

# The Concept of Rights in the Sanskrit World

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?

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## 01. Introduction

- Modern rights are often conceived as universal and inalienable. However, Manusmṛti (2nd - 3rd century CE) is a different legal model.
- Central framework is *adhikāra* – eligibility determined not by universality, but by social role, ritual competence, and moral capacity.
- Medhātithi (9th–10th century CE), one of the commentators who highlights that entitlement is inseparable from responsibility.
- This project examines how *adhikāra* structures legal procedure, punishment, and royal authority, illustrating that Dharmaśāstra justice was organized through cultural contingency rather than universality.

## 02. Objective

1. Examine how *adhikāra* shapes legal standing, liability, and remedies in Manusmṛti Chs. 7–9.
2. Analyze Medhātithi's interpretation of *adhikāra* as a juristic principle.
3. Evaluate how this framework illustrates the cultural contingency of rights in criminal justice.
4. Situate findings within comparative legal theory and modern debates on differentiated rights.

## 03. Related literature

- Durkheim (1893): *Punishment as reinforcement of collective conscience.*
- Lingat (1973): *Justice as "graded responsibility."*
- Olivelle (2005): *Manusmṛti as normative order rather than law code.*
- Tyler (2006): *Procedural legitimacy and shared expectations.*
- Davis (2010): *Hindu law centered on competence over entitlement.*
- Freschi (2012): *Deontic logic in Mīmāṃsā; obligation and eligibility as distinct categories.*
- Lubin (2015): *Adhikāra as eligibility across multiple domains.*
- Sarkar (2018): *Contrasted liability and cultural logic of punishment.*

## 04. Methodology

Textual Hermeneutics

Field Research

Secondary Scholarship

## 05. Field Research

- Interviews: Scholars state that *adhikāra* cannot be understood in isolation but must be read through traditions of commentary (Medhātithi) and Mīmāṃsā hermeneutics.
- Site Visits: I visited manuscript libraries and academic centers to explore how Manusmṛti texts are interpreted today.
- Key Insight: Local experts consistently highlighted that *adhikāra* is a culturally contingent framework of rights and duties, where justice depends on competence, role, and capacity, rather than universal equality.

## 07. Acknowledgement

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## 06. Field Research

Verse: Manusmṛti 8.336

कार्षापणं भवेद् दण्ड्यो यत्रान्यः प्राकृतो जनः ।  
तत्र राजा भवेद् दण्ड्यः सहस्रमिति धारणा ॥

“When an ordinary man would be fined one *Kārṣāpaṇa*, the king should be fined one thousand; such is the established rule.”

Medhātithi explains that the king's liability is intentionally magnified, because his power and influence make his transgressions more damaging. The verse shows that *adhikāra* does not only exempt (as with *Brāhmaṇas*) but also intensifies accountability for rulers.

Interpretation:

- Punishment is scaled by role and capacity: the higher the office, the greater the responsibility.
- Justice here is graded responsibility, not equality, observation that Dharmaśāstra law organizes liability by status.
- Medhātithi highlights that royal *adhikāra* to rule comes with amplified legal vulnerability: the king embodies law, so he must uphold it more strictly than ordinary subjects.
- This contrasts with modern universalist frameworks, where rulers and citizens are formally equal before law.

## 08. Conclusion

- *Adhikāra* as Organizing Principle: Across law, punishment, and kingship, *adhikāra* emerges as the key criterion for distributing duties, rights, and liabilities.
- Dual Function: It operates both as exemption (e.g., reduced liability for certain roles) and amplification (e.g., heightened accountability for rulers).
- Justice as Relational: Dharmaśāstra law structures justice through graded responsibility, scaling obligations according to social role and capacity.
- Cultural Contingency: Unlike modern rights frameworks based on equality, this system shows how legal norms were deeply embedded in cultural, ritual, and political contexts.