

The Multicultural Nature of the *Smṛti* Laws

The *Varna* and *Āśrama*, the foundations of the *Smṛti* Laws, were developed and expanded due to the changing dynamics of the society. The former represent the racial nature of the *Smṛti* Laws. In addition to the racial nature of these laws, we also notice that the *Smṛti*-Laws gradually became the laws of the land. By recognizing these additional sources of the Laws like *Deśa*, *Jāti* and *Kuladharmā* the ancient law makers captured the territorial nature of the Laws. (Cf *Nārada* and *Bṛhaspati*.)

There also existed some special features of the ancient Laws based on which those Laws could be both adjusted and accommodated to a new situation for different races and territories. The texts of *Yajñavalkya* supported these feature of the ancient *Smṛti* Laws.

The author will argue how aptly the Hindu Law makers incorporated the racial, territorial and universal traits of these laws within its framework to accommodate a large number of people who migrated to the *new* land from different parts of the ancient India with their different cultures and traditions. We do not get the term “Hindu” or “Hinduism” in ancient *Sanskrit/Pāli/Apabhramśa* texts. Yet, the amorphous nature of the society later branded as “Hindu Society” flourished with its own vitality.

Often problems arise when any particular Law extended to a new territory and the existing law of the land contradicts the extended law. Sometimes two directions of a same code contradict each other as well as sometimes two distinct racial and territorial Laws clash on the same subject. The first kind of above problem could be traced back to the Manu’s text ‘*Udite juhoti anudite juhati vā.*’ The difference has been reconciled subsequently by Manu who says ‘*Śruti dvaidhe tu yatra syad tatra dharmābuvausmṛtau.*’

All the Hindu scriptures are unanimous regarding the status of a holy cow considered a deity. Even harassing and tutoring her is both a penal offence, and a grave sin. This prevalent sentiment is also reflected in the Article No. 48 in the present Indian constitution. Even in such a scenario where such a sentiment runs high, *Bṛhaspati* even accommodated beef eaters within the Hindu framework.

The diversity of the *Smṛti* Laws made the Hindu society a pluralistic system both allowing and embracing *multiculturalism* within its fold to flourish long before it has become a buzz word in the western tradition.

