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THE MORAL STANDING OF ANIMALS AND PLANTS IN THE *MANUSMṚTI*

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Introduction

In this essay, I investigate the moral status of animals and plants in the ancient and highly influential Indian Law Book, the *Manusmṛti* (Laws of Manu). I argue that the *Manusmṛti* attributes direct moral standing to animals and plants at least in part because they are sentient.¹

My argument for this claim goes as follows. The *Manusmṛti* claims that certain actions produce merit and demerit, and that this merit and demerit often cause pleasure and pain, respectively. Pleasure and pain are suitable consequences of merit and demerit only if they have value and disvalue, respectively. The value and disvalue of pleasure and pain are not derived entirely from the value of the further ends to which they are a means. Hence, the value and disvalue of pleasure and pain are at least partly intrinsic. If the value and disvalue of pleasure and pain are at least partly intrinsic, then any entity capable of pleasure and pain has direct moral standing. The *Manusmṛti* claims that animals and plants are sentient (that is, capable of pleasure and pain). Hence, the *Manusmṛti* attributes direct moral standing to animals and plants, at least in part because they are sentient.

There are some verses in the *Manusmṛti* that seem to contradict this conclusion. Some of these verses claim that human agents can do what they wish with animals—and even eat them indiscriminately—without incurring any penalty. Others ascribe penalties for harming animals and plants that seem to correspond to their usefulness to human beings. And still others imply that human agents should avoid harming animals in order to avoid these animals taking revenge on them in future lives.

The *Manusmṛti* takes the first series of claims as the view of an opponent, and then refutes it. The fines for harming animals and plants mentioned in the second passage are compensatory. They do not reflect the direct moral standing of entities, just because an entity's direct moral standing, by definition, is independent of the entity's usefulness to those who might be compensated. And the concerns about avoiding revenge, mentioned in the third passage, are not taken literally by even the earliest commentators on the *Manusmṛti*. Consequently, these verses do not amount to evidence against the claim that the *Manusmṛti* attributes direct moral standing to animals and plants.

Sentience as the Basis for the Direct Moral Standing of Animals and Plants in the Manusmṛti

The *Manusmṛti*, or *Laws of Manu*, is an ancient Indian Law Book (*dharmaśāstra*) that dates to the first centuries of the Common Era. Its testimony on matters of social duty and ethics has been widely accepted by the religious traditions and philosophical systems of India.²

The *Manusmṛti* is full of descriptions of the pain that results from harming animals and the pleasure that results from avoiding harm to animals. Consider some examples:

Unless [there are] mitigating circumstances, the person who has completed Vedic studentship (*dvijah*), who knows the Vedic injunctions (*vidhi*), should not eat meat in violation of the Vedic injunctions. For having eaten meat in violation of the Vedic injunctions, [he,] [when] dead, is eaten against his will by those [that he has eaten]. (5.33; Dave 1978, p. 40)³

[A person] killing frivolously, [and] having [himself] died, attains [painful] death in birth after birth just as many times as [there are] hairs on the animal (*paśu*) [that he has killed]. (5.38; Dave 1978, p. 44)⁴

He who does not eat meat like a demon that has disregarded Vedic injunctions, he becomes beloved in the world, and is not harmed by illness. (5.50; Dave 1978, p. 53)⁵

That twice born from whom not even minute harm of living entities (*bhūtāṅgāṃ*) arises, [at the time] of being freed from his body, he fears nothing. (6.40; Olivelle 2005, p. 601)⁶

The person who performs the horse sacrifice every single year for one hundred years and the one who will not eat meat are equal, the result (*phala*) of the merit (*puṇya*) of these two is equal. (5.53; Dave 1978, p. 57)⁷

The person whose meat (*māṃsa*) I eat in this world, me (*māṃ*) he (*sa*) eats in the next world. This, the wise say, is the derivation of [the word] ‘meat’ (*māṃsa*). (5.55; Dave 1978, p. 58)⁸

Verses like these say that at least one common consequence of *hiṃsā* (harm) is pain for the agent, and that at least one common consequence of *ahiṃsā* (non-harm) is pleasure for the agent. These connections can be seen in the diagram in figure 1.

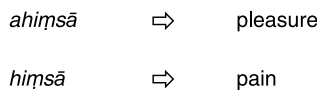


Figure 1

These relations can be elaborated. In the simplest cases, *ahiṃsā* toward animals is in accord with *dharma*, and *hiṃsā* toward animals contradicts *dharma*.⁹ An agent who acts in accord with *dharma* is typically meritorious, and an agent who contradicts

dharma is typically demeritorious.¹⁰ As a result of performing a meritorious action, an agent typically accrues merit (*puṇya*, *dharma*), and as a result of performing a demeritorious action, an agent typically accrues demerit (*apuṇya*, *adharmā*) (12.3–10).¹¹ The merit or demerit that an agent accrues as a result of his action often causes pleasure (4.149, 4.229, 6.80, 8.343, 12.20) or pain (4.157, 5.33, 5.55, 12.16–20), respectively.¹² Hence, the diagram in figure 1 can be elaborated as in figure 2.

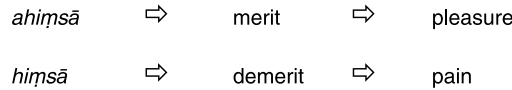


Figure 2

If pleasure and pain are suitable consequences of merit and demerit, then pleasure has value, pain has disvalue, and pleasure is more valuable than pain. If pleasure were not more valuable than pain, then the fact that merit causes pleasure and demerit causes pain would be quite mysterious. So pleasure and pain have value and disvalue, respectively.

The value and disvalue of pleasure and pain are either entirely instrumental, or at least partly intrinsic.¹³ If their value and disvalue are entirely instrumental, then their value and disvalue are derived entirely from their contributions to some further end (or ends). What might this further end be, however?

The only seemingly plausible answer to this question is *mokṣa* (liberation).¹⁴ Many authors argue that various Hindu texts and traditions claim that only the attainment of *mokṣa* has intrinsic value, and that the value or disvalue of everything else—including pleasure, pain, and those entities that are capable of pleasure and pain—derives from the attainment of this intrinsically valuable end (Nirvedananda 1979, p. 172; Bharadwaja 1984, p. 176; Norton 1984, p. 136; Lal 1986, pp. 200–201; Callicott 1994, pp. 47–48; Jacobsen 1994, p. 288; Sharma 1998, p. 51; Sherma 1998, p. 95; Mumme 1998, p. 135; Sullivan 1998, p. 262 n. 1; Nelson 1998 [chapter], pp. 65–68; Nelson 2000, p. 140). Klostermaier attributes this position to the *Manusmṛti* in particular. “Manu obviously does not think ‘ecologically’: the rules which prescribe non-harming of living beings aim towards individual spiritual gain and not towards conservation of the environment” (Klostermaier 1991, p. 248).

According to this view, the value and disvalue of pleasure and pain derive from the intrinsic value of *mokṣa* and the intrinsic disvalue of the postponement of *mokṣa*, respectively. If this is right, then presumably pleasure has value because it is a means to the attainment of *mokṣa*, and pain has disvalue because it postpones the attainment of *mokṣa*. Hence the diagram in figure 3.

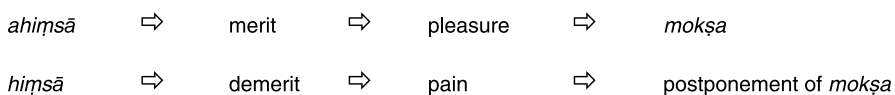


Figure 3

The proponent of this view must explain, however, how pleasure produces *mokṣa*. I put aside immediately the claim that the pleasure that arises from actions in accord with *dharma* somehow aggregates to become the pleasure that one experiences in *mokṣa*, since no Hindu text or tradition endorses it, and many explicitly reject it.

Vātsyāyana, for example, explains in his commentary to *Nyāyasūtra* 1.1.22 that if the experience of *mokṣa* were a consequence of merit, then the experience of *mokṣa* would have to come to an end, since the merit that is its cause is finite, and is therefore eventually exhausted. Yet the experience of *mokṣa* is supposed to be permanent (Thakur 1997a, p. 23, lines 1–2; Framarin 2009, pp. 144–145).

The *Manusmṛti* itself says that the pleasure and pain that result from *dharma* and *adharma* are experienced in this and subsequent births (6.80, 8.343, 12.16). Hence, the entity experiences pleasure resulting from merit within the cycle of *saṃsāra*, rather than upon the attainment of *mokṣa*.

One possibility is that the pleasure that follows from the performance of actions in accord with *dharma* serves to motivate the agent to perform similar actions in the future. I avoid harming an animal, and experience pleasure as a result. So I continue to avoid harming animals as a means to further pleasurable results. If this is the view, then the first half of the diagram must be elaborated to read as in figure 4.



Figure 4

The problem at this point, however, is that pleasure no longer leads to *mokṣa*. One way to resolve this problem is to say that the merit from *ahimsā* contributes to the attainment of *mokṣa* by means of contributing to some intermediary means other than pleasure. At one point, the *Manusmṛti* claims that *ahimsā* (along with Vedic recitation, the performance of austerities, control of the senses, and service to one's *guru*) is a means to the highest good (*niḥśreyas*), but that knowledge (*jñāna*) is the best means to the highest good (12.83–12.85; Olivelle 2005, pp. 904–905). So perhaps merit is a means to *mokṣa* because it is a means to knowledge, which, in turn, is a means to *mokṣa*.¹⁵ If so, the first half of the diagram should be revised to read as in figure 5A on the next page.

This allows for pleasure to contribute at least indirectly to the attainment of *mokṣa* by means of motivating actions that are a means to knowledge. The account explains the value of pleasure, without attributing intrinsic value to pleasure.¹⁶

This interpretation faces rather serious problems, however, explaining the disvalue of pain. It might be thought that a parallel diagram can be constructed in the case of pain, where *hiṃsā* produces demerit, which produces pain, and so on. Hence, the second half of the diagram might read as in figure 5B on the next page.

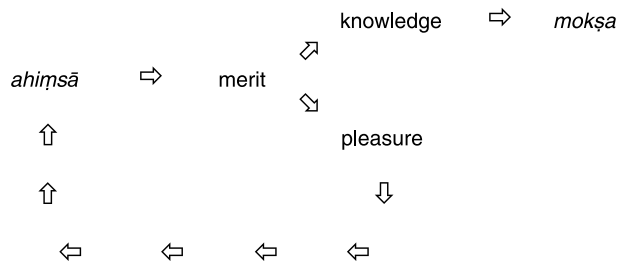


Figure 5A

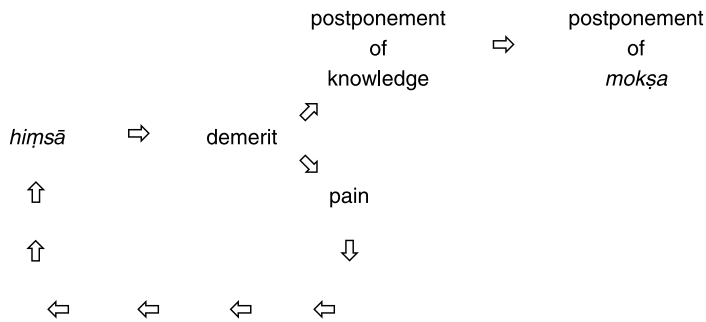


Figure 5B

The problem is that the connection between the pain that results from demerit, on the one hand, and further acts of *hiṃsā*, on the other, is implausible. If the pleasure that arises from acts of *ahimsā* motivates the agent to repeat these acts in the future, as a means to further experiences of pleasure, then presumably the pain that arises from acts of *hiṃsā* motivates the agent to *avoid* repeating these acts in the future, as a means to avoiding further experiences of pain. If this is right, however, then the pain experiences lead to acts of *ahimsā*, rather than *hiṃsā*, and hence tend to lead to *mokṣa* by the very same means that pleasure leads to *mokṣa*. The second half of the diagram, then, must instead read as in figure 5B' on the next page.

The problem with this account is that it does not attribute disvalue to pain. Indeed, pain has the very same value that pleasure has, since both derive their value exclusively from their contributions to the attainment of *mokṣa*, and both contribute to the attainment of *mokṣa* in the very same way—by motivating right actions, which produce merit, which leads to the knowledge needed to attain *mokṣa*. If this is right, however, then again the distinction between merit and demerit collapses.

Another problematic implication of this account is that agents are invariably conditioned to perform actions in accord with *dharma*. An agent performs right actions, feels pleasure, and performs more right actions in the future as a means to more pleasure. An agent performs wrong actions, feels pain, and performs right actions in the future as a means to avoiding additional pain. If this is right, then presumably agents invariably progress toward *mokṣa*. This is contradicted, however, by the

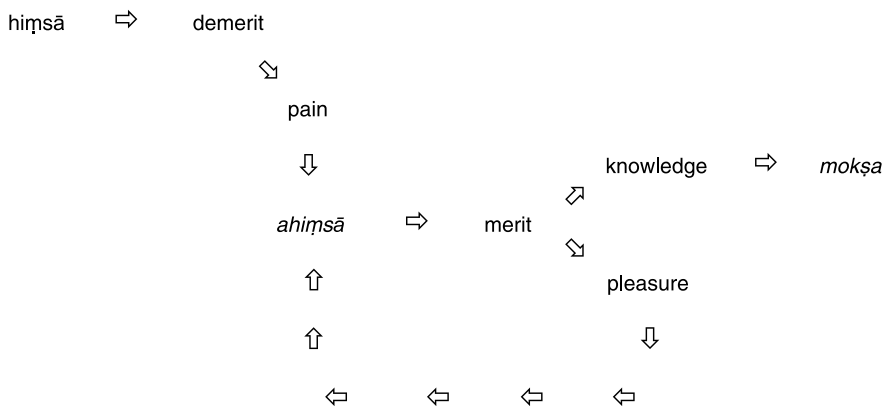


Figure 5B'

Hindu conception of time, according to which the universe inevitably degenerates both morally and religiously, until it collapses altogether.

Another, more straightforward problem with this elaboration of the diagram is that the pleasure and pain that arise as a result of merit and demerit are not in close enough proximity to the actions that cause them to condition the agent in the way described above. As the *Manusmṛti* says:

As in the case of the earth [which requires time to produce vegetation from seeds], acting contrary to *dharma* does not produce instant fruit (*phala*) in this world. Gradually, however, [the fruit] returns, and cuts the agent at the roots. (4.172; Dave 1975, p. 426)¹⁷

Indeed, it is this kind of consideration that leads Vedāntin thinkers (both Pūrva and Uttara) to conclude that *dharma* is only known from scripture. Acts in accord with *dharma* bring about karmic results in the future. Since this future event is sufficiently distant, the connection between the original act and its fruit cannot be known by perception, inference, and so on. Hence, the only way the connection—and hence the rightness of the act—can be known is by the testimony of scripture.¹⁸

This is not to say that actions are not typically followed by pleasure or pain. The pleasure or pain that follows immediately, however, is not typically counted as merit or demerit, since the pleasure or pain that follows immediately does not necessarily, or even typically, correspond to the rightness or wrongness of the action. Wrong actions are often just as likely to produce immediate pleasure as right actions are. Stealing, for example, is often accompanied by a certain pleasant thrill, and the murderer might experience an initial relief of his anger, which is pleasant. In contrast, telling the truth when one is tempted to lie is usually at least initially unpleasant—almost certainly less initially pleasant than lying under the same circumstances. The *Manusmṛti* notes this:

By means of *adharmā*, [a person] becomes powerful. As a result [of this power], he experiences prosperities. As a result [of prosperities] he overcomes [his] enemies. [Finally,] however, he is destroyed altogether. (4.174; Dave 1975, p. 428)¹⁹

A second way to explain the diagram in figure 3 is to say that the pleasure that follows from the performance of actions in accord with *dharmā* is itself a more direct means to the knowledge that is a means to *mokṣa*, and that the pain that follows from the performance of actions that contradict *dharmā* is itself a more direct means to the postponement of this knowledge. Hence the diagram in figure 6.

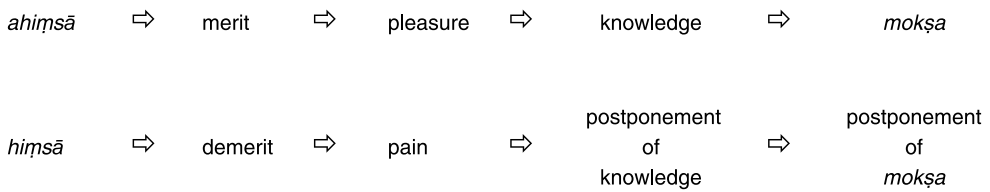


Figure 6

This account faces a serious problem, however. If there are any general correlations between pleasure and pain, on the one hand, and knowledge and the postponement of knowledge—at least the type of knowledge that is a means to *mokṣa*—on the other, they are between pain and knowledge, and pleasure and the postponement of knowledge.

An experience of pain generally serves to remind the agent of the painful nature of *saṃsāra*, and hence motivates him to escape it. An experience of pleasure, in contrast, generally serves to hide the painful nature of *saṃsāra*, and motivates the agent to remain within it. This is the primary reason that entities born in heavenly realms are incapable of attaining *mokṣa*. Their lives are simply too happy to engender the discontent that motivates religious pursuits. This is also the reason that the Buddha’s father, King Śuddhodana, tries to avoid the prediction that his son will become a religious leader, rather than a great king, by surrounding him with every pleasure, and insulating him from every pain.²⁰ Hence, the more accurate diagram reads as in figure 7.

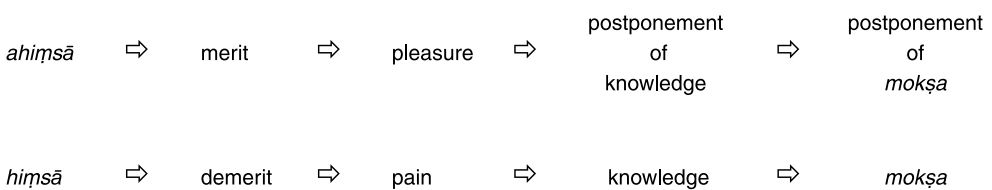


Figure 7

If this is right, however, then pain is more valuable than pleasure, and once again pleasure and pain are not suitable consequences of merit and demerit, respectively.²¹

So far I have only considered the possibility that the value and disvalue of pleasure and pain ultimately derive from the intrinsic value and disvalue of the attainment and postponement of *mokṣa*, respectively. As I said at the outset, however, these ends seem to be the most plausible candidates for further ends from which the value and disvalue of pleasure and pain might entirely derive. After all, many scholars

deny that anything other than the attainment and postponement of *mokṣa* has intrinsic value or disvalue (see above). If it is implausible that the value and disvalue of pleasure and pain derive entirely from the intrinsic value and disvalue of the attainment and postponement of *mokṣa*, as I have argued, then it is even *more* implausible that the value and disvalue of pleasure and pain derive entirely from the intrinsic value or disvalue of other ends, just because it is much less certain that these other ends have intrinsic value or disvalue in the first place. It is also worth noting that the arguments that I have already offered entail that the value and disvalue of pleasure and pain do not derive entirely from the value and disvalue of the attainment and postponement of knowledge either, just because pleasure and pain do not typically lead to the attainment and postponement of knowledge. From here, the candidates for ends from which pleasure and pain might derive the entirety of their value and disvalue become extraordinarily weak.

I conclude, then, that the claim that pleasure and pain derive their value and disvalue entirely from further ends to which they are a means is implausible. If the value and disvalue of pleasure and pain do not derive entirely from the value and disvalue of further ends to which they are a means, then their value and disvalue are not entirely instrumental. If their value and disvalue are not entirely instrumental, then their value and disvalue are at least partly intrinsic. Pleasure experiences have intrinsic value, and pain experiences have intrinsic disvalue.

This is one implication of verse 5.49 of the *Manusmṛiti*:

Having seen the origin of meat and the binding and slaughter of embodied entities (*dehinām*), [a person] turns away from eating all meat. (Dave 1978, p. 53)²²

The verse claims that what makes *hiṃsā* wrong is self-evident to the careful observer. What should be self-evident to anyone is that certain entities are capable of pleasure and pain, that pain is bad, and that binding and slaughtering embodied entities causes them pain. It is not at all self-evident, however, that when an agent causes pain to an entity, he thereby postpones his own attainment of *mokṣa*. This suggests that the value and disvalue of pleasure and pain are at least partly intrinsic. Since pleasure has intrinsic value, it is an appropriate form of merit, and since pain has intrinsic disvalue, it is an appropriate form of demerit.

Another verse from the *Manusmṛiti* correlates the pain of the punishment that a king should administer with the pain the punished person caused his victim:

If a person strikes people or animals to pain them, [the king] should cause [that person] just that much pain, in just that way. (8.286; Olivelle 2005, p. 717)²³

This suggests that pain itself—as opposed to some further end that pain might produce—is a form of harm. The correlate to this is that pleasure itself—as opposed to some further end that pleasure might produce—is a form of benefit. If this is right, then pleasure and pain have intrinsic value and disvalue, respectively.²⁴

If pleasure has intrinsic value, and pain has intrinsic disvalue, however, then I morally ought to count the fact that my action might cause pleasure or pain to an entity as a direct, *prima facie* reason for or against performing the action, respectively.

And if the fact that my action might cause pleasure or pain to an entity constitutes a direct, prima facie reason for or against performing the action, respectively, then any entity capable of pleasure or pain has direct moral standing by virtue of its capacity to experience pleasure and pain.²⁵ Hence, any sentient entity has direct moral standing. Human agents morally ought to count the fact that some action of theirs might cause an entity pleasure or pain as a direct, prima facie reason for or against performing the action, respectively.

The *Manusmṛiti* says quite clearly that all living entities are capable of pleasure and pain. In a passage that describes the succession of entities from *Brahmā* to plants, the *Manusmṛiti* says that even the plants that sit at the bottom of the ladder of succession are sentient:

Various bushes and thickets, varieties of grasses, shoots, and creepers, shoot up from seeds or parts of others [plants and so on]. [These entities], enveloped by *tamas* with many forms caused by [past] actions, are internally conscious (*antaḥsaṃjñā*). They are fully endowed with pleasure and pain (*sukhaduḥkhasamanvitāḥ*).²⁶ In this dreadful *saṃsāra*, constantly moving forever, these are declared [to be] the conditions of those undergoing rebirth, beginning with *Brahmā*, and ending with these [various plants]. (1.48–1.50; Dave 1972, pp. 78–81; emphases added)²⁷

As the final verse says, the passage describes a succession of living entities that includes plants.²⁸ It also says that plants—along with every variety of animal, including insects—are sentient. “Various bushes and thickets, varieties of grasses, shoots, and creepers . . . are internally conscious (*antaḥsaṃjñā*),” and “fully endowed with the capacity for pleasure and pain” (1.48–1.49).

Medhātithi explains that the sentience of plants is entailed by the fact that plant life is a station in the cycle of *saṃsāra*. His commentary to 1.49 begins,

[The word] ‘action’ [in verse 1.49] refers to *adharmic* [action], [which is] the cause of that *tamas* by which [plants] are enveloped or pervaded. By this cause with many forms, there is an experience of manifold pains (*vicitraduḥkhānubhava*). Although everything [is constituted by] the three *guṇas*, even so, the *tamas* of these [plants] is prominent. [Their] *sattva* and *rajas* are diminished. So due to an abundance of *tamas*, tied to long-standing infidelity to the Vedas, pain, and so on, [these plants] are experiencing the fruits of their *adharmic* [acts] for a very long time. Due to the presence of *sattva* in them as well, under certain conditions [plants] enjoy a little pleasure as well. (1.49; Dave 1972, p. 79, lines 24–29)²⁹

It is clear that plants are pervaded by *tamas*. The predominant characteristic of *tamas* is lethargy, and plants, which are stationary (*sthāvara*), exhibit this quality more than any other living entity. Since plant life is a station in the cycle of rebirth, the *tamas* of plants is best explained by past *adharmic* actions associated with the embodied entity. Since the *tamas* of plants is due to past *adharmic* actions, it produces pain. Hence plants experience the pain of the demerit that they have accumulated. Hence, plants have the capacity to experience pain. Medhātithi adds that plants experience pleasure as well—although hardly any at all—as a consequence of their small quantities of *sattva*.

A number of later commentators make the same point, and go so far as to mention sources of pleasure for plants. Kullūka, for example, says,

[T]hese trees, and so on, [are] pervaded by the *tamas guṇa*, with the result of various pains (*vicitraduḥkhalena*) arising from actions contrary to *dharma*. . . . Due to the presence of *sattva* as well, sometimes a little pleasure also arises for them, as a result of rain, or mixture with water. (1.49; Dave 1972, p. 80, lines 8–9, 11–12)³⁰

Here Kullūka’s mention of contact with water, in particular, leaves little doubt that he, too, means to ascribe pleasure and pain sensations to plants.

Mañirāma’s commentary follows both Medhātithi and Kullūka:

These trees, and so on, [are] enveloped or pervaded by *tamas*—by the *tamas guṇa*—with the result of various pains (again, *vicitraduḥkhalena*) arising from actions contrary to *dharma*. . . . [B]y that [phrase *sukhaduḥkhasamanvitāḥ*], it is meant: due to contact with water in the rainy season, sometimes a little pleasure also arises. (1.49; Dave 1972, p. 80, lines 22–23, 25–26)³¹

So plants have the capacity for both pleasure and pain. Hence, the *Manusmṛti* ascribes direct moral standing to both animals and plants, in virtue of their sentience. The complete argument for this conclusion can be schematized as follows.

The Sentience Argument

Premise One. The *Manusmṛti* claims that merit and demerit cause pleasure and pain, respectively.

Premise Two. If merit and demerit cause pleasure and pain, respectively, then pleasure and pain have value and disvalue, respectively.

Conclusion One/Premise Three. Hence, pleasure and pain have value and disvalue, respectively.

Premise Four. The value and disvalue of pleasure and pain are either entirely instrumental, or at least partly intrinsic.

Premise Five. The value and disvalue of pleasure and pain are not entirely instrumental.

Conclusion Two/Premise Six. Hence, the value and disvalue of pleasure and pain are at least partly intrinsic.

Premise Seven. If the value and disvalue of pleasure and pain are at least partly intrinsic, then any sentient entity has direct moral standing.

Conclusion Three/Premise Eight. Hence, any sentient entity has direct moral standing.

Premise Nine. The *Manusmṛti* attributes sentience to animals and plants.

Conclusion Four. Hence, the *Manusmṛti* attributes direct moral standing to animals and plants, in virtue of their sentience.³²

It is worth distinguishing what I call the Sentience Argument from a better-known argument from Śāṅkara's commentary to *Bhagavadgītā* 6.29–32 (and elsewhere).³³ Roy W. Perrett, for example, seems to allude to this argument in the context of animal ethics in particular (Perrett 1993, p. 94). Śāṅkara argues as follows:

Thus it is said, "as my pleasure is desired (*iṣṭam*) [by me], likewise the pleasure of all living beings (*sarvaprāṇinām*)³⁴ is agreeable (*anukūlam*) [to them]." . . . "And just as my pain is disagreeable (*pratikūlam*), undesired (*aniṣṭam*), likewise the pain of all beings (*sarvaprāṇinām*) is undesired, disagreeable." Thus [a person] sees pleasure and pain as agreeable and disagreeable to all beings (*sarvabhūteṣu*) equally, by the same measure as his own [pleasure and pain]. He acts unpleasantly toward none. This means he is *ahimsaka* (harmless). (6.32; Sadhale 2000, p. 569, lines 34–36)³⁵

Since pleasure and pain are agreeable and disagreeable to me, pleasure and pain are agreeable and disagreeable to all entities. Hence, I should count the fact that some action of mine might cause pleasure or pain to an entity as a (presumably direct) *prima facie* reason for or against performing the action, respectively. Hence all sentient entities have direct moral standing.

One potentially important difference between these two arguments is that Śāṅkara's argument implies that an agent's own assessment of whether something is agreeable or disagreeable is an adequate guideline for determining what others find agreeable or disagreeable. A masochist might find pain agreeable, however, and thereby reason to the conclusion that he should cause, rather than prevent the pain of others. In contrast, the Sentience Argument supports no such relativism.

A second difference is that Śāṅkara's argument does not unambiguously include plants. In the passage just above, he twice uses the words *sarvaprāṇinām*, which I have translated as "all beings." The word *prāṇa*, however, typically means "breath." So *sarvaprāṇinām* might instead mean "all beings with breath." If this is right, then plants might very well be excluded (Findly 2008, pp. 91–93).³⁶

Third, the first words, *ity ucyate*, "thus it is said," in this passage raise some doubt about whether the view described in the passage is the view of Śāṅkara or the view of an opponent. He does not explicitly refute the account, but in his commentary to the previous verses, he does seem to be citing the identity between *brahman*, *ātman*, and living beings, rather than the sentience of living beings, as the basis for their direct moral standing. These two claims are consistent—an entity might have direct moral standing for more than one reason. They also leave space, however, for Śāṅkara to contrast the two views, rather than assert both.³⁷

A fourth difference is that the Sentience Argument can be generalized more easily than Śāṅkara's. Any text or tradition that claims (1) that right and wrong actions produce merit and demerit, respectively, (2) that merit and demerit cause pleasure

and pain, respectively, and (3) that pleasure and pain are not reliable means to further ends that have intrinsic value and disvalue, respectively, presumably accepts that the value and disvalue of pleasure and pain are at least partly intrinsic, and hence that sentient entities have direct moral standing. Śaṅkara's argument, in contrast, can only be generalized to texts and traditions that either accept Śaṅkara's authority or advance the same argument explicitly.

It is also worth noting that nothing I say here precludes the possibility that the *Manusmṛti* attributes direct moral standing to animals and plants for other reasons as well.³⁸

Objections and Replies

The *Manusmṛti* contains verses that might seem to contradict the claim that animals and plants have direct moral standing. The most obvious examples are *Manusmṛti* 5.28–30:

God (Prajāpati) made all this as food of the living (*prāṇasya*).³⁹ All stationary and moving [entities] (*sthāvara jaṅgamaṃ ca*) are the food of the living (*prāṇasya*). (5.28; Dave 1978, p. 36)⁴⁰

The stationary (*acarā*) are the food of those that move (*carāṇām*), the toothless of those with teeth, those without hands of those with hands, and the timid of the strong. (5.29; Dave 1978, p. 36)⁴¹

The eater that eats the living (*prāṇinaḥ*) that is to be eaten, even every single day, is not defiled. For the eaten and also the eaters of the living (*prāṇinaḥ*) were created by the Creator [for this purpose]. (5.30; Dave 1978, p. 37)⁴²

It might be argued that these verses entail that animals and plants have only instrumental value, as a means to the welfare of those human beings that sit near the top of the eating hierarchy. If animals and plants have only instrumental value, then presumably they lack direct moral standing, and there is nothing wrong with putting them to whatever use human agents see fit.

It should be noted, however, that no one takes the claims reflected in these verses to be the position that the *Manusmṛti* actually endorses. Beginning with Medhātithi, the verses are importantly qualified. Medhātithi explains in his commentary to verse 5.28 that “all of this is food, because all is made by God for living entities *in adversity* (*āpadi*)” (Dave 1978, p. 36, lines 6–7; emphasis added).⁴³ In other words, it is in principle morally permissible to eat any living entity, but only so long as there are considerations that override the (presumably direct) *prima facie* considerations against doing so. Medhātithi's commentary to 5.30 reinforces this point: “*When there is danger to life* (*prāṇātyaye*), meat is certainly to be eaten” (Dave 1978, p. 37, lines 25–26; emphasis added).⁴⁴ This implies that excepting mitigating circumstances, meat is not to be eaten.

This interpretation of the verses is justified by the fact that they are part of a larger passage (5.28–5.55) that begins with the following:

Now I will state the *vidhi* (injunction) regarding the [eating] of meat and the avoiding of meat. One may eat meat [that is] sprinkled [with water], by the desire of *brahmaṇas* (priests), likewise [when] *vidhi* directs, or when there is a threat to life. (5.26–27; Dave 1978, 30–32)⁴⁵

In other words, meat is to be eaten only under mitigating circumstances, such as when it is desired by a *brahmaṇa* conducting a sacrifice⁴⁶—and then only after it has been consecrated—or when it is commanded by scripture, or when one must eat meat in order to remain alive. Outside these circumstances, meat eating should be avoided.

This, however, is perfectly consistent with the claim that animals and plants have direct moral standing. To say that an entity has direct moral standing is not to say that it can never be harmed or killed under any circumstances. It is only to say that the action of harming or killing an animal or plant must be justified by countervailing reasons. It is always *prima facie* wrong to harm or kill an animal or plant, even if, *ultima facie*, it is the right action under specific circumstances. Most people would say the same about human beings. It is always *prima facie* wrong to harm or kill a human being. Human beings have direct moral standing. But this does not entail that there are never circumstances in which harming or killing a human being is permissible. The *Manusmṛti* mentions self-defense along with the defense of women and *brahmaṇas* in particular as such circumstances.

Wendy Doniger's interpretation of the *Manusmṛti* is consistent with Medhātithi's in this respect. Both acknowledge that the text sets out general rules—such as the avoidance of harm to animals and plants—but then admits exceptions (Doniger and Smith 1991, pp. xliv–lxi). Doniger claims that this method is “the paradigm for all kinds of scientific inquiry in India” beginning with the grammarian Pāṇini (*ibid.*, p. lv).

Patrick Olivelle takes the larger passage of which these verses are a part as a dispute between the *pūrvapakṣin* (opponent) and the *uttarapakṣin* (proponent/refuter). The *pūrvapakṣin* says, in verses 5.28–30 above, that meat eating is unproblematic. Then the *uttarapakṣin*, in verses 5.31–55, “proposes the ethic of vegetarianism and non-injury [*ahiṃsā*], strongly condemning killing and eating meat outside very restrictive parameters established by the needs of the vedic sacrifice.” Olivelle takes the latter position to be the one that the *Manusmṛti* actually endorses (Olivelle 2005, p. 279).

Brian K. Smith argues that the *Manusmṛti* attempts but fails to reconcile two competing worldviews: the violent, agonistic, Vedic worldview in which the expression of power, including killing, is valorized, and the less violent, post-Vedic worldview in which purity, non-harm, and vegetarianism are emphasized (Doniger and Smith 1991, pp. xxii–xl; see also Smith 1990). He takes the longer passage under consideration to be symptomatic of this failure (Doniger and Smith 1991, p. xliv). If this is right, one might think that the *Manusmṛti*'s position regarding the moral standing of animals and plants is simply inconsistent. The text says *both* that animals and plants have direct moral standing and that they do not.

The problem with this interpretation is that the only three verses that seem to say that meat eating is morally unproblematic—at least if they are taken without qualification—are verses 5.28–5.30 above. Otherwise, all of the textual evidence Smith provides for the representation of the Vedic worldview within the *Manusmṛti* comes from other, earlier texts. Additionally, this already meager textual evidence is preceded and followed by verses that state quite clearly that meat eating is indeed morally problematic, and therefore should not occur in the absence of countervailing reasons.

Indeed, Smith himself finally admits that in the case of the *Manusmṛti*, the Vedic worldview constitutes the descriptive element in the text, an element that is in tension with the prescriptive element, which attempts “to prescribe an order of things guided by ideals that call . . . upon humans to transcend the human condition (e.g., eat without killing)” (ibid., p. xl). This suggests that while the *Manusmṛti* admits that people in fact do eat meat, it insists that they should not.

A second series of verses seems to say that the moral standing of animals and plants derives exclusively from the value that they have as a means to earthly human welfare. One passage describes punishments and fines for harm to animals that might be taken to diminish with the diminution of the utility of the animal for human beings:

In the case of the death of a person, the fine should immediately be that of a thief. In the case of a large animal, like a cow, an elephant, a camel, a horse, and so on, [the fine should be] half [what it is in the case of a person]. (8.296; Olivelle 2005, p. 719)⁴⁷

In the case of harm to small, domesticated animals, the fine is 200 [gold pieces]. But in the case of beautiful wild animals and birds, the fine should be 50 [gold pieces]. (8.297; Olivelle 2005, p. 719)⁴⁸

But in the case of an ass, a goat, or a sheep, the fine should be five [gold pieces]. But in the case of killing a dog or a pig, the fine should be one gold piece. (8.298; Olivelle 2005, p. 719)⁴⁹

These passages might be taken to imply that the wrongness of killing an animal is derived exclusively from the wrongness of depriving human beings of earthly welfare. If this is right, then the moral standing of animals is indirect, because it is derived exclusively from the direct moral standing of human beings.

Another verse from the same passage says explicitly that in the case of harm to plants, the fine is equivalent to the utility that the plant has for human beings:

In the case of harm to forest trees, the fine to be imposed is proportionate to their utility (*eṣām upabhoga*) [literally, “the enjoyment of them”]. That is a fixed rule. (8.285; Olivelle 2005, p. 716)⁵⁰

This suggests that the moral standing of plants is merely indirect, because it is derived exclusively from the direct moral standing of human beings. If plants are no means to the welfare of human beings, then there is nothing at all wrong with harming

them. If there is nothing wrong with harming plants that are no means to the welfare of human beings, then the moral standing of plants is merely indirect.

The verses that list the fines for harming animals and plants can otherwise be explained, however. These fines can be understood, at least partly, as compensatory. That is, they can be understood at least partly as payments to those who would have otherwise benefited from the animal or plant that was harmed. If an agent kills an animal or plant that might be of use to others—especially if the individual or group that might have benefited owns the animal or plant—then he makes a payment that reflects the lost value to others.⁵¹ The fine does not, however, reflect the animal's or plant's direct moral standing, since an entity's direct moral standing is, by definition, independent of the value the entity has to other entities. Hence, it is excluded in the calculation of compensation.

One concern here might be that fines are typically paid to the king, rather than to the victims. The *Manusmṛti* says, however, that the fines paid to the king are in these cases determined by those paid as compensation to the victims:

He who harms someone's possessions, either intentionally or unintentionally, he should bring about that person's compensation (*tuṣṭim*), and should give an equal [amount] to the king. (8.288; Olivelle 2005, p. 717)⁵²

Notice also that the first of these verses (8.296) lists a fine for killing human beings as well. Surely this does not entail that human beings lack direct moral standing. The more plausible interpretation is that the fine mentioned reflects the compensation that should be paid to those survivors who are negatively impacted. The same is true in the case of animals and plants.

Finally, a third series of verses might be taken to imply that the pain that an agent eventually experiences as a result of harming animals and plants is just the pain that these latter entities cause the agent in acts of revenge. Among the verses with which I began this essay, the following might be taken to have this implication:

Unless [there are] mitigating circumstances, the person who has completed Vedic studentship (*dvijaḥ*), who knows the Vedic injunctions (*vidhi*), should not eat meat in violation of the Vedic injunctions. For having eaten meat in violation of the Vedic injunctions, [he,] [when] dead, is eaten against his will by those [that he has eaten]. (5.33)

The person whose meat (*māṃsa*) I eat in this world, me (*māṃ*) he (*sa*) eats in the next world. This, the wise say, is the derivation of [the word] 'meat' (*māṃsa*). (5.55)

Similarly, it might be argued that the pleasure that an agent eventually experiences as a result of avoiding harm to living entities is just the pleasure of avoiding these acts of revenge. At least one of the verses cited above seems to support this claim:

That twice born from whom not even minute harm of living entities (*bhūtāṅgāṃ*) arises, [at the time] of being freed from his body, he fears nothing. (6.40; Olivelle 2005, p. 601)⁵³

If this account is correct, however, then the *ahiṃsā* doctrine is not a moral doctrine at all. I should avoid harm to animals and plants—and human beings,

presumably—not because animals and plants deserve moral consideration, but because harm to animals and plants is imprudent. If animals and plants do not deserve moral consideration, however, then they lack direct moral standing.

A number of authors have argued that the doctrine of *ahiṃsā* has its earliest (traceable) origins in a fear of revenge. Hans Peter Schmidt, for example, cites a story from the earlier *Śāṅkhyāyana Brāhmaṇa*, in which Bṛḡu goes to the next world and sees the following:

1. A person who had been a tree cutting into pieces the person who had cut the tree down for use as firewood in a previous life,
2. A person who had been an animal eating a person who had eaten the animal in a previous life, and
3. A person who had been a plant eating a silent person who had eaten the plant in a previous life. (Schmidt 1968, pp. 644–645)

Schmidt points out that “originally this conception has nothing to do with ethical ideas and that the fate man undergoes in yonder world is not to be considered as a [moral] punishment” (Schmidt 1968, p. 645). That is, the reasons for avoiding harm to animals and plants are prudential, rather than moral.

Lambert Schmithausen agrees. The story of Bṛḡu, he says, “suggests the idea of revenge insofar as the former victims retaliating upon their former torturers in the yonder world declare that *they* are now pursuing in return (*pratisacāmahai*) those who had pursued them on earth” (Schmithausen 2000, p. 256; emphasis in original).

Again, however, no commentator takes this to be the view that the *Manusmṛti* endorses.⁵⁴ This, too, can be traced back as far as Medhātithi. In his commentary to *Manusmṛti* 5.33, he says:

[the verse states,] [he,] having eaten [them] for an unsanctioned reason, [when] dead, is eaten against his will by them. By that claim [it is meant,] he who eats their meat, he has various pains (*vividhā pīḍā*) [in the future]. (Dave 1978, p. 40, lines 28–29)⁵⁵

He dismisses the literal reading of the verse—according to which the very same animal eats the eater in the next life—by pointing out that

[if the verse is read] otherwise [that is, literally], [a problem arises, since] human beings generally eat the meat of goats, and so on, but goats, and so on are not eaters of meat. (Dave 1978, p. 40, lines 29–30)⁵⁶

That is, the literal reading implies that goats—an animal commonly eaten by human beings—eat me in the next life. Yet goats are not meat eaters! Of course, the goats might take human forms, as in the Bṛḡu story, but Medhātithi does not consider this. Instead, he takes the verse to say that the eater suffers *equivalent* pain in the future as a result of eating animals and plants now. If the pain experienced by the agent is impersonally inflicted, however, then the justification for *ahiṃsā* cannot be the avoidance of revenge.

Schmithausen makes this point about the *Śāṅkhyāyana Brāhmaṇa*. While some verses describe victims harming their perpetrators, as above, others assign this duty to the god Varuṇa. This, Schmithausen argues, implies “that killing and injuring are *wrong in themselves*” (Schmithausen 2000, p. 259; emphasis in original). If *hiṃsā* is wrong in itself, however, then those animals and plants that the agent is later punished for harming have direct moral standing. The pain that the agent eventually experiences is his moral desert for harming these entities.

In a number of places, the *Manusmṛti* attributes the job of delivering just deserts to Varuṇa as well: “Varuṇa is the lord of punishment” (9.245; Olivelle 2005, p. 792),⁵⁷ it says (see also 8.82 and 9.308). This suggests that the *Manusmṛti* understands the pain that results from harming living entities in terms of moral desert, rather than in terms of revenge. If the pleasure and pain that result from *ahiṃsā* and *hiṃsā*, respectively, amount to moral desert, however, then they must have value and disvalue, respectively, and so on. Hence, all sentient entities have direct moral standing. Hence, animals and plants have direct moral standing, by virtue of their sentience.

Conclusion

In this essay, I have argued that the *Manusmṛti* attributes intrinsic value and disvalue to pleasure and pain, respectively. Since pleasure and pain have intrinsic value and disvalue, the fact that an action of mine might cause an entity pleasure or pain constitutes a direct prima facie reason for or against performing the action, respectively, regardless of the further effects that this pain or pleasure might have on other entities. This implies that all sentient entities have direct moral standing. The *Manusmṛti* attributes sentience to both animals and plants. Hence it attributes direct moral standing to both animals and plants. This conclusion is consistent with passages that might seem to contradict it.

Notes

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- 1 – In this essay, I use the word ‘sentient’ as shorthand, to refer to entities that are capable of pleasure and pain experiences (Singer 2010, p. 58).

- 2 – In what follows, I assume that the passages of the *Manusmṛti* that I cite together constitute a unified, consistent account of the direct moral standing of animals and plants in the *Manusmṛti*. Wendy Doniger and Brian K. Smith debate this kind of assumption about the consistency of the text as a whole in the co-authored introduction to their translation of the *Manusmṛti* (Doniger and Smith 1991). In the final section of this essay, I consider the opposite view—the view endorsed by Smith, but rejected by Doniger—that the *Manusmṛti*’s view on meat eating amounts to a failed attempt to reconcile two competing worldviews (the “Vedic” and “post-Vedic”). I argue that Smith’s argument for this interpretation is implausible, in large part because Smith relies on very little evidence from the *Manusmṛti* itself. Doniger, in contrast, argues that the kind of interpretation that Smith advances is Orientalist: “[I]t is based upon an arrogant Western assumption that ‘Orientals’ are radically alien even in their basic cognitive processes, that, unlike us, they do not recognize or understand contradictions when they encounter or generate them” (Doniger and Smith 1991, pp. xliv–xlv). Even if the text is the result of numerous authors and redactions, to take apparent contradictions at face value seems to amount to a denial of the *tradition*’s ability to recognize contradictions. The readers of these texts, however, both within and outside the intellectual milieu, “regard the product as a single text,” and hence as a roughly unified document. Arindam Chakrabarti makes the same point about the *Manusmṛti* (and the *Mahābhārata*) (Chakrabarti 1996, p. 261).
- 3 – *nādyād avidhinā māṃsaṃ vidhijño ’nāpadi dvijaḥ / jagdhvā hy avidhinā māṃsaṃ pretas tair adyate ’vaśaḥ //*
- 4 – *yāvanti paśuromāṇi tāvat kṛtveha māraṇam / vṛthāpaśughnaḥ prāpnoti pretya janmani janmani //*
- 5 – *na bhakṣayati yo māṃsaṃ vidhiṃ hitvā piśācavat / sa loke priyatāṃ yāti vyādhibhiś ca na pīḍyate //*
- 6 – *yasmād aṅvapi bhūtānāṃ dvijān notpadyate bhayam / tasya dehād vimuktasya bhayaṃ nāsti kutaścana //*
- 7 – *varṣe varṣe śvamedhena yo yajeta śataṃ samāḥ / māṃsāni ca na khāded yas tayoḥ puṅyaphalaṃ samam //*
- 8 – *māṃ sa bhakṣayitā ’mutra yasya māṃsam ihādmy aham / etan māṃsasya māṃsatvaṃ pravadanti manīṣiṇaḥ //*
- 9 – That *ahiṃsā* is part of the *dharma* of all four classes is stated at *Manusmṛti* 10.63. (Compare *Arthaśāstra* 1.3.13.) The simplest cases are those in which there are no competing considerations. For a treatment of moral dilemmas in the Indian epics, see Matilal 1989.
- 10 – I say “typically” to make room for denying that an agent is meritorious or demeritorious for performing the right or wrong action by accident.
- 11 – Exceptions might be the liberated person, or the desireless person.

- 12 – Udyottakara, in his commentary to *Nyāyasūtra* 1.1.21, goes so far as to say:
- [I]f there were no pleasure, [there would be a] uselessness of merit (*dharma*). For what reason? Merit is considered a means to pleasure. So if there is no pleasure, merit has no use (*yadi ca sukhaṃ na syād dharmavaiyarthyaṃ / kiṃ kāraṇam / sukhasādhanaṃ dharmā iti sukhaṃ ca nāstīti vyartha dharmah* /). (Thakur 1997b, p. 80, lines 13–15)
- 13 – In what follows, I use the words ‘intrinsic value’ to refer to the value that something has as an end, independent of the value of further ends to which it might be a means. I use the words ‘instrumental value’ to refer to the value that something has as a means to further (valuable) ends.
- 14 – There is wider agreement, among contemporary scholars, about the attribution of intrinsic value and disvalue to the attainment and postponement of *mokṣa* than there is about the attribution of intrinsic value and disvalue to anything else. Indeed, many insist that the attainment and postponement of *mokṣa* are the only things that have intrinsic value and disvalue (see below). If pleasure and pain derive their value and disvalue from further ends, there must be some eventual further end that has intrinsic value and disvalue. Since the attainment and postponement of *mokṣa* are the most plausible ends of this sort, the view that the value and disvalue of pleasure and pain derive from these ends is the most plausible. Any alternative explanation of the strictly instrumental value and disvalue of pleasure and pain would have to begin by asserting the much more controversial claim that something other than the attainment and postponement of *mokṣa* (and other than pleasure and pain) has intrinsic value or disvalue—a claim that many authors deny.
- 15 – My own interpretation does not depend on the plausibility of this proposal.
- 16 – There are at least two alternatives to 5A. The first states that merit leads to knowledge only by means of producing pleasure first. I consider this possibility below (see figure 6). The second states that *ahiṃsā* leads to knowledge directly, rather than by means of producing merit. This alternative faces all of the problems that 5A does, however.
- 17 – *nādharmāś carito loke sadyaḥ phalati gaur iva / śanair āvartyamānas tu kartur mūlāni kṛntati* //
- 18 – The classical treatment of this matter is *Mīmāṃsā Sūtra* 1.1.2. Śaṅkara makes the same kinds of claims in his commentary on *Brahmasūtra* 3.1.25. See also Kumāriḷa’s *Ślokaṁrttika*, *Pratyakṣaparicheda* 17–18 (Taber 2005, pp. 51 and 151).
- 19 – *adharmeṇaidhate tāvat tataḥ bhadraṇi paśyati / tataḥ sapatnān jayati samūlas tu vinaśyati* //
- 20 – Nietzsche makes a similar point, albeit with a different conception of human “enhancement”:

The discipline of suffering, of *great* suffering—do you not know that only *this* discipline has created all enhancements of man so far? That tension of the soul in unhappiness, which cultivates its strength, its shudders face to face with great ruin, its inventiveness and courage in enduring, persevering, interpreting, and exploiting suffering, and whatever has been granted to it of profundity, secret, mask, spirit, cunning, greatness—was it not granted to it through suffering, through the discipline of great suffering? (Nietzsche 1992, p. 225)

21 – Another reason to think that pain, rather than pleasure, is a means to *mokṣa* is that a pain experience lessens the negative karmic burden of the one who suffers it, and hence lessens a primary obstacle to the attainment of *mokṣa*. A pleasure experience, in contrast, does not have this benefit.

22 – *samutpattiṃ ca māṃsasya vadhabandhau ca dehinām / prasamīkṣya nivarteta sarvamāṃsasya bhakṣaṇāt //*

23 – *manuṣyāṇām paśūnām ca duḥkhāya prahr̥te sati / yathā yathā mahad duḥkham daṇḍam kuryāt tathā tathā //*

24 – Matthew Pianalto argues that the value of pleasure, and presumably the disvalue of pain, derives entirely from the value of their contribution to evolutionary fitness:

The problem with the claim that pleasure is intrinsically desirable has to do with the fact that our natural attraction to pleasant experiences is generated by the existence of a fairly stable relationship between things that produce such experiences and their conduciveness to fitness. (Pianalto 2009, p. 35)

Pianalto never takes seriously the possibility that pleasure could have both instrumental and intrinsic value, however. He also assumes that if pleasure experiences originally became widespread among certain species for evolutionary reasons, then evolutionary fitness—that is, survival and reproduction—must be the only purpose, and hence the only value of pleasure. This seems false, however.

25 – An entity has direct moral standing if and only if a human agent morally ought to count the fact that some action of his might benefit or harm the entity as a direct *prima facie* reason for or against performing the action, respectively. In the current context, pleasure and pain amount to benefits and harms, respectively.

26 – While the *Manusmṛti* does not utilize a single term that might translate as “sentient,” the phrase *sukhaduḥkhasamanvitāḥ* here entails the capacity for pleasure and pain.

27 – *guchagulmaṃ tu vividham tathaiva tr̥ṇajātayaḥ / bījakāṇḍaruhāny eva pratānā vallya eva ca // tamasā bahurūpeṇa veṣṭitāḥ karmahetunā / antaḥsamjñā bhavanti ete sukhaduḥkhasamanvitāḥ // etad antās tu gatayo brahmādyāḥ samudāhṛtāḥ / ghore 'smin bhūtasam̐sāre nityaṃ satatayāyini //*. The word *ete* in verse 1.49 refers to *udbhijjāḥ sthāvarāḥ* (stationary plants) from verse 1.46.

- 28 – The *Manusmṛti* includes plants in this cycle at 5.40, 12.9, and 12.42 as well. The same sentiment is expressed in various *Upaniṣads*, where the distinctions between being born from an egg, a living individual, or “sprouts” are described (e.g., *Chandogya Upaniṣad* 6.3.1 and *Aitareya Upaniṣad* 3.3; cf. *Manusmṛti* 1.46).
- 29 – *karma adharmākhyam hetur yasya tamasas tena veṣṭitā vyāptāḥ / bahurūpeṇa vicitraduḥkhānubhava nimittena / yadyapi sarvaṃ triḡuṇaṃ tathā 'py eṣāṃ tama udriktaṃ apacite sattvarajasī / atas tamo bāhulyān nityaṃ nirvedaduḥkhādi yuktā adharmaphalam anubhavantaḥ suciram āsate / sattvasyāpi tatra bhāvāt kasyāṃcid avasthāyāṃ sukhaleśam api bhuñjate /*
- 30 – *ete vṛkṣādayas tamoguṇena vicitraduḥkhaphalenādharmakarmahetukena vyāptāḥ. . . . sattvasyāpi bhāvāt kadācitsukhaleśopi jaladharajanita-jalasamparkādeṣāṃ jāyate /*
- 31 – *ete vṛkṣādayaḥ tamasā tamoguṇena bahurūpeṇa vicitraduḥkhaphalena adharmakarmahetukena veṣṭitāḥ vāptāḥ. . . . tena varṣākāle taj jalasaṃyogāt kadācit sukhaleśo 'pi jāyate ity abhiprāyaḥ*
- 32 – Elsewhere I argue that the same basic argument can be inferred from the *Anuśāsanaparvan* of the *Mahābhārata* and the *Yogasūtra* (Framarin forthcoming in 2014).
- 33 – Arindam Chakrabarti points out the same argument in the *Anuśāsanaparvan* of the *Mahābhārata* (Chakrabarti 1996, pp. 263–264).
- 34 – The word *prāṇin* might refer to all breathing, living, or even sentient beings, according to Monier-Williams and Apte (Monier-Williams 1960, p. 706; Apte 2000, p. 679). If Śāṅkara uses the word to mean living entities, then presumably he means to include plants. If, instead, he uses the word to mean breathing or sentient beings, it is less clear whether he means to include plants. See below.
- 35 – *ity ucyate yathā mama sukham iṣṭaṃ tathā sarvaprāṇināṃ sukham anukūlam / . . . yadi vā yac ca duḥkaṃ mama pratikūlam aniṣṭaṃ yathā tathā sarvaprāṇināṃ duḥkham aniṣṭaṃ pratikūlam ity evam ātmaupabhyena sukhaduḥkhe anukūlapratikūle tulyatayā sarvabhūteṣu samaṃ paśyati na kasyacit pratikūlam ācarati ahiṃsaka ity arthaḥ /*
- 36 – There are, however, at least three reasons that, taken together, imply that *sarvaprāṇinām* means “all beings” in this passage. First, Monier-Williams defines *prāṇin* as “breathing, living, alive; a living or sentient being, living creature, animal, or man.” So while the word *prāṇa* refers to the breath of life, the possessive adjective *prāṇin* does not necessarily retain this narrow meaning.
- Second, in this very passage, Śāṅkara seems to use the words *sarvabhūta* as synonymous with *sarvaprāṇin*. He says that all *prāṇin* experience pain and pleasure, and then concludes, “Thus [a person] sees pleasure and pain as agreeable and disagreeable to all beings (*sarvabhūteṣu*) equally, by the same measure

as his own [pleasure and pain].” If *prāṇin* can mean “beings with breath” or “beings” more generally, the fact that it is used interchangeably with *bhūta* here suggests that it refers to beings more generally, rather than beings with breath in particular. For *bhūta*, Monier-Williams says, “that which is or exists, any living being (divine, human, animal, and even vegetable).”

Third, in his commentary to the verse that begins this discussion (6.29), Śāṅkara twice uses the phrase “from Brahmā to the stationary (*stambha/sthāvara*)” (*brahmādīni stambhaparyantāni / brahmādisthāvarān*) (Sadhale 2000, p. 565, lines 19 and 21) in his explanation of the words *sarvabhūta*. This suggests that he means to define the words *sarvabhūta* to cover stationary living entities—that is, plants—as well, and that the discussion that follows applies to all living entities, including plants.

- 37 – My thanks to an anonymous referee at *Philosophy East and West* for this point and the last (regarding the translation of *prāṇinām*).
- 38 – One common interpretation states that certain Hindu texts and traditions attribute direct moral standing to animals and plants because they are embodied *ātman*s. I have considered this view in detail, and offered extensive objections elsewhere (Framarin 2014). First, the interpretation does not clearly entail the direct moral standing of biological organisms per se. It claims that human agents morally ought to consider living entities in deciding what to do, but only for the sake of the *ātman* that embodies them. Second, Hindu texts and traditions typically characterize the *ātman* as unaffected by events of the world. If this is right then the *ātman* lacks direct moral standing. Since the *ātman* cannot be benefited or harmed, it cannot be the case that human agents morally ought to count the fact that some action of theirs might benefit or harm the *ātman* as a direct prima facie reason for or against performing the action, respectively. Third, the interpretation entails that all living entities have equal direct moral standing. This is contradicted, however, by injunctions and prohibitions that favor human beings over animals, and animals over plants.
- 39 – For a defense of the translation of *prāṇa* as “living being,” see note 36 above.
- 40 – *prāṇasyānnam idaṃ sarve prajāpatir akalpayat / sthāvaraṃ jaṅgamaṃ caiva sarvaṃ prāṇasya bhojanam //*
- 41 – *carāṇām annam acarā daṃṣṭriṇām apy adaṃṣṭriṇaḥ / ahastās ca saḥastānām sūrāṇām caiva bhīravaḥ //*
- 42 – *nāttā duṣyaty adann ādhyān prāṇino ‘hanya hany api / dhātraiva sṛṣṭā hy ādyās ca prāṇino ‘ttāra eva ca //*
- 43 – *yataḥ prajāpatinā sarvam āpadi prāṇasya kalpitam ataḥ sarvam etasya bhojanam /*
- 44 – *tasmāt prāṇātyaye māṃsam avaśyaṃ bhakṣaṇīyam. . . . /*

- 45 – . . . *māṃsasyātaḥ pravakṣyāmi vidhiṃ bhakṣaṇavarjane // prokṣitaṃ bhakṣayen māṃsaṃ brāhmaṇānāṃ ca kāmyayā / yathā vidhi niyuktas tu prāṇānāṃ eva cātyaye //*
- 46 – There is evidence in the *Manusmṛti* that exceptions for the sake of sacrifice are increasingly in question. Verse 2.87, for example, says that the mere chanting of the Vedic mantras is sufficient, and calls a priest who is a friend to all creatures a real priest. Verses 4.22–24 claim that the best sacrifices are those in which breath and knowledge, rather than animals and plants, are offered.
- 47 – *manuṣyamāraṇe kṣipraṃ cauravat kilbiṣaṃ bhavet / prāṇabhṛtsu mahatsvardhaṃ gogajoṣtrahayādiṣu //*
- 48 – *kṣudrakāṇāṃ paśūnāṃ tu hiṃsāyāṃ dviśato damaḥ / pañcāśat tu bhaved daṇḍaḥ śubheṣu mrgapakṣiṣu //*
- 49 – *gardabhājāvikanāṃ tu daṇḍaḥ syāt pañcamāṣikah / māṣikas tu bhaved daṇḍaḥ śvasūkaranipātane //*
- 50 – *vanaspatīnāṃ sarveṣāṃ upabhogo yathā yathā / tathā tathā damaḥ kāryo hiṃsāyāṃ iti dhāraṇā //*
- 51 – Certain verses say that the fine might exceed the harmed entity's utility. Verse 8.289, for example, says that the fines for destroying certain things—including flowers, roots, and fruits (*puṣpamūlaphaleṣu*)—should be five times their economic value (Olivelle 2005, p. 717). This is consistent with my thesis. Perhaps here the fines are meant to reflect the entity's direct moral standing as well.
- 52 – *dravyāṇi hiṃsasyād yo yasya jñānato 'jñānato 'pi vā / sa tasyotpādayet tuṣṭiṃ rājño dadyāc ca tat samam //*
- 53 – *yasmād aṇvapi bhūtānāṃ dvijān notpadyate bhayam / tasya dehād vimuktasya bhayaṃ nāsti kutaścana //*
- 54 – As an anonymous referee for *Philosophy East and West* points out, however, many Hindu groups (such as certain Vaiṣṇavas, and certain members of the International Society for Krishna Consciousness) do take these claims literally.
- 55 – *jaḡdhvā aśāstrīyeṇa nimittena / preto mṛtas taiḥ prāṇibhir avaśo 'dyate / yena viṣayeṇa yo yeṣāṃ māṃsam aśnāti tasya vividhā pīḍā bhavati. . . . /*
- 56 – *anyathā prāyeṇa chāḡādimāṃsam aśnanti lokāḥ na ca chāḡādayo māṃsāśinaḥ /*
- 57 – *īso daṇḍasya varuṇo. . . .*

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