning, often clarifying scope and applicability.
3. Conceptual analysis — Attention was given to the way *adhikāra* functions across domains: determining ritual eligibility, defining liability to punishment, and delimiting access to expiation. This conceptual mapping highlights how *adhikāra* operates as the cultural equivalent of rights, but in a duty-bound and context-specific manner.

This textual study was supplemented by engagement with secondary scholarship on Dharmaśāstra jurisprudence, including the classical works of Robert Lingat, Donald Davis, Patrick Olivelle, and contemporary legal-historical analyses such as Satarupa Sarkar, Jaishankar & Halder, Liebig. These sources provided interpretive frameworks and scholarly debates against which Medhātithi's glosses were situated.

The second component consisted of fieldwork interviews conducted in Varanasi and Delhi. Discussions with Dr. Madhav Janardan Ratate and Professor Shankar Kumar Mishra at Banaras Hindu University offered critical insights into how contemporary Sanskrit scholars interpret Medhātithi's treatment of *adhikāra*. The interviews were structured around a set of guiding questions that addressed the definition of *adhikāra*, its relation to caste and Vedic initiation, and its implications for criminal adjudication. These conversations helped to clarify the exegetical traditions that inform Medhātithi's commentary and grounded the textual findings in present scholarly perspectives. Additional discussions with university-based scholars in Jawaharlal Nehru University in Delhi reinforced these perspectives, particularly on the challenges of comparing *adhikāra* with modern concepts such as "rights" or "justice." These dialogues highlighted the importance of respecting the integrity of Sanskrit categories rather than forcing them into Western conceptual frameworks.

Finally, the project adopted a comparative theoretical lens, situating *adhikāra* within wider debates on rights theory. Rather than presuming rights as universal, the research treated *adhikāra* as an internally coherent category that illuminates the cultural contingency of entitlements in law. The rationale to combine textual hermeneutics with fieldwork reflects a methodological conviction: Dharmaśāstra must be understood through its texts, but also through the tradition of scholarship that interprets them. Textual study alone risks treating the material as static, while fieldwork alone cannot substitute for philological rigor.

The methodology is subject to certain limitations. The research is based on a close reading of a single Dharmaśāstra text and one major commentary, supplemented by selective field interviews. It does not claim to represent the entirety of Indian legal thought, nor does it apply quantitative or empirical measures. Instead, its strength lies in its focused exploration of *adhikāra* as a conceptual framework, approached through both textual exegesis and contemporary scholarly interpretation.

Analysis

1. *adhikāra* in Legal Standing (*vyavahāra*)

In the Dharmaśāstra tradition, *adhikāra* is not an abstract entitlement but a category that determines eligibility (*adhikāritva*) to act, to perform ritual, and to participate in juridical procedure. Lubin characterizes it as “the determination of who is fit to perform a given act,” grounded in the exegetical traditions of Mīmāṃsā and carried into Dharmaśāstra jurisprudence. In the *Manusmṛti*, this principle emerges sharply in the rules for witnesses and ordeals, where procedural standing is contingent upon one’s *varṇa* and conduct.

A central example appears in *Manusmṛti* 8.102: “He shall treat like Śūdras the Brāhmaṇas who tend cattle, who engage in trade, and who are craftsmen, actors, menial servants or money-lenders” (Jha 1920, 8.102). Medhātithi glosses the phrase “treated like Śūdras” as specific to the sphere of *vyavahāra*. He explains that when Brāhmaṇas engage in occupations

prohibited to their varṇa, they forfeit the *adhikāra* of a Brāhmaṇa within juridical procedure. As a result, they are subjected to the same evidentiary rules and ordeals as Śūdras. In ordeals, for example, they undergo the fire-ordeal rather than higher forms reserved for the twice-born, and in testimony their word does not carry the same authority.

Importantly, Medhātithi makes clear that this loss of status is confined to the judicial sphere. Commenting on Manusmṛti 8.102, he notes that while such a Brāhmaṇa “is to be treated as a Śūdra in matters of judicial procedure,” in other domains “he remains a Brāhmaṇa” (Manubhāṣya on MS 8.102; Jhā 1920–1929). This distinction underscores the domain-specific character of *adhikāra*: juridical capacity can be curtailed even as ritual and social identity remain intact. The principle is significant because it demonstrates how legal rights are culturally contingent. In many modern systems, standing to testify is conceived as a universal entitlement. By contrast, the Manusmṛti locates this capacity within the framework of dharmic norms, making it conditional and subject to forfeiture when those norms are breached.

Scholars have highlighted this structural feature of Dharmaśāstra jurisprudence. Davis (2010, 38–41) notes that Hindu law is “juristically centered on competence and qualification, rather than abstract entitlement,” underscoring how legal obligations and capacities were calibrated to social identity. Sarkar (2018, 87–89) similarly emphasizes that procedural rules in the *Manusmṛti* reinforce hierarchical order rather than universalize rights. These perspectives align with Medhātithi’s interpretation, showing how legal procedure itself was designed to operate within a framework of differentiated eligibility.

Thus, in questions of legal standing, *adhikāra* functions as the decisive principle. The courtroom does not recognize equal rights of participation; instead, juridical capacity is determined by role, occupation, and conduct. This provides a clear demonstration of how the *Manusmṛti*, as interpreted by Medhātithi, frames legal rights as culturally contingent qualifications rather than inherent entitlements.

2. Adhikāra and Punishment (daṇḍa)

The *Manusmṛti* as interpreted by *Medhātithi* conceives punishment not as a uniform response to wrongdoing but as an instrument calibrated by *adhikāra*. Liability and severity are determined by the offender's social role, ritual capacity, and situational competence. *Medhātithi* consistently interprets the text through this principle, underscoring that criminal sanctions are distributed according to culturally defined qualifications rather than universal standards.

A clear example appears in *Manusmṛti* 8.124: “Manu Svāyambhuva has named ten places for punishment, where it should be inflicted in the case of the three castes; but the Brāhmaṇa shall depart unscathed.” (Jha 1920, 8.124). *Medhātithi* glosses the term *apratighāta* (“unscathed”) to mean that a Brāhmaṇa, if learned and observant of Vedic obligations, is exempt from corporal punishment and often even from fines. Liability is thus not uniformly applied but mediated by eligibility. *Lingat* (1973, 142–45) characterizes this as the principle of “graded responsibility,” where penalties correspond to one's position in the normative order rather than to equal standards across all offenders.

This principle extends beyond caste rank to situational factors. *Manusmṛti* 8.126 directs the judge to consider motive, place, time, and the condition of the offender. *Medhātithi* explains that intoxication, coercion, poverty, or repetition of offenses modify liability, and that punishment must also be adjusted to the offender's capacity to endure it (Jha 1920, 8.126). *Davis* (2010, 39–41) interprets this as evidence that *Dharmaśāstra* jurisprudence indexes punishment to competence rather than crime alone, reflecting a system where justice is context-dependent.

The graded sequence of punishments in verses 8.129–130 reinforces this logic. *Manu* prescribes admonition, reproach, fines, and only then corporal penalties, with escalation permitted if lesser measures fail. *Medhātithi* interprets *vadha-daṇḍa* (death penalty) broadly, including various forms of bodily chastisement, but insists that harsher measures are warranted only when gentler remedies have proven ineffective (Jha 1920, 8.129–130). The entitlement to leniency is therefore conditional, withdrawable if an offender demonstrates incorrigibility.

Caste-differentiated penalties for verbal and physical offenses illustrate *adhikāra* most starkly. A Śūdra who insults a twice-born is punished by tongue-cutting (8.270), while insults within his own *varṇa* result only in fines (8.277). If a Śūdra injures a superior, the same limb is amputated (8.279). Medhātithi interprets these rules as consequences of acting outside one's *adhikāra*: a Śūdra is not entitled to direct verbal or physical aggression toward those of higher *varṇa*, and punishment enforces this boundary (Jha 1920, 8.270–279). Olivelle (2005) stresses that such rules reflect not arbitrariness but a coherent system in which liability is proportioned to eligibility. Sarkar (2018, 88–90) similarly notes that Manu's prescriptions aimed to preserve a hierarchical legal order rather than equalize rights.

Chapter 9 further illustrates the exhaustion of *adhikāra* through repeat offenses. Verses 9.276–277 prescribe mutilation of fingers for the first theft, amputation of the hand for the second, and death for the third. Medhātithi comments that repetition alters liability: an offender who has failed to be corrected by lesser punishments forfeits entitlement to them and becomes subject to the harshest sanction (Jha 1920, 9.276–277). Jaishankar and Halder (2010, 112–15) interpret this progression as an early attempt to link punishment with deterrence, though always within a framework of role-based differentiation.

In sum, the logic of punishment in the *Manusmṛti* demonstrates how criminal justice is structured by cultural contingency. Liability is distributed according to *varṇa*, circumstances, and conduct over time, rather than as an equal right or universal entitlement. Medhātithi's commentary emphasizes that *adhikāra* is the decisive factor in assigning punishment, showing how rights and liabilities are inseparable from culturally specific qualifications.

3. *Adhikāra* in Remedies and Royal Liability

Beyond judicial standing and punishment, *adhikāra* also governs the domain of remedies and the responsibilities of rulers. The *Manusmṛti* frames both expiatory rites (*prāyaścitta*) and the king's authority (*daṇḍadhāra*) through eligibility. The position of the king provides an especially clear view of how *adhikāra* operates as both empowerment and constraint. The king isn't an absolute

sovereign but the *daṇḍadhara* or the wielder of punishment whose authority and liability are both framed through role-specific eligibility. His entitlement to enforce law is inseparable from his duty to remain bound by it.

To begin with, expatriate rites are a central feature of Dharmaśāstra jurisprudence. They provide a means of addressing wrongdoing through ritual rather than punishment. Yet *adhikāra* determines who may access these remedies. For instance, in *Manusmṛti* 11.54, Manu prescribes that only those who are competent in reciting mantras and performing Vedic rites may undertake certain forms of expiation. Medhātithi stresses that without ritual knowledge and initiation, an individual is ineligible for such remedies (Jha 1920, MS 11.54). Thus, the ability to repair a transgression is contingent upon status and capacity.

This principle underscores the cultural contingency of rights: unlike in modern legal systems, where remedies are ideally available to all offenders, in Dharmaśāstra they depend on ritual competence. As Davis (2010, 42–45) observes, Dharmaśāstra justice combines juridical and ritual frameworks, producing a legal order where eligibility rather than universality governs access to remedies.

Furthermore, the king provides an especially revealing case of role-bound *adhikāra*. In *Manusmṛti* 7.18, Manu declares: “Punishment alone governs all beings; punishment alone protects them; punishment watches while they sleep; the wise declare punishment to be identical with law” (Jha 1920, 7.18). Medhātithi explains that without *daṇḍa* (punishment), society would collapse into *matsya-nyāya*, the “law of fishes,” where the strong prey upon the weak. The king’s *adhikāra* is therefore defined by his duty to wield punishment as an instrument of dharma.

Yet his power is not absolute. In *Manusmṛti* 8.336–337, Manu prescribes that any crime committed by the king must be punished a thousandfold. Medhātithi interprets this not as literal judicial sanction, but as an obligation of ritual expiation directed toward Varuṇa, the divine wielder of punishment. The king is liable in a distinctive way: his penalties are spiritual and ritual, not corporeal, yet they remain binding (Jha 1920, 8.336–337). Derrett (1968, 172–74)

emphasizes that this provision demonstrates the limited nature of sovereignty in Dharmaśāstra i.e. the king's authority operates within dharma, not above it.

Finally, Manusmṛti identifies the king's role as a divine delegation: "As one is always found bound up with ropes by *Varuṇa*, even so shall the king punish the wicked; this is the function of *Varuṇa*." (Jha 1920, 9.308). Medhātithi underscores that the king's entitlement to rule and punish does not stem from personal prerogative but from his culturally defined role as Varuṇa's representative. Liebig (2013, 11–13) interprets this as an early articulation of statecraft in which coercion is legitimized only when exercised through the framework of dharma.

The principles of expiation and kingship illustrate how *adhikāra* governs both liability and authority. Remedies are accessible only to those with ritual competence, while the king's entitlement to rule derives not from natural sovereignty but from culturally situated duty. Both domains confirm that legal capacity in the Manusmṛti is not universal, but mediated through role-specific eligibility.

Fieldwork Findings

The aim of this project was to move beyond textual interpretation and to engage directly with contemporary scholars who inhabit the intellectual world of Dharmaśāstra. My fieldwork in Varanasi allowed me to test my interpretations against the perspectives of specialists whose training lies within the traditions of Mīmāṃsā and Dharmaśāstra itself. Conversations with Dr. Madhav Janardan Ratate (Department of Dharmashastra and Mīmāṃsā, BHU) and Professor Shankar Kumar Mishra (Department of Sanskrit, BHU) provided an important perspective on how contemporary specialists interpret the category of *adhikāra* in academic Sanskrit discourse today in relation to law and justice.

The most important lesson from these conversations was that *adhikāra* must be read as a fluid, evaluative principle, not a static allocation. Whereas my textual analysis highlighted how legal

standing, punishment, and sovereignty were organized through eligibility, the interviews brought out the processual dimension of *adhikāra*. Dr. Ratate stressed that competence was always interpreted in context and continually reassessed. In his words, “*adhikāra* is never a label that is fixed forever; it is always an assessment of one’s present capacity to bear responsibility.” Thus, the distinction between obligation and right, so central to comparative jurisprudence, emerges clearly through Medhātithi’s commentary.

A second learning concerned the hermeneutic background of Medhātithi’s commentary. Professor Mishra emphasized that Medhātithi was deeply shaped by Mīmāṃsā interpretive methods, which treat *adhikāra* as the pivot between text and action. He explained that in this framework, *adhikāra* was not merely a legal criterion but a principle that determined who could meaningfully translate prescription into practice. This perspective moved the discussion beyond my own analysis of verses by showing how commentary itself is part of an intellectual tradition that seeks coherence between dharma as a text and dharma as lived duty. Moreover, he highlighted Chapters 7–9 of the *Manusmṛti* are especially important for understanding criminal justice as structured by eligibility. He pointed to Medhātithi’s commentary on *Manusmṛti* 8.43, which describes the king’s reactive role in adjudication, noting that the king is bound to act only when a case is brought before him. He reveals that even royal authority is limited by *adhikāra*: the king cannot punish at will but must act within the bounds of dharmic procedure.

Both scholars also encouraged me to see the category of *adhikāra* as carrying a normative legitimacy within its own cultural framework. While modern readers may approach caste-based differentiation as inequality, the Varanasi scholars argued that for Medhātithi’s audience, such distinctions were experienced as naturalized boundaries of responsibility. What I had initially described in terms of exclusion in modern assumptions, they reframed as calibration: those who lacked ritual capacity were not viewed as denied a right but as ineligible for obligations they could not meaningfully perform. This shift in emphasis underscored that the cultural contingency of rights is not simply an external observation made by modern theorists but was embedded in the very logic of Dharmaśāstra jurisprudence.

Finally, the interviews situated *adhikāra* within a living intellectual tradition. Both Dr. Ratate and Professor Mishra highlighted how contemporary Sanskritists continue to debate Medhātithi's interpretations, especially on issues of competence, ritual capacity, and exclusion. They pointed out that the category of *adhikāra* is still invoked in discussions of eligibility in ritual law and even in debates on personal law reform in India today. This demonstrated to me that my research question remains directly relevant, not only for historical scholarship but also for understanding how Indian legal culture negotiates continuity and change.

The Varanasi fieldwork therefore provided three distinct contributions. It clarified that *adhikāra* is best seen as a dynamic and evaluative principle, it revealed the philosophical grounding of Medhātithi's interpretations in Mīmāṃsā, and it reframed differentiation as calibration rather than exclusion. Together, these insights enriched my textual findings and gave them greater cultural and intellectual depth.

Discussion

The research undertaken in this project demonstrates that *adhikāra*, as interpreted by Medhātithi, functions as the decisive principle that organizes law and justice in the *Manusmṛti*. Unlike modern rights, which are typically conceived as inherent and universal, *adhikāra* operates as a culturally specific category: it links eligibility to obligation, competence, and social role. The significance of this finding lies in its capacity to illuminate how legal orders can achieve coherence without reliance on universality, and how rights in such frameworks are shaped by cultural contingency.

The Varanasi fieldwork added critical depth to this conclusion. Dr. Ratate underscored that *adhikāra* should not be understood as privilege but as responsibility. In his view, Medhātithi's glosses are consistent with Mīmāṃsā philosophy, where competence is measured by one's capacity to bear obligations rather than to claim entitlements. Dr. Mishra emphasized the king's role, noting that even sovereign power was contingent and framed through obligation, with liability expressed through ritual expiation rather than juridical penalty. These interventions

confirmed that contemporary Sanskrit jurists view *adhikāra* as a principle of calibration: law was not structured by denying rights but by assigning responsibility relative to competence. This perspective reinforced that cultural contingency was not an external critique but intrinsic to Dharmaśāstra jurisprudence itself.

Secondary scholarship provides multiple ways to situate this conclusion. Robert Lingat described the Dharmaśāstra system as one of “graded responsibility,” where sanctions and duties increase with social status and competence rather than being distributed equally (Lingat 1973). Sarkar likewise stresses that the criminal justice system in Manu was designed not for parity but for stability within hierarchy, with *adhikāra* serving as the mechanism that tied punishment to social role (Sarkar, 2018). Donald Davis has shown that Hindu law consistently privileges competence over entitlement, embedding law within a framework of obligations rather than rights (Davis 2010). These interpretations converge with the Varanasi interviews: law in the *Manusmṛti* is not incoherent or arbitrary but internally structured around eligibility.

At the same time, other perspectives complicate this conclusion. Patrick Olivelle has argued that the *Manusmṛti* was not purely a legal manual but a normative text that sought to construct a social order through law-like discourse (Olivelle, 2005). If this is correct, then *adhikāra* should not only be read as a technical legal criterion but also as a cultural idiom that legitimized hierarchy. Michael Liebig’s interpretation of *daṇḍa* strengthens this point: he shows that coercion in Dharmaśāstra is not retributive but functional, designed to preserve the dharmic order and prevent the collapse into *matsya-nyāya* or the law of the fishes of the social anarchy (Liebig, 2013). From this perspective, *adhikāra* becomes the hinge between cultural cosmology and legal practice, sustaining legitimacy by embedding punishment and liability within recognized social categories.

This framework raises questions about the relationship between exclusion and justice. Chiranjibi, in his study of social justice in Hindu polity, argues that exclusions in Manu were framed not as denials of humanity but as forms of calibration: individuals were shielded from obligations they could not meaningfully perform (Chiranjibi, 2016). Such an interpretation complicates modern

critiques by suggesting that what appears as inequality was experienced internally as proportional justice. My fieldwork echoed this perspective, as both Ratate and Mishra emphasized that competence, not abstract equality, was the measure by which justice was distributed. The cultural contingency of rights in this system therefore reflected an attempt at coherence, not arbitrariness.

From a comparative perspective, these findings highlight how different legal cultures conceptualize legitimacy. Durkheim's account of punishment as the reaffirmation of collective conscience suggests that Manu's graded penalties reinforced the cultural order by continually restating social boundaries (Durkheim, 1893). Tom Tyler's theories of procedural legitimacy similarly stress that law is effective when it resonates with shared expectations (Tyler, 2006). In the case of Dharmaśāstra, the shared expectation was that competence and obligation, not universal entitlement, should govern justice. Thus, *adhikāra* functioned as both a juridical and cultural principle, aligning law with the social realities of its time.

The implications for modern scholarship are significant. On the one hand, *adhikāra* demonstrates that rights are not a transhistorical category but are historically and culturally situated. On the other hand, it shows that differentiated rights can serve as the foundation for a coherent system of justice. Contemporary India, with its debates over affirmative action, personal law, and caste-based protections, still grapples with the tension between universal equality and differentiated entitlements. The historical logic of *adhikāra* provides a lens to understand how such differentiation can be justified as culturally legitimate, even if it conflicts with modern universalist ideals.

Conclusion

This study has examined how the concept of *adhikāra* in the *Manusmṛti*, as interpreted by Medhātithi, illustrates the cultural contingency of rights in the domain of criminal justice. The analysis demonstrates that *adhikāra* functions as the organizing principle of Dharmaśāstra jurisprudence: it determines juridical standing, calibrates liability to punishment, and defines the

scope of royal authority. Rights are not conceived as universal or inherent but as contingent upon competence, obligation, and social role.

The significance of these findings is considerable. Within the study of Hindu law, they highlight that commentators such as Medhātithi must be regarded as jurists who articulated coherent legal frameworks, rather than as mere exegetes. For rights theory, the research provides a case study that challenges universalist assumptions by showing that law can achieve legitimacy through differentiated and culturally specific entitlements. For criminal justice theory, the graded punishments and contextualized procedures of the *Manusmṛti* demonstrate a jurisprudence oriented toward proportionality and deterrence, though one grounded in hierarchy and role-based obligation. Taken together, these insights reveal a distinctive but internally consistent model of law that broadens the comparative study of rights and justice.

The fieldwork conducted in Varanasi further confirmed that *adhikāra* was understood within the tradition not as privilege but as responsibility. Discussions with scholars underscored that differentiation was framed as calibration of duty and liability rather than exclusion, demonstrating that the cultural contingency of rights was intrinsic to the jurisprudential logic of Dharmaśāstra. This methodological integration of textual analysis and field engagement strengthens the argument that *adhikāra* is best interpreted as a culturally embedded principle of legal order.

Future research should first undertake a systematic survey of the *Manubhāṣya* as a whole, since Medhātithi's reflections on *adhikāra* are scattered across multiple sections and not confined to the verses on punishment. While this study has concentrated on Chapters 7–9 in relation to criminal justice, other portions of the text address eligibility in ritual, inheritance, and social duties, which could broaden the understanding of how competence and responsibility were conceptualized across domains. Comparative analysis of later commentators such as Kullūka Bhaṭṭa and Govindarāja would further illuminate the diversity of approaches to *adhikāra*, while engagement with modern capability-based theories of justice (Sen; Nussbaum) could highlight convergences and contrasts with competence-based frameworks in Dharmaśāstra. Finally, examining how role-based entitlements persist in contemporary Indian law would show how

historical jurisprudence continues to inform debates on affirmative action, juvenile justice, and personal law.

In conclusion, the project shows that *adhikāra* provides a compelling lens through which to understand the cultural contingency of rights. By situating justice within responsibility and competence rather than universal equality, *Medhatithi's* interpretation of Manusmṛti presents an alternative legal vision that is both coherent within its cultural framework and instructive for comparative legal theory. This research therefore contributes not only to the historical study of Sanskrit jurisprudence but also to broader debates about how rights are constituted and contested across cultures.

References

- Bhattarai, Chiranjibi. "Social Justice in Hindu Polity." Nepalese Journal of Education, 2016.*
- Davis, Donald R., Jr. The Spirit of Hindu Law. Cambridge University Press, 2010.*
- Derrett, J. Duncan M. Religion, Law and the State in India. Faber and Faber, 1968.*
- Durkheim, Émile. The Division of Labour in Society. 1893.*
- Freschi, Elisa. Duty, Language, and Exegesis in Prabhākara Mīmāṃsā. Brill, 2012.*
- Jaishankar, K., and Debarati Halder. Criminal Justice Tenets in Manusmṛti. Serials Publications, 2010.*
- Jhā, Gaṅganātha, editor and translator. The Manusmṛti with the Commentary of Medhātithi. 10 vols., University of Calcutta, 1920–1929. Digitally reissued on WisdomLib, www.wisdomlib.org/hinduism/book/manusmriti-with-the-commentary-of-medhatithi.*
- Liebig, Michael. "Statecraft and the Concept of Daṇḍa." Heidelberg Papers in South Asian and Comparative Politics, no. 74, 2013, pp. 10–15.*
- Lingat, Robert. The Classical Law of India. University of California Press, 1973.*
- Lubin, Timothy. "Adhikāra." Brill's Encyclopedia of Hinduism, vol. 2, Brill, 2015, pp. 101–107.*
- Olivelle, Patrick. Manu's Code of Law: A Critical Edition and Translation of the Mānava-Dharmaśāstra. Oxford University Press, 2005.*
- Tyler, Tom R. Why People Obey the Law. Princeton University Press, 2006.*