

Mīmāṃsā and Dharmasāstra Sources on Permissions*

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1. Premise

In common parlance, people implicitly refer to three types of permissions: (1) “better-not permissions” (e.g., “You may smoke in the designated area” – implying that it would be better if you would not smoke), (2) “free-choice permissions” (e.g., “You may leave the room during the break” – where neither leaving the room nor not leaving it are the preferred option), (3) “rather-so permissions” (e.g., “You may participate in the discussion” – implying that participation is hoped for). Euro-American deontic logicians add implicit permissions, which are derived from obligations (e.g., “You may pay taxes” given that one ought to pay taxes). Thus, just talking about “permissions” does not specify the status of the action permitted (is it the preferred option? Is it even obligatory?).

A further ambiguity is linked to the status of the action permitted prior to the permission. Better-not permissions, such as “you may smoke in the designated area,” presuppose a general prohibition to smoke, whereas free-choice permissions and rather-so permissions presuppose that the permitted actions are previously extra-normative (not normed). Last, implicit permissions may regard actions that are even explicitly obligatory.

Mīmāṃsā authors discuss two distinct types of permissions: “better-not-permissions” (where $P(x)$ ¹ means that usually $(\neg x)$ is obligatory (or that (x) is forbidden) and that it

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1 I will use an extremely limited formalization in this article. $O(x)$ means “It is obligatory to do x ,” $F(x)$ “It is prohibited to do (x) ” and $P(x)$ “It is permitted to do (x) .” A slash indicates the addressee (*adbikṛta*) of a command, so that $O(x/b)$ means “It is obligatory to do (x) if one is a b ,” and so on. \neg indicates a negation, e.g. $\neg O(x)$ means “It is not obligatory to do x .” $O(\neg x)$ means “It is obligatory not to do x .” \wedge means “and”. For instance, $O(x) \wedge F(b)$ means “It is obligatory to do (x) and it is forbidden to do (b) .”

would be better if one were to keep ($\neg x$) (or not to do x), but that one can do it with a little sanction if there is no other way out) and “grantable permissions” (a superior person states to an inferior that they will not utter the prohibition to perform the action (x) the inferior is already inclined to perform – in this case the action is deontically indifferent, neither encouraged nor sanctionable).² The latter type of permission depends on a specific pragmatic setting and cannot occur within the context of a law code or a sacred text that is believed to have deontic authority independent of any author. I therefore focus primarily on the first type in the following (for more on the latter, see the discussion in section 3.2.1³).

2. Permissions, prescriptions, and prohibitions

One of the most striking features of *Mīmāṃsā* deontics is the non-interdefinability of deontic concepts. Negative obligations ($O(\neg x)$) are not the same as prohibitions ($F(x)$) and there are three distinctive operators that are *not* mutually defined. When it comes to permissions, this means that $P(x)$ does not just mean $\neg F(x)$.

By contrast, in *Mīmāṃsā* terms, saying “it is permitted to do (x)” entails:

- that (x) was previously negatively obligatory or forbidden
- that doing (x) is not on the same level as not doing it, or as doing (x) while (x) is an extra-normative action (see below for the concept of “extra-normative”).

In fact, doing a permitted (x) exposes one to the risk of restrictions. For instance, the general permission to sell if one is a *Brāhmaṇa* in distress is restricted in case of selling sesame.⁴ For a more familiar parallel, consider cases such “It is permitted to smoke in this part of the building” (where one knows that further restrictions may apply, e.g., that one will not be allowed to smoke if a child or a pregnant woman is present), as opposed to smoking until some decades ago (when it was, in many parts of the world, just not normed and everyone smoked in restaurants, clubs, trains, airplanes and cinemas). How bad is it to do (x) if (x) is permitted? The consequences differ, as I will discuss below (section 3.3.3), according to the type of permission, and range from a small sanction (anyway less serious than the sanction occurring to one who would have performed (x) if (x) had been prohibited) to no sanction at all, and rather a reward if one avoids to perform (x). In this sense, all permissions are *better-not-permissions* (permissions to do something which one would be better off not performing) and some of them carve the space for a *supererogatory resolution* (i.e., the resolution not to do (x)), which, if observed, leads one to a reward. In fact, supererogation is also based on

2 The label “grantable permissions” has been introduced in Hansson 2013.

3 There is hardly any literature on permissions in *Mīmāṃsā*. This article improves on what I wrote on permissions in Freschi & Pascucci 2021 (section 3.5) and on deontic clashes involving permissions (section 6.2.2).

4 See Vijñāneśvara’s *Mitākṣarā* on *Yājñavalkyaśmṛti* 3.35. See also Ciabattini, Dik & Freschi 2023.

permissions in Mīmāṃsā. For instance, given a negative obligation (not to eat meat) and a permission to disregard it (in case of hardship), keeping the original negative obligation is considered supererogative.⁵

The idea of interpreting permissions as exceptions reflects a quite common practice in normative texts, such as most legal codes used in European jurisprudence, where permissions are normally stated only if there is an expectation of the contrary, due to some general prohibition. Norms stating permissions usually derogate from what is stated in other norms.⁶ Similarly, the idea that permissions grant one a different degree of freedom if compared to the non-normed space of indifferent actions is neatly reflected by the comparison of cases like “You are permitted to run two kilometers per day” (said by a physician to her patient, who is recovering from a heart attack), as opposed to the same person’s freedom to run prior to the heart attack. The permission rules the realm of running by introducing a space of possibility that is, however, not as absolute as the space of extra-normative actions. Accordingly, permitted actions are, by rule, actions one would be naturally inclined to do, prior to the intervention of a normative text prohibiting them (or obliging one to refrain from them). In the Mīmāṃsā deontics, it would not make sense to have $P(x)$ with regard to impossible actions like flying or undesirable actions like harming oneself.⁷

To define the realm of “whatever is not prohibited is permitted,” Mīmāṃsā authors introduce the concept of “normatively indifferent actions,” i.e., actions that are possible, but (until the present moment), neither prohibited *nor* enjoined (nor permitted in the Mīmāṃsā sense) and that constitute most of our everyday life.⁸ These are the ones on which normative texts make an intervention. Offering to Soma is accordingly not permitted in a Mīmāṃsā sense, because it is enjoined. In the following, I will call whatever is neither prohibited nor permitted

5 See also Hurka & Shubert 2012.

6 See, e.g., the entry on “permission” in Bouvier 1856. As a matter of fact, Bouvier distinguishes between express permissions, that “derogate from something which before was forbidden, and may operate in favor of one or more persons, or for the performance of one or more acts, or for a longer or shorter time” and implied permissions. The former correspond to the derogation case mentioned here. It is worth mentioning that the latter are different from what Hansson 2013 (quoting previous scholars) calls “implied permissions” and rather correspond to his “tacit permissions.” They are in fact defined as “those which arise from the fact that the law has not forbidden the act to be done” (Hansson 2013: 201–204).

7 For the sake of the argument, I am assuming that harming oneself is not desirable for anyone.

8 Cf. McNamara’s introduction of “indifference” in McNamara 1996, section 1.2. McNamara connects the operator for indifference with the one for “moral significance” insofar as the moral significance of an action (x) involves its not being indifferent. This feature also distinguishes indifference from supererogation (both indifferent and supererogatory actions are neither obligatory nor impermissible, but supererogatory actions are morally significant). In general, McNamara’s contribution opens up for a more complex landscape of deontic concepts, one that could be useful to compare with the Mīmāṃsā approach.

nor enjoined “extra-normative.” So, there are either normed actions (enjoined, prohibited or permitted) or extra-normative ones.

3. Mīmāṃsā sources on permissions

Sanskrit can express both obligations and permissions with the same verbal forms (optative etc.⁹), so that at times it might not be easy to distinguish them, because the Sanskrit form cannot be one’s final evidence (an example will be discussed below, section 3.2.2). For a comparison, one might think of the English sentence: “you may pay either by bank transfer or by credit card” displayed at the end of an online transaction procedure. Although the superficial structure of this sentence resembles a permission, the thought actually expressed is an obligation to choose among two options. Therefore, the linguistic form of a command is not sufficient to identify it, and exegesis is needed. In the following sections, I will focus on cases that Mīmāṃsā authors identified as permissions, either insofar as they explicitly labelled them as such or because they described the command as involving the exception to a previous prohibition.

3.1. Permissions and deontic clashes

Permissions play an important role in Mīmāṃsā deontics as a solution to some deontic clashes.¹⁰ Such is the case of a prescription seemingly clashing with a previous seeming prohibition having a different level of specificity, for example, the prescription to eat after a certain moment of the sacrifice given the seeming prohibition to eat during the same sacrifice. The former is construed as a permission, and the previous command is construed as embedding an exception (the term used is *paryudastānujñā*). Thus, starting with what looks like:

- (i) O(eating/time 1) (“It is obligatory to eat at time 1”)

one interprets it as:

- (i’) O(\neg eating/during sacrifice) \wedge P (eating/time 1 of sacrifice) (“It is obligatory not to eat during the sacrifice and it is permitted to eat at a certain point within the sacrifice”).

Why would one construe the seeming prescription (i) as a permission instead of reading it as a prescription?

9 The optative suffix (*liñ*) is used in Sanskrit (like the subjunctive in Latin and the optative in ancient Greek) to denote both permissions and prescriptions.

10 For a schematic summary of all possible clashes (prescription against prescription, prescription against prohibition etc.), see Freschi & Pascucci 2021, figure 9.

- Because each prescription needs to enjoin something new¹¹ and eating is something naturally desired, that is, something one is spontaneously inclined to do (see also n. 20). Hence, a prescription prescribing eating would be meaningless, which is impossible according to Mīmāṃsā, for which meaninglessness in the Veda is the single thing to be avoided at all costs. A command to eat at a certain point, by contrast, would make sense as the interruption of the command not to eat.
- Moreover, if (i) were a prescription, it would include a reward, whereas there is no mention of any reward (by contrast, as discussed below, there is a reward for keeping the opposite behavior).¹²

Interestingly, Kumāriḷa Bhaṭṭa construes the *paryudastānujñā* not as an exception to a previous prohibition but as an exception to a previous negative obligation (the obligation not to eat in the case discussed above). Why so? Because failing to observe the above-mentioned prohibition to eat would need to entail a sanction, although minor. By contrast, if this is interpreted as a negative obligation, by not observing it one at most does not get a positive result, but one does not risk any sanction. Moreover, this harmonizes with what Kumāriḷa will say in *Tantravārttika* (henceforth TV) ad *Śābarabhāṣya* (henceforth ŚBh) 1.3.4, namely that by keeping the negative obligation – although there is permission to neglect it – one gets a reward.

A *paryudastānujñā* is preferred over a *bādba* “suspension” as a solution for deontic clashes, because in the *paryudastānujñā* case the former command is neither invalidated nor suspended.¹³ A new command is added, which diminishes the consequences of the lack of compliance with a previous fixed negative obligation,¹⁴ but the negative obligation remains in place insofar as keeping it will lead to a positive reward.

3.2. Śābara

3.2.1. Śābara and Maṇḍana on grantable permissions

Śābara (5th cent. CE?) also deals with a different kind of permission, called *anujñā* (or *anujñā-pana*), which is conceived of as a subcategory of prescription, usually as a prescription of an inferior person directed to a superior.¹⁵ These permissions are only possible within a certain pragmatic setting in which there exists a clear hierarchy between speakers. However, such a setting is not found in the Veda nor in any other text independent of its author (as a law code).

11 See Freschi & Pascucci 2021, section 4.1.

12 I am grateful to Boram Lee for having suggested this point to me.

13 Freschi & Pascucci 2021.

14 It cannot be an elective negative obligation, because elective obligations only regard sacrifices as a whole, once a sacrifice has been undertaken every obligation is fixed.

15 See Maṇḍana (8th cent. CE), beginning of chapter 11 of the *Vidbiviveka*.

In such cases, the person asking for permission (*anujñā*) is by rule an inferior who is inclined to perform a given action (x), but is afraid that their superior might utter a prohibition to perform (x). The superior grants (*anuman-*) that the inferior completes the action they were already inclined to perform.

In short, if something is “worldly permitted,” this entails the following six aspects:

1. that there are a superior and an inferior person
2. that the inferior person is independently about to perform (x)
3. that (x) is for the benefit of the inferior person
4. that the superior person could prohibit the inferior to do (x)
5. that the inferior person is aware of the possible prohibition
6. that the superior person does not prohibit the inferior to do (x), so that the inferior person can go on undertaking it.

What does aspect 3 mean? Can't the inferior person ask the superior one for permission to do something that is ultimately for the sake of the superior person, e.g., a servant asking their master for the permission to clean their room? According to the discussion seen in Śābara (see immediately below) and Maṇḍana, this case can only be called “grantable permission” if the inferior person was independently about to undertake to act and saw some personal benefit in it. For instance, because they wanted to clean the room earlier than agreed upon in order to be free thereafter, or because they wanted to please their master in order to receive an increased salary.

Thus, as in “better-not permissions,” here too the permission contrasts with a prohibition (in this case, a prohibition one is afraid of, although it has not yet been uttered). Unlike in the “better-not permissions,” the act of granting allows one to perform or not to perform the action. It only confirms the listener in believing that no prohibition applies to the act or to its modality of performance. Therefore, the granted act goes back to being extra-normative. In this sense, these permissions are very different from Vedic ones, insofar as they only remove a prohibition.

Can the act go back to being obligatory? Śābara mentions the case of the duty to eat from a certain vessel during a sacrifice and a person asking the permission to eat first. Once the permission is granted, they can eat (which is obligatory). However, the permission is not about the fact of eating (that is obligatory), but about the fact of eating *first*, that – once one has ascertained that there is no prohibition about it – is extra-normative.

Accordingly, ŚBh ad PMS 3.5.41 discusses the permission to eat, which needs to be expressed with a specific mantra during a certain sacrifice. A following *sūtra* (3.5.43) discusses further the conditions for such permission (*anujñāpana*). The general background is a setting in which one needs to eat and the topic to be settled is whether one needs to ask for permission to eat in every case or only when eating with someone from the same vessel. The concluding opinion favors the latter opinion. One needs a permission only when one wishes to do what can be done also by another:

And this is the essence of the permission, when someone wants to do something which could be done by someone else, they say “Please permit [me to do it]!”

anujñāpanasya caitad rūṣam, yatrānyena kartavyam anyas cikīrṣet, so “anumanyasva” iti brūte (ŚBh ad PMS 3.5.43, vol. 2, p. 1012f. of Ā edition).

In fact, another term related to “permission” is *anuman-* (e.g., ŚBh ad PMS 3.5.43, p. 1012f, vol. 2 of Ā edition), 3.8.20 (vol. 2, p. 1123 of Ā edition), 6.1.15 (vol. 2, p. 1361 of Ā edition), 7.4.12 (vol. 2, p. 1577 of Ā edition), which takes into account the listener’s side of the concept of permission. The speaker asks for *anujñā* “permission” and the listener answers by “consenting” *anuman-*. In this case, the permission allows one to do something which could have been done otherwise, namely with a different sequence of eaters. Thus, the permission blocks a possible future prohibition by one’s senior, but it also sets a specific restriction on the openness of possible procedures. It therefore prevents one of the main perils for the Mīmāṃsā exegetical agenda, namely an open-ended situation, or *aniyama*. Open-ended situations are to be avoided within the Mīmāṃsā agenda, because Mīmāṃsā authors aim at producing an interpretation of the Veda which is independent of the whims of a particular interpreter. Open-ended situations, by contrast, are by definition open to multiple solutions.¹⁶

Unfortunately, Kumāṛila’s *Tuṣṭikā* commentary on the above passages of the *Śābarabhāṣya* is short and does not elaborate on the topic of grantable permissions.

Later within Mīmāṃsā, Maṇḍana (at the beginning of the *siddhānta* part in the *Vidhiviveka*, chapter 11) goes back to this pragmatic approach to permissions and systematizes this case as due to hierarchy and who benefits from the action to be undertaken. He distinguishes therefore permissions from orders (uttered by a superior to an inferior concerning an action that is for the benefit of the superior person) and requests (uttered by an inferior to a superior person concerning an action that is for the benefit of the inferior one). In fact, as in orders, the structure is from the superior to the inferior, and in permissions the person who is benefitting from the action is the one who receives the command. Maṇḍana does not say explicitly that the superior could prohibit one from performing the action, but this is intrinsic in the fact that they are superior.¹⁷

16 A solution is open-ended only if, at a given point, it can lead to two or more different outputs. The avoidance of open-endedness does not entail that if the speaker consents, then they cannot change their mind and say, for instance: “No, wait, you may not eat first.” In such a scenario, at each given moment the inferior person would have known what to do. (I am grateful to Munema Moiz for having raised this point.)

17 For more details, see the introduction in Freschi forthcoming (a).

3.2.2. Śabara on better-not permissions

ŚBh ad PMS 6.8.17–8 discusses the question of whether it is legitimate to take a second wife. Śabara refers to the deontic command¹⁸ not to take a second wife if your wife is virtuous and fertile and concludes that if she is neither, then one could take a second one. Similarly, the deontic command not to take a second wife if one is drinking Soma should mean that in any other circumstance one could take one:

[Obj:] Prior to the setting of the ritual fires, one can marry a wife just for the sake of the rituals, and thereafter just for the sake of progeny. Therefore, if it is so, there is no clash [with commands about having a single wife].

[R:] It is not so. The wife is for all purposes, not only for the sake of progeny. It has been said “Because there is no distinction in the desire (*utsaha*) for the result” (PMS 6.1.13) (which discusses the wife’s role in sacrifices). Also because of that reason, one should not marry twice. Moreover, it is recollected that “In matters of law (*dharmā*), success (*artha*) and pleasure (*kāma*), one should not cross boundaries.” And in that case (that of remarrying), one would be crossing boundaries. Also for this reason, one should not marry twice. A single wife is needed for the sake of rituals and for the sake of progeny.

[..]

This is understood: Prior to the initiation, one does not have a wife. What has been said, namely “only one wife,” that is correct. Just like the recollected text says: “In matters of law (*dharmā*), success (*artha*) and pleasure (*kāma*), one should not cross boundaries.” And: “And one should not take another [wife] if one has one who is virtuous and fertile.” Similarly, that too is transmitted: “If one of the two [qualities] is missing, one could take another [wife].” Therefore, a person whose wife is not virtuous or not fertile “could take another one.” And the linguistic expression [in the PMS] “because of drinking Soma” points out also a commendatory statement, namely: “The one who drinks Soma should not take a second wife.” This shows also a second wife [as a possibility for the one who has not drunk Soma].

athocyate, prāg ādbhānāc ca, karmārthaiva, ūrdhvaṃ cāpatyārthaivāsya bhaviṣyati. tenaivaṃ saty asya na kiṃcid virotsyata iti. ucyate, naitad evam. sarvārthā hi sā, na kevalam apatyārthatām eṣyati. tad uktam, pbalotsābhāviṣeṣād iti. tasmād api na dvir dārasaṃgrahaḥ. api caivaṃ smaryate, dharme cārthe ca kāme ca nāticaritavyeti. evaṃ saty aticaritā syāt. ato na dvir dārasaṃgrahaḥ. ekaiva bhāryā karmārthā-patyārthā ca.

18 Śabara does not call it neither prohibition nor negative obligation and the Sanskrit form does not indicate conclusively one or the other.

[...] (PMS 6.8.18)

grhyata etad, prāg upanayanān nāsti patnīti. yad uktam ekaiva patnīti. tan na mṛśyate. yathaiva smṛtiḥ, dharme cārthe ca kāme ca nāticaritavyeti. dharmaprajāsampanne dāre nānyāṃ kurvīte ca. evam idam api smaryata eva, anyatarāpāye 'nyāṃ kurvīte. tasmād yasya na dharmasampannā, na prajāsampannā vā patnī, so 'nyāṃ kurvīte. somaḥpānād iti cārthavādaṃ vyapadiṣati sma. somaḥ na dvitīyaṃ jāyāṃ abhyasūyata iti dvitīyaṃ api jāyāṃ darśayati (ŚBh ad PMS 6.8.17–18, vol. 4: 1512 of the Ā edition).

From the last line, I derive the following metarule:

If (x) is prohibited under condition (y), then (x) in general is not prohibited.

Please note that the passage starts with Śabara's agreement with the fact that one only needs one wife. Thus, taking a second one is permitted only under specific circumstances and is not as free as an indifferent action.

As mentioned above (section 3), the linguistic form of the exhortative statement “One *could* take a second wife if the first one is not virtuous or fertile” is indistinguishable from the prescription to take a second wife (“One *should* take ...”).¹⁹ However, the latter interpretation is blocked by the fact that prescriptions need to convey new information (because of the Mīmāṃsā metarule about novelty), whereas the desire to marry a new wife, given the above conditions, would be spontaneously present.

Better-not permissions can only occur as exceptions to a previously stated prohibition or negative obligation and enable one to perform actions one would naturally be inclined to do. In the example discussed above, one would be naturally inclined to marry²⁰ and it is generally prohibited to remarry, but one can remarry if his first wife is not virtuous or if she is infertile. How can one decide whether these permissions are an exception to a previous prohibition or negative obligation? No author answers this question explicitly, but one can derive some hints from Kumārila when he speaks of better-not supererogatory permissions (see above, section 3.1), since these can only be exceptions to previous negative obligations. This also harmonizes with Kumārila's discussion of the *pariyudastānujñā* case, where he explicitly speaks of the previous command as a negative obligation.²¹

19 And in fact G. Jhā's translation of this passage oscillates between the two possibilities and speaks once of “he should certainly take another” and once of “a second wife may be taken” (Jhā 1933: 1211–1212). Similarly, G. Jhā speaks of “permissible” both in the case of Mīmāṃsā permissions (i.e., better-not-permissions, e.g., in ŚBh ad PMS 7.2.13 (vol. 4: 1545), where the Sanskrit text speaks of doing something only “if there is no other way” (*agati*), as well as in the case of what happens “according to the rules” (*nyāyā*) (e.g., in ŚBh ad PMS 5.3.2, vol. 4: 1320). Readers might want to check the original Sanskrit in such cases.

20 After all, sexual pleasure (*kāma*) is among the four natural aims of human beings (*puruṣārtha*).

21 By contrast, in the second wife case, Śabara does not give us enough information to decide.

Several passages of the *Śābarabhāṣya* (ad PMS 5.1.14, vol. 4: 1302; and ad PMS 5.4.2, vol. 4: 1336) hint, without discussing the topic in full, at the fact that some interruptions (*vyavadhāna*) within the sequence of acts in the sacrifice are permissible (*anujñāta*). The text does not get into many details, but it is clear from context that interruptions within a ritual sequence are usually prohibited, but might be permitted (although this is not a preferable option) in specific cases. ŚBh ad PMS 5.4.2 explains that there should be no more interruptions than the ones explicitly permitted (*anujñātebhyo vyavadhāyakebhyo nābhyādikaḥ*). ŚBh ad PMS 5.1.14 explains that more interruptions should be avoided than the ones which are permitted (*anujñāta*) because of “possibility” (*sāmarthyā*), i.e., because it would not be possible to avoid them altogether.

3.3. Kumāṛila: Better-not-Permissions and supererogatory resolutions

Considering Kumāṛila’s exceptional contribution to the philosophy of Mīmāṃsā, it is possible that Kumāṛila is the first Mīmāṃsā author to explicitly discuss permissions as being always better-not-permissions. However, as is typical for Mīmāṃsā authors and for the Sanskrit genre of philosophical commentaries, he does not systematically engage with the definition of better-not-permissions. Hence, in the following, I will have to zoom in on the details of Kumāṛila’s discussion to be able to extract his background theory of better-not-permissions.

In the following sections, I will focus on TV ad ŚBh 1.3.4, where Kumāṛila discusses the case of eating meat. This is absolutely prohibited for certain classes of people and on certain days of the month. On all other days, it is permissible. However, if one still refrains from eating meat, this is a meritorious act which leads one to the accumulation of good *karman*. This means that the permission is a better-not permission and that the deontic command of which it is an exception is not a prohibition, but rather a negative obligation, by keeping which one gets a reward. In fact, Kumāṛila speaks of a *manahkarman* “mental act, resolution” of keeping the negative obligation.

3.3.1. Permissions and hardship

Kumāṛila in TV ad ŚBh 1.3.4 discusses the difference between violating a prohibition because of times of hardship or because of a prescription prescribing to do so.²² He focuses on explicit permissions (*anujñā*)²³ and the difference between doing something not permitted, because there is no other way out (e.g., one risks starvation and therefore eats meat) and doing something explicitly permitted. Eating meat while risking starvation depends on the general (*sāmānya*) permission (*abhyānujñāna*) to follow different courses of action in times of hardship, even though there is no specific permission about eating meat in the case of

22 Subbāśāstri 1929–34, vol. 1b: 186–196.

23 Subbāśāstri 1929–34, vol. 1b: 190.

starvation.²⁴ Kumārila explains that when there is a specific permission, then there is no flaw at all in eating meat (or the like) (*atyantanirdoṣa*), whereas there is a “risk of flaw” (*stokadoṣa*) in the case of following only the general permission. Perhaps because in the case of the general permission one could still imagine that one might have had other chances? In fact, first Kumārila does not spell the point out, and rather quotes Manu explaining that at the end of the time of hardship one will need to undergo a purification, typically in the form of an expiation (*prāyaścitta*) ritual. This means that, if one violates a prohibition (such as eating meat) in times of hardship, one is sanctionable (perhaps in the sense of being liable to accumulate bad *karman*), but the sanction is minor and can easily be canceled through the performance of a minor expiation. However, immediately thereafter, Kumārila explains that if there is really no other way (*gatyantārāsambhave*), then one is free of flaws (*nirdoṣa*).²⁵ This suggests that the “risk of flaw” and the consequent need for expiation was meant to cover cases in which there would have been a way to avoid violating the prohibition without risking death, but this would have been cumbersome. In such cases, there is a sanction, but it is minor. When there is an explicit permission or really no way out, then no sanction accrues to one. Kumārila adds here a parallel from ritual obligations: If there is an obligation to do (x) and an alternative to do (y) is laid out in case (x) is impossible, but one performs (y) even though (x) would have been possible, then one will not get the result of the ritual (*prabhuḥ prathamakalpasya yo ’nukalpena vartate | sa nāpnoti phalam*).²⁶ The underlying similarity between the two cases lies in the fact that better-not-permissions work like substitutions in the case of ritual commands, namely they are only justified if the primary command cannot be fulfilled.

3.3.2. Permissions and supererogatory resolutions

Kumārila connects the above remark with the case of the explicit permission to eat at the house of someone who has just purchased Soma (and is therefore in the process of performing a ritual). During all sacrifices one should usually not eat, but an explicit permission to do so is provided in the Veda. How to make sense of it? Kumārila attempts two explanations. First, he says that the explicit permission to eat at the home of someone who has just purchased Soma in case of risk of starvation is only valid as a permission if it is truly the case that no other option is available. Secondly, he also offers a different reading of the same explicit permission, namely: It is permitted to eat at their place, which means that by doing so, no sanctions accrue to one. However, if one nonetheless refrains from eating until the end of the sacrifice, then this counts as a (supererogatory) mental action (*manabkarman*) and will get one a reward. Which reward? Kumārila says it is *śreyas* “one’s best,” which might point

24 The theme of eating meat when one risks starvation probably originates from the *Mahābhārata*, where Viśvamitra is described as eating dogmeat (12.139). See Chapter 4 in Sathaye 2015.

25 Subbāśāstri 1929–34, vol. 1b: 191.

26 *Ibid.*

to good *karman*, as an always desirable and good-conducive reward. Why does Kumārila call it a mental action? Probably in order to equate it with a *vrata* “vow” or the decision to keep a negative obligation, and to explain how it can count as an *action*, even though nothing seems to happen in the external world (the action is one’s decision to refrain from eating).²⁷ Kumārila does not call it a *kāmyakarman* “elective ritual,” but this mental action seems to work in a comparable way, since its omission is not sanctioned, but its performance leads to a reward. However, usually *kāmyakarmans* are prescribed in view of specific rewards, whereas here the performance leads to a generic good result. This could be the reason for Kumārila’s hesitancy to call it a *kāmyakarman*.

Kumārila also approvingly quotes the *Mānavadharmasāstra* (henceforth MāDhaŚā) in this connection:

There is no flaw attached to eat meat, drink wine or make love [apart from the specific cases in which these behaviors are prohibited] |

Undertaking an action with regard to them is [natural] for living beings. Abstaining from action, however, leads to great results ||

na māṃsabhakṣaṇe doṣo na madye na ca maithune |

pravṛttir eṣā bhūtānāṃ nivṛttis tu mahāphalā || (MāDhaŚā 5.56, Jhā vol. 1: 444).

Kumārila then answers an objection and explains that the permission to eat at the house of someone who has purchased Soma does two things: It leads one to postulate a previous prohibition (*pratiṣedha*) to eat at the place of someone who has not yet bought Soma and it allows one to do so thereafter.²⁸

Notice that the second case is closer to that of violence within sacrifice, the subject of van Berkel *et al.* 2021 and 2023 with regard to the *śyena*, a malefic sacrifice that should indeed not be performed, even though it is mentioned in the Veda, because it implies a violation of the prohibition to perform any violence. In the case of violating a prohibition because of hardship, one is actually violating a prohibition and will get the negative consequences ensuing from the violation (i.e., negative *karman*), although less than the usual negative consequences, due to the hardship. The example mentioned by Kumārila is that of eating the thigh of a dead dog because of being on the point of death by starvation. Eating a dog remains a prohibited act, but one can be purified of it if one violates the prohibition due to hardship through an

27 Mimāṃsā authors agree in defining actions as efforts and not as movements. For more details, see Freschi 2010.

28 Subbāsāstri 1929–1934, vol. 1b: 192. Why does Kumārila speak of a prohibition given that he will elsewhere (see below) explain that this could be read as a negative obligation? I imagine that here Kumārila might just use the term *pratiṣedha* (lit. “prohibition”) informally to mean “one should not eat,” even though he will then explain this passage in two alternative ways, and according to one of them this is in fact not a prohibition but a negative obligation.

expiatory rite (*prāyaścitta*) once the hardship is over. After the *prāyaścitta* a person is again entitled to perform sacrifices to obtain what she desires.

By contrast, the performance of an explicit prescription to do something prohibited does not lead to any negative consequence at all. Kumārila does not discuss this case further, but due to the *śyena* discussion, one can add that this scenario only applies if the prescription to perform the prohibited act applies to all indefinitely and not only to the ones who are already in a sub-ideal condition (e.g., because they desire something prohibited). The example discussed is that of the prescription to eat at the place of the one who has purchased Soma (i.e., the sacrificer) if and only if one is on the point of death by starvation. In this case, no negative consequences follow from the performance of eating. However, should one eat at the place of the one who has purchased Soma because of a natural desire for food (i.e., not in order to save oneself from starvation), then negative consequences will occur.

3.3.3. General and specific permissions

Let me now go back to the discussion of general and specific permissions. Kumārila (TV ad ŚBh 1.3.4)²⁹ starts with general permissions, ((x) is permitted, but (\neg x) would be better and by doing (x) if there is no other way, one obtains a small sanction). This applies in the case of (x) being permitted only insofar as it is part of a general provision for looser rules in times of hardship (*āpaddharma*). Thus, these permissions just substitute a mild sanction for the harsh sanction of transgressing the prohibition. In Kumārila's words:

[Text a)]

[In the case of hardship,] one does something even without permission, because there is no other way |

[In the other case, that of supererogatory permissions,] one does something else on the strength of a permission: the difference is major ||

And there is a difference between the specific permission and the permission in general (to adopt looser rules in times of hardship) |

In fact, the specific permitted action is completely free of flaws; the other action has a little flaw ||

And in the same way, also Manu said the following with regard to actions during *āpaddharma*: |

The residual evil deeds committed during such times will be purified at the end [of hardships] ||

At that point, a person who, through any *karman* that is slight or harsh, |

29 Subbāśāstri 1929–34, vol. 1b: 190ff.

has brought out themselves as afflicted, is able to undergo purification and shall perform dharma ||³⁰

And the dharma, to begin with, should first consist of an expiation |
Thereafter, the person, now purified through it, will obtain other results of rituals ||

*ekaṃ vināpy anujñānāt kriyate gatyasambhavāt |
kriyate 'nujñayā tv anyad viśeṣās ca tayor mahān ||*

*sāmānyenābhyanujñānād viśeṣās ca viśiṣyate |
viśeṣo 'tyantanirdoṣaḥ stokadoṣetarakriyā ||*

*tathā ca manunāpy uktam ā gataṃ prati |
tatratyapāpāśeṣānām ante śaucaṃ bhaviṣyati ||*

*karmaṇā yena keneha mṛdunā dāruṇena vā |
uddhared dīnam ātmānaṃ samartho dbarmam ācaret || iti ||*

*dharmas ca prathamam tāvat prāyaścittātmako bhavet |
tatas tena viśuddhasya phalārtho 'nyo bhaviṣyati || (TV 1.3.4).³¹*

Kumārila immediately thereafter moves to the case of specific permissions. Again, these are also conceived as better-not permissions of (x) (i.e., it would be better not to do (x), but this time there is no sanction whatsoever for doing (x) if there is no other way. Kumārila stresses the “no other way” by insisting on the parallel with rituals, where it is also relevant that a less cumbersome alternative is only efficacious if one actually cannot perform the first one.

[Text b)]

As for the statement “Out of eating at the place of someone who has bought Soma ...” one understands that it is just for the sake of communicating that there is no flaw at all if there is no other way. In that case, too the following applies:

The one who is able to perform the first (preferred) alternative, and undertakes the secondary one (*anukalpa*) |

He does not obtain the result of the ritual later – this has been pondered about before ||

Due to this reproach [against people going for easier alternatives], one should not eat [at the place of one who has bought Soma] because of staying alive even though an alternative food is possible.

30 This verse (but not the half verse preceding it) is found in *Mahābhārata* 12.138.38. I am thankful to Zhipeng Wei for locating the source.

31 Subhāśāstri 1929–34, vol. 1b: 190f.

*yat tu kṛitarājakabhojyānnatvavacanam tad gatyantarāsambhave nirdoṣatvajñā-
panārtham eva tatrāpi tu ||*

*prabhuḥ prathamakalpasya yo 'nukalpena vartate |
sa nāpnoti phalam tasya paratrete vicāritam ||*

*iti ninditatvān na sambhavadbhojyāntareṇāpi lokayātrādivaśena bhoktavyam, (TV
ad ŚBh 1.3.4).³²*

Kumārila then adds an alternative explanation of better-not permissions:

Alternatively, the two alternatives are not equal, due to the different moments
in time [they refer to] |

One ascertains that there is no clash among them due to their having different
purposes assigned ||

It is certain that when they have not bought Soma, one should eat the food of
an initiated person |

By contrast, once they have bought it, the non-eating is prescribed as a mental
act (i.e., the mental decision not to eat) ||

Just like not eating at the *śrāddha* ceremony or just like not eating meat.

*yadi vā kālavaīṣamyād asatsamavikalpayoh |
arthabhedavyavasthānād avirodho 'vadhāryate ||*

*dikṣitānabhojyaṃ syād akṛite rājani dbruvam |
kṛite tv abhojanaṃ nāma manaḥkarma niyamate ||*

yathaiṅvāśrāddhabhojitvaṃ yathā vāmāṃsabbakṣaṇam | (TV ad 1.3.4).³³

This might be evidence of the fact that there were divergent opinions about how exactly to
conceive of them. This time, he says that when P(x), doing (x) leads to no sanction, but
forming the resolution not to do (x) (and fulfilling it) leads to a reward. Please note that in
the last example eating meat is not prohibited, but if one does not eat meat, one will get a
reward.

3.3.4. Results of commands interacting with permissions

Thus, when encountering a prohibition or negative obligation, four possible outcomes can be
conceived:

32 Subbāśāstrī 1929–34, vol. 1b: 191.

33 Subbāśāstrī 1929–34, vol. 1b: 191.

1. sanction (for transgressing a prohibition, e.g., the one to eat meat on certain days)
2. expiable sanction (for transgressing a prohibition at times of hardship, which grant one a generic relaxation of norms and hence work as a generic permission, see Kumāṛila's text a))
3. no sanction at all, but lack of reward (for following a specific permission to ignore a negative obligation or a prohibition, see Kumāṛila's texts a) and b) respectively)
4. reward (for following an obligation or a negative obligation, see Kumāṛila's text b))

This means that permissions by themselves lead neither to rewards nor penalties, but they can lead to a diminished penalty in case they are exceptions to prohibitions. By contrast, not following the “easier” path of a better-not-permission by forming a contrary resolution may lead to a reward.

Does this mean that one should never follow a permission and always aim at not transgressing prohibitions? Not necessarily, because 2 and 3 are temporary drawbacks and one can rationally choose them (e.g., because one is too weak to continue fasting *and* fulfill one's other obligations). The rational decision will be the result of the consideration of the above scenarios together with that of the further contextual elements (e.g., one's other obligations). In this sense, permissions are part of a complex network. For instance, refraining from eating meat is advisable because it leads to outcome number 4, but an adult who is under the obligation to carry a young child over a long stretch and in a situation of hardship might prefer to eat meat or even prohibited meat and choose outcomes number 2 or 3 over 4.

4. Dharmaśāstra sources on permissions

4.1. Dharmaśāstra authors on permissions in times of hardship

In the following, I analyze the positions of two eminent scholars of Sanskrit jurisprudence discussing permissions for times of hardship. Since their specific answers do not harmonize with each other (e.g., when it comes to the acceptance of gift in times of hardship), I focus more on the structure of the argument than on its details.

4.1.1 Medhātithi on permissions in times of hardship

The main Mīmāṃsā-inclined commentator within Sanskrit jurisprudence (Dharmaśāstra), namely Medhātithi,³⁴ commenting on MāDhaŚā 5.157 mentions the permission (*anuḥñātatva*) to eat meat in times of hardship (*āpad*). Within the same passage he similarly discusses the case of a widow starving herself to death. This is something that should not be done (*akārya*), but it is still better than seeking union with another man, which is even more

34 On Medhātithi's use of Mīmāṃsā, see Freschi (2023).

not to be done (*akāryatara*). Thus, surviving through working is the preferred option, starving oneself to death is bad, but a new union is worse. This seems to suggest that Medhātithi is using the same three-layered scheme as Kumārila (prohibited, permitted in a general way due to the need to survive, and permitted in a specific way).

Medhātithi's commentary on MāDhaŚā 10.81–114 deals with permitted occupations for *brāhmaṇas* and *kṣatriyas*, *vaiśyas* and *śūdras* in distress. Like Vijñāneśvara's text analyzed in the next section, Medhātithi focuses especially on the case of *brāhmaṇas* in distress and I consequently mostly deal with their case in the following.³⁵

The *Mānavadharmaśāstra* commented upon predates Kumārila's discussion of times of hardship (which quotes from Manu) and presupposes a system in which there are:

1. Absolutely forbidden acts (e.g., taking up the occupation of a *śūdra* if one is a *brāhmaṇa*, even if in distress). These will lead to bad consequences (e.g., loss of one's caste, MāDhaŚā 10.92).³⁶
2. Permitted acts leading to the bad *karman* (*enas*) that can be expiated (e.g., accepting gifts, that will lead to the need of returning the gift and performing an expiation ritual, MāDhaŚā 10.111).³⁷
3. Permitted acts leading to no need of expiation at all (e.g., teaching according to MāDhaŚā 10.103).³⁸

However, the *Mānavadharmaśāstra* seems contradictory, e.g., insofar as it first says that a *brāhmaṇa* incurs no flaw in teaching and sacrificing (*na...doṣo bhavati*, MāDhaŚā 10.103³⁹), but then adds that the bad *karman* accumulated through teaching etc. can be eliminated through low voice recitation (MāDhaŚā 10.111).⁴⁰

Medhātithi discusses therefore the opinion of some, who think that MāDhaŚā 10.103 should be interpreted as just a commendatory statement (*arthavāda*), and as not entailing any command, since commands should always prescribe something new and this is not the case for MāDhaŚā 10.103.⁴¹ These "some" do not explain the command in conjunction with

35 Some background information: Medhātithi and Vijñāneśvara recognise four *varṇas* "classes," *brāhmaṇa*, *kṣatriya*, *vaiśya* and *śūdra*. *Vaiśyas* are typically merchants. Each *varṇa* can, in time of hardship, take up the occupation of the lower *varṇa*, but not the opposite, and a *brāhmaṇa* can never take up the occupation of a *śūdra*.

36 Jhā 1999b, vol. 2: 357.

37 Jhā 1999b, vol. 2: 362.

38 Jhā 1999b, vol. 2: 360.

39 *Ibid.*

40 Jhā 1999b, vol. 2: 362

41 In Mīmāṃsā, commendatory statements are not autonomous sources and must be construed as supplements to a command. For more details, see Edgerton 1929 or Freschi 2012.

which MāDhaŚā 10.103 should be read, but a possibility would be to read it together with the command to perform an expiation in MāDhaŚā 10.111.⁴²

Some say: [Obj:] Sacrificing to or teaching bad people should also be permitted (*anujñā-*), like accepting gifts from bad people.⁴³ [R:] If they were so, then they would be mentioned in the previous verse, like accepting gifts.⁴⁴ In the present verse, by contrast, [it is not so, because of the following reason]. Since one does not grasp any exhortative ending in “there is [no] flaw for” *brāhmaṇas*, through the usage of the present indicative (in “is,” *bhavati*) one understands that the passage is a commendatory statement since it states something already established. Moreover, every command can have a commendatory statement attached, since the latter can be combined in a single sentence with the former, since it describes something already established. It can be so also for sacrificing and teaching, [given that the sentence about the absence of flaw conveys something already established and can therefore form a single sentence with another command].

*kecid ābuh̄ asatpratigrahavad asadyājanādhyāpane apy anujñāyete. yady abha-
viṣyatām tadā pūrvaśloka eva pratigrahavad apaṭṭhiṣyatām. iha tu vidhipra-
tyayābhāvād doṣo bhavati viprāṇām iti vartamānapratyayena siddhavyapadeśād
arthavādatāpratīteḥ. kiṃ ca prativacanam tāvad arthavādaḥ pūrveṇa siddhatvāt
tadekavākyatvāpatter yājanādhyāpane apy evaṃ bhavitum arhati* (Medhātithi ad
MāDhaŚā 10.103).⁴⁵

The people identified as “some” notice the inconsistency in Manu’s treatment, they highlight how permission is also a command (*vidhi*) and point to a possible solution, namely a non-deontic reading of the passage. Medhātithi disagrees with the conclusion of these “some,” but not with their way of reasoning.

42 Jhā also does not spell out which command this alleged commendatory statement should be connected to. He only speaks of a “foregoing injunction” (Jhā 1920–1926, vol. 5: 324, translation of Medhātithi ad 10.103).

43 Medhātithi adds “to bad people” or “from bad people” in the case of teaching or sacrificing and accepting gifts respectively, possibly in order to bring their prohibition in harmony with the description of the lawful activities for *brāhmaṇas*. The text of the *Mānavadharmasāstra* is more naturally read as talking of sacrificing and teaching on the one hand and accepting gifts from bad (*garhita*) people on the other. This interpretation is shared, e.g., in the translation of MāDhaŚā 10.103 in Olivelle 2005: 213.

44 The previous verse states that accepting gifts never sullies a *brāhmaṇa*.

45 Jhā 1999b, vol. 2: 360. I eliminated the full stop before *vartamānapratyayena*, present in Jhā 1999b, vol. 2: 360.

4.1.2. Viññāneśvara on permissions in times of hardship

Viññāneśvara's *Mitākṣarā* commentary on *Yājñvalkyasmṛti* 3 (on expiations), verse 35,⁴⁶ explains that even in cases of hardship a non-*brāhmaṇa* cannot take up the occupation of a *brāhmaṇa* and a *brāhmaṇa* cannot take up that of a *śūdra*. The commentary on verse 35 also explains that a *brāhmaṇa* will need to undergo an expiation ritual (*prāyaścitta*) because of having undertaken the occupation of another *varṇa*, once the difficult times are over (see Kumārila's similar point in text a) about expiable permissions). This suggests the following formalization:

P(taking up the occupation of a *kṣatriya* or *vaiśya*)/being a *brāhmaṇa* in distress
(and so on for the further *varṇas*)

This permission is to be understood as an exception to a previous prohibition and not of a negative obligation:

F(take up the occupation of a *kṣatriya*, *vaiśya* and *śūdra/brāhmaṇa*)

It also seems to mean, as Timothy Lubin suggested, that there is no prohibition to commit self-harm, since it may happen that taking up the occupation of a *brāhmaṇa* would be the only way to avoid dying by starvation, but this still does not lead to a duty to undertake such an occupation.⁴⁷

Moreover, the picture gets more complicated. In fact, verses 37–39⁴⁸ explain that

P(taking up the occupation of a *vaiśya*)/(being a *brāhmaṇa* in distress)

has some counter-exceptions, namely prohibitions applying to it, e.g.

F(selling sesame)/being a *brāhmaṇa* in distress who has taken up the occupation of a *vaiśya*

Thus, it is possible to have prohibitions within permissions (that are, in turn, exceptions to other prohibitions). In the case at stake, though selling (the occupation of a *vaiśya*) is permissible for a *brāhmaṇa* in distress, selling sesame is prohibited.

Then, there is a counter-counter exception, namely:

F(selling/*brāhmaṇa*) \wedge P(selling/*brāhmaṇa* in distress) \wedge F(selling sesame/*brāhmaṇa* in distress) \wedge P (selling sesame in exchange for grain/*brāhmaṇa* who can't perform rites for want of grain).

46 Acharya 1949: 356.

47 Personal communication with Timothy Lubin on November 25, 2022.

48 Acharya 1949: 357f.

The commentary quotes MāDhaŚā 10.91 explaining that if one were to sell sesame in exchange for something else, one would be harshly sanctioned (one will be born again as dog).

Verse 41 and the commentary⁴⁹ explain that the previous permissions are clearly better-not permissions and that they come with some cost, whereas accepting gifts in case of hardship is alright. Summing up, like in Kumāriḷa (see text a above), there are two levels of permissions:

F(selling/*brāhmana*)

P1(selling/*brāhmana* in distress) → O(expiation/end of distress) ∨ bad *karman*

P2(accepting gifts/*brāhmana* in distress) → no bad *karman*

At that point, verse 43 (on stealing⁵⁰) follows. It reads as follows:

If one has been hungry for three days, one might take some grains from someone who is not a *brāhmana* |

If one takes it and is accused, one must say it, according to duty (*dharmā*) ||

bubbukṣitas tryayaṃ sthitvā dhānyam abrāhmanād dharet |

pratigrhya tad ākhyeyam abhiyuktena dharmataḥ ||

There are several noteworthy points. The general prohibition to steal is overrun by P(stealing/not having eaten for three days), provided one is stealing only from a non-*brāhmana* (thus presupposing that the prohibition to stealing from a *brāhmana* holds unconditionally). The *Mitākṣarā* commentary further explains that one can only take enough for one meal and cannot take additional supplies, thus presupposing P(stealing a minimal amount to avoid starvation)/(not having eaten for three days). Now, if one goes on like that for a long time, one might eventually die of starvation (because one is stealing only enough for one meal and only once every three days). Verse 44⁵¹ suggests the solution (the king should take care of his subjects), but this is not a solution one can count on in every case. Hence, verse 43 does not rule out a situation in which, in order to avoid violating the prohibitions at stake (F(stealing/in general), weakened by P(stealing from a non-*brāhmana*/not having eaten for 3 days) and F(stealing from a *brāhmana*/in general)) one ends up actually dying. This further strengthens the point that there is no O(avoid starvation) as the result of the general prohibition to perform any violence.

The commentary introducing verse 43⁵² states that P(stealing from a non-*brāhmana*/distress) only applies to people who have tried all of the above. I am not sure about how to formalize the temporality factor, perhaps something like:

49 Acharya 1949: 358f.

50 Acharya 1949: 359.

51 Acharya 1949: 359f.

52 Acharya 149: 359.

F(selling/*brāhmaṇa*)

P1(selling/*brāhmaṇa* in distress) \wedge distress \rightarrow P1(stealing/*brāhmaṇa* in distress)

Noteworthy here is that Kumārila had distinguished between P1 and P2, but by saying that P1 are “general permissions” and P2 specific ones, that is, ones explicitly mentioned in a Vedic text. By contrast, here P1 can be specifically mentioned and still involve some bad *karman*.

Is the *Mitākṣarā* just not following Kumārila when it says that even a specific permission can imply bad *karman* and the need for an expiation? Is Kumārila trying to systematize a complicated series of cases? Further investigation is needed to offer a final answer.

4.2. Dharmasāstra authors on permissions of telling lies

Another case where Dharmasāstra authors discuss permissions is that of telling lies to save the lives of other people. All authors discussing this case refer to the general prohibition of telling lies (*nānṛtaṃ vadet*), but add the permission to tell a lie if this is meant to save the lives of others (because one is asked about the whereabouts of someone in order to kill them).

Medhātithi ad MādhaŚā 8.104⁵³ discusses at length the definition of what is an agent in connection with the killing (can the person who delivers information be considered an agent of the killing?). The text also concludes that a person who decides to tell a lie does so “with a reason” (*yuktimattvena*). One might imagine that therefore no sanction or liability to sanction should be attached to one who lies under these circumstances. However, MādhaŚā 8.105⁵⁴ prescribes an expiation ritual for such cases. In the commentary, Medhātithi voices an objection⁵⁵:

Why should there be any bad *karman* in this case – when it has been declared that there is nothing wrong in lying under the circumstances mentioned?

nanu ca kuto 'tra pāpam – yāvatāsmiṃ nimitte nānṛtavacane doṣa ity uktam.

Medhātithi attributes the reply to this objection to “some” (*kecid*). These construe the previous prohibition to tell lies as a negative obligation (*saṃkalpa*). Hence, “don’t tell lies” would not be a case of F(lie), but of O(\neg lie). Consequently, they say that keeping the negative obligation notwithstanding the permission would be a case of supererogation and lead to results (as in Kumārila, text b) above).

53 Jhā 1999b, vol. 2: 117–121.

54 Jhā 1999b, vol. 2: 121.

55 *Ibid.*

5. Conclusions

Permissions in Mīmāṃsā are less ambiguous than in our common parlance (not to speak of contemporary deontic philosophy). In mainstream deontic philosophy, P(x) only means that it is not the case that (x) is forbidden. It does not tell us whether (x) was previously forbidden or whether (x) is encouraged, discouraged or indifferent.

By contrast, for Mīmāṃsā authors when talking about Vedic commands (granting permissions are only found in worldly interactions among agents), P(x) necessarily means that (\neg x) was previously obligatory or that (x) was previously prohibited and that performing (x) is the less desirable option.

This is also linked to the Mīmāṃsā overall approach: Mīmāṃsakas do not want to end up with an open-ended outcome (as with permissions leading to “indifferent actions”), which is also the reason why they accept random picking (*vikalpa*) only as the last resort to solve a deontic paralysis.⁵⁶ Their interpretation of Vedic commands should, by contrast, lead to fixed conclusions and not to whimsical and subjective ones. Accordingly, *anujñā* “permission” is repeatedly mentioned in the *Śābarabhāṣya* as an antidote to *aniyama*, “lack of rules.”⁵⁷

Kumārila is, as is often the case, the author offering the most systematic overview of permissions, and he distinguishes three types of permissions (leading to a minor sanction, to no sanction at all, involving a supererogatory resolution if one does not follow them). Dharmasāstra jurists like Medhātithi and Vijñāneśvara largely follow the view of Kumārila on permissions. However, their treatment of permissions in two key cases (*āpaddharma* and telling lies to save lives) appears to presuppose a slightly different scheme when it comes to specific and general permissions, since even the former appear to possibly entail some residual bad *karman*. It remains to be investigated whether the difference is due to their actively upholding a different theory or just being less rigorous than Kumārila.

Abbreviations

MāDhaŚā	Manu’s <i>Mānavadharmaśāstra</i>
PMS	Jaimini’s (Pūrva) <i>Mīmāṃsāsūtra</i>
ŚBh	Śabara’s <i>Śābarabhāṣya</i>
TV	Kumārila’s <i>Tantravārttika</i>
VV	Maṇḍana’s <i>Vidbhiviveka</i>

56 On picking when both options are at exactly the same deontic level, see Freschi & Pascucci 2021.

57 See ŚBh ad PMS 3.5.40 (p. 1011 of Ā edition), 5.1.14 (vol. 4, p. 1302) and 5.4.2 (vol. 4, p. 1336).

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