

**Jain Śrāvakācāra as Religious Law: Theology of Household Life in the
Sāgāradharmāmṛta of Āśādhara**

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Abstract

The *Sāgāradharmāmṛta* of Āśādhara (13th century CE) is an important medieval treatise of the śrāvakācāra tradition –a textual genre in Digambara Jainism which codifies the ideal conduct of a Jain layperson (śrāvaka). Although this code of conduct is highly ethical, it also serves as a religious law that governs the life of a Jain householder. This paper will examine the role of the śrāvakācāra in insinuating dharma in the daily life of a Jain śrāvaka as a system of religious law through studying the sixth chapter of the *Sāgāradharmāmṛta*, which describes the daily routine a householder should follow. I will use the idea of law as ‘theology of ordinary life’ put forth by Donald Davis (2017) in the context of the dharmaśāstra as my framework to understand how the Jain law, represented by the śrāvakācāra, also provides an independent theology of ordinary life, which regulates the everyday actions and decisions of a Jain householder.

Keywords: Jainism, Dharmaśāstra, Classical Indian law, Religion and Ethics

The Jain discourse on dharma consists of multiple interpretations and meanings embedded in a complex web of philosophical and religious principles. To structure the current discussion on the Jain lay code of conduct, the basic definition of dharma can be taken from the *Ratnakaraṇḍa Śrāvakācāra*, which explains it as the force that elevates living beings from the suffering of transmigration to the ultimate bliss, i.e., liberation.¹ While this is not the only interpretation of dharma in Jainism, it is significant for the theology of ordinary life envisioned by the *śrāvakācāra* tradition. To attain this goal of liberation, Jain philosophy devised a triad of jewels, namely, right faith, right knowledge, and right conduct.² Righteous conduct, or *cā ritra*, therefore, holds a central place in the soteriology of Jainism and is conceived as twofold –monastic and lay conduct. This adds another layer of meaning to the concept of dharma and divides it into two categories –*munidharma* (dharma of the monk) and *śrāvakadharmā* (dharma of the layperson). The conduct of the *śrāvaka* –the one who listens³, has been codified in a rich and independent textual genre in Digambara Jainism named *śrāvakācāra*⁴, within which we locate the *Sāgāradharmāmṛta* (SDhA from hereon) composed by Āśādhara in the thirteenth century CE, which will be the primary source for this paper.

This paper will argue that the *śrāvakācāra* tradition is not a simplistic code of ethical and moral maxims but a living religious law that governs the life of a Jain householder. The framework of my study will be based on Donald Davis’s book ‘The Spirit of Hindu Law’ (2017), where he argues that dharmaśāstra as a legal tradition provides ‘the theology of ordinary life’ for a householder. Through engaging with Davis, I will demonstrate how the *śrāvakācāra*, or the Jain law, also acts as the theology of ordinary life by regulating the mundane actions of a householder and insinuating dharma in his everyday life. The focus of my study will be the sixth chapter of the SDhA, where Ashadhara describes the ideal routine of a *śrāvaka*’s life. I will take the regulations on food and occupation as my case studies to understand how the SDhA puts the ordinary actions of a householder in theological contexts and

¹ saṃsāradu:khata: satvān, yo dharatyuttame sukhe
Ratnakaraṇḍa Śrāvakācāra, 2

² This is articulated in the first aphorism of the Tattvarthasutra –

³ Williams 1963:3

⁴ For a history of the *śrāvakācāra* literature, see R Williams (1963) *Jaina Yoga* and a short introduction by Hiralal Jain to his critical edition of Vasunandi Śrāvakācāra.

relates them to the specific vision of dharma as spiritual progress, which regulates his daily life and gives a theological meaning to his actions.

In this process, I will establish *śrāvakācāra* as a legal tradition that can enrich our understanding of classical Indian law through a comparative study with the dharmaśāstra literature.

Theology of the Householder

To investigate how the *śrāvakācāra* tradition operated as a religious law for the Jain householder by providing a ‘theology of ordinary life’, it is essential first to understand this framework as proposed by Davis in the context of Hindu law. In the introduction to his monograph, Davis outlines the basic premise that “the practice of theology helps us see how actions and events of ordinary life first instigate law-making through theological reflection and are then in turn influenced by those very laws.”⁵ According to him, when theological systems focus on the aspects of this-worldly, mundane life, it leads to the development of a theological reflection which “converts a mere act, a movement of the body, into an obligation.”⁶

Two fundamental aspects of the idea of law as a theology of ordinary life come to the fore that are crucial to this paper. First, this process begins when mundane actions of ordinary human life are given a larger, theological meaning, which instigates law-making through theological reflection. Second, there is a mutual interdependence between human action and theological laws. If the former leads to the formation or codification of the latter, it is the latter i.e. theological law, which in turn directs and governs the same mundane actions and decision-making.

Another very important aspect of the concept is the location—where does the Hindu law operate as a theology of ordinary life? Davis recognises the householder life as its social location and points out that scholars have not considered it as having a theology. The central argument he proposes is that the dharmaśāstra is the theology of householder –

“My argument throughout this book is that dharmaśāstra is that theology. it is a theological system focused on discovering and transmitting the religious significance of ordinary human activities, especially those linked with the

⁵ Davis 2017: 3

⁶ Loc. Cit

family, household, and other localized institutions. Such a household theology, or theology of ordinary life, takes the form of law. From the Hindu law tradition, therefore, we may learn that the greater part of law everywhere incorporates a similar theology of ordinary life, and that this accounts for the inextricable links between law and religion.”⁷

Further according to Davis, the theology of the householder has always been the norm in Hinduism; various paths, such as renunciation and devotion, have the religion of the householder as ‘their common point of departure.’⁸

To investigate the Jain law as the theology of ordinary life, we would first need to understand what the theological position of the śrāvaka in the Jain dharma is. The Dharmaśāstra ideology, as described by Davis, gives us a line of inquiry that necessitates first investigating the theological position of the śrāvaka, i.e., the householder envisioned by the SDhA. The starting point for this discussion is a clear positioning of the śrāvaka life as inferior to the path of the muni, prescribed for those who cannot become a monk due to their attachment to the world. Therefore, the twofold division of dharma into monastic and lay also means that while the muni follows dharma in its entirety (*sakala*), the śrāvaka can only follow it in parts (*vikala*, also termed *ekadeśa*).⁹ Āśādhara’s definition of the sāgārā i.e. the householder at the beginning of his treatise, is strong evidence of such a positioning—

anādyavidyādoṣotthacatuḥsaṃjñājvarāturāḥ|
śaśvatsvajñānavimukhāḥ sāgārāḥ viṣayonmukhāḥ|| 1.2

[Householders, afflicted by the four *saṃjñās* (food, fear, intercourse, and possessiveness) caused by the beginningless fault of ignorance, always turn away from the knowledge of the self and remain oriented towards objects of desire]

The śrāvaka is not described in positive attributes; rather, the verse defines him in terms of his lack of true dharma and indulgence in worldly desires. His life is unfulfilled and imperfect, and a sign of his spiritual weakness. Therefore, the theology of the śrāvaka life lies in the householder’s constant spiritual growth, ultimately

⁷ Ibid, 23

⁸ Ibid, 38

⁹ sakalaṃ vikalaṃ caraṇaṃ tatsakalaṃ sarvasaṃgaviratānām |
anagārāṇām vikalaṃ sāgārāṇām sasamgānām ||
Ratnakaraṇḍa Śrāvakācāra 50

culminating in his renouncing of the world and becoming a muni. The ideal Jain household life, thus, is also a medium through which the śrāvaka practices dharma and strives for the higher domain of monkhood.

I will now look at the sixth chapter of the SDhA, which describes the ideal daily life of a śrāvaka and, in that process, elaborates his theological position and situates it in the ‘dharmic objective of regulating life’. Such a description of daily life is not found in any previous śrāvakācāras—it is Hemcandra’s *Yogaśāstra*, which is the source for Āśādhara to compose this chapter.¹⁰ Throughout the chapter, Āśādhara encourages the householder to cultivate a mindset of desiring monkhood. One such example is 6.17, where the householder longs for eating food like a monk—

kadā mādhuḥkarī vṛttiḥ sā me syāditi bhāvayan|

yathālābhena santuṣṭaḥ uttiṣṭheta tanusthitau ||6.17

[Thinking, when will that *mādhuḥkarī vṛtti* (collection of food like a bee by an ascetic) be mine; he should be content with whatever profit/earning he made and get up to take food for sustenance of the body]

There are many more verses in the chapter that encourage the śrāvaka to desire monastic life (40-44) and cultivate detachment, i.e., *vairā gya* (28-32). If the householder's life is inferior, the śrāvaka is also naturally expected to remind himself of this fact and contemplate how it leads him to commit actions that harm his spirituality. This is what Āśādhara expresses in 6.33, where he describes the lament experienced by a householder over living a household life—

dhanyāste ye ’tyajan rājye bhedaññānāya tādrśam|

dhīmādrśakalatrecchātamaṇtragārhashtyaduḥsthitah ||6.33

[Great are those (individuals) who left their kingdoms for such a knowledge of discrimination (between the self and others), shame on those like me who live in the stage of the householder, which has the desire for one’s wife as central]

As more verses deal with the desire to accept monkhood and foster a detachment, we do not need to discuss them here. What really needs to be understood here is the emphasis on the desirability of renouncing the household that the śrāvaka

¹⁰ SDhA, Introduction, 23

needs to incorporate into their daily life while being a householder. This gives us a different theology of the householder than what we encountered in the *dharmaśāstra*—one where his current stage is only a medium through which he can gradually increase his spirituality and ideally leave it at some point. What does it mean for the theology of his ordinary life? The answer to this can also be found in the sixth chapter itself, where the daily life of the householder is built around his central motivation of spiritual growth. The first verse of the chapter highlights this motivation—

brāhṃe muhūrtaṃ utthāya vṛttapañcanamaskṛtiḥ|

ko 'haṃ ko mama dharmaḥ kiṃ vrataṃ ceti parāmr̥śet||1||

[Waking before dawn and reciting the *Pañcanamaskāra* (Namokāra) mantra, he should contemplate who I am, what my dharma is, and what my vow is.]

After completing his daily worship at home, the śrāvaka should proceed to the temple (*jinālaya*). The next nine verses explain how he should worship the Jina and the monks present in the temple. He should then return to his profession, but even there, the focus remains on the unpredictable nature of fate, which causes both profit and loss.

The daily life of a śrāvaka as described by Āśādhara appears highly ethical and, more notably, spiritual. It's important to note that the chapter only discusses activities that contribute to the spiritual growth of the householder. The theology of everyday life in the *śrāvakācāra* presents a specific vision of dharma—one focused on spiritual betterment that ultimately leads to liberation. This forms the second layer of meaning introduced by SDhA into the theology of the householder, after first viewing it as a lesser path of dharma. I call this the 'dharmic objective of ordinary life'—where the theological goal of spiritual growth, which acts as a highly particularised version of dharma, guides the structuring of the householder's life and actions

On the surface, the theology of everyday life I propose might seem like religious meditation rather than law-making. However, rather than limiting law-making, such a theology enables comprehensive regulation of a householder's activities in two ways. First, it broadens the concept of dharma discussed earlier to the

core of the householder's life, allowing an authority to establish laws about what a householder should eat, his occupation, and activities he should avoid. Even though chapter six of the SDhA prioritizes spiritual contemplation, it also addresses mundane activities like eating and certain social behaviors. Second, this dharmic goal acts as a standard for regulating actions. Because the śrāvaka's life centers around spiritual growth, Jain laws also focus heavily on behaviours they see as directly affecting it. After establishing a basic theology of the *śrāvakācāra*'s everyday life, I will demonstrate how Jain laws infuse daily activities with a transcendental meaning and govern them through their theological perspective. To do this, I will analyse two case studies: dietary regulations within the household and the regulation of livelihood choices—two core aspects of family life and, therefore, of significant religious importance in Jain law.

The Dharma of Daily Life: Theologising Ordinary Activities

After describing how a householder should perform daily worship at his house and go to the temple, Āśādhara first instructs him to go for his livelihood (6.15-16) and then discusses his meal (6.18-19). I will here reverse the order and first look at the way the SDhA regulates a householder's food within its dharmic objective. The question of food has always remained significant in religious traditions around the world, and it becomes more so in Jainism because of the stringent emphasis on *ahiṃsā*. Even today, their strict dietary habits are perhaps the most recognisable feature of Jains' religious observances. We have already noted that the first thing Āśādhara says about a śrāvaka having meals is his desire to take alms like a monk (6.17), which again indicates the theological significance of food for the Jain religiosity. He specifies in the next verse how the śrāvaka should procure raw material for his food—

nīraragorasadhānyaidhaḥśākapuṣpāmbarādibhiḥ |

krītaiḥ śuddhyavirodhena vṛttiḥ kalpyā'ghalāghavāt|| 18

[He should sustain his body by purchasing water, milk, fuel, vegetables, fruits, and clothes, etc., by not harming the purity [of his vows], because of the minimality of sin.]

The emphasis here is on procuring food materials without causing any form of violence or any other impurity. One can already sense from the verse that it is a direction for someone who does not belong to an agrarian community, something which will become clearer in the verses on occupation. But this verse does not specify what a householder should not eat. For that matter, I will refer to the concept of ‘eight *mūlaguṇas*’ (eight root vows) of the householder, which Āśādhara describes in 2.2—

tatrādaḥ śraddadhajjasomājñāṃ hiṃsāmapāsitum|

madyamāṃsamadhūnyujhetpañcakṣīriphalāni ca ||2.2

[In the beginning, having faith in the order of the Jina, he should leave liquor, meat, honey, and five *kṣīri* (udumbara fruits—banyan, peepal, white fig, cluster fig (anjeer), and hairy fig)]

The eight *mūlaguṇas* are not mere ethical prohibitions; they are the basic, defining tenets of the religious life of a Jain householder. There has been a school of thought within the śrāvakācāra tradition that has propounded the code of lay conduct through the means of these root vows.¹¹ The first author to mention something like eight root vows of the householder was the renowned Samantabhadra in his *Ratnakaraṇḍa Śrāvakācāra*, who includes five vows in place of the five *udumbara* fruits —

“Through renouncing liquor, meat, and honey, along with the five minor vows (non-violence, truth, non-stealing, non-possession, and chastity), the great *śramaṇas* propound eight *mūlaguṇas* of the householders.”¹²

Āśādhara acknowledges in the next verse the different opinions about what the eight root vows are and recognizes another view that replaces honey with gambling. His own definition is based on the opinion of Somadeva, who includes leaving five *udumbara* fruits along with liquor, meat, and honey in his list. The differences in the list of eight *mūlaguṇas* and the inclusion of the five fruits by later authors indicate a continuous process of adapting the householder’s life to changes that may have arisen in the daily lives of Jain communities in a particular region. This reflects the nature of the *śrāvakācāra* as the actual religious law that governed the everyday life of a Jain.

¹¹ Jain, Hiralal 1952: Introduction, 21

¹² Ratnakaraṇḍa Śrāvakācāra , 66

The next verse highlights another important principle of common Jain dietary practice—the vow of giving up *rātribhojana* or not eating at night. Āśādhara makes a further adjustment here by instructing the householder not to eat food prepared at night at any social gathering—

sadharmino 'pi vādākṣiṇyādvivāhādaḥ gr̥he 'pyadanna|

nīśi siddhaṃ tyajehīnairvyavahāraṃ ca māvaheṭ ||6.19

[He should also avoid accepting food prepared at night, even within the home, on occasions such as marriage, even if requested by a fellow religious person. He should not engage in transactions with those lacking dharma.]

The practice of not eating after sunset is followed by many practicing Jains to this date, who consider *rātribhojana* as a cause of violence. Thus, the vow of giving up *rātribhojana* is a ritualised religious practice of the Jain community, which is intricately related to its commitment to ensure non-violence in daily life.

The phrase ‘food prepared at night’ primarily concerns not eating food which has been prepared at night, even during the day, but it also implicitly urges the śrāvaka to refrain from any meals after sunset from the outset. While the SDhA depicts an idealized religious and spiritual life, it also offers a glimpse of the real social interactions of a Jain śrāvaka and recognizes the social duties he should fulfill. This distinctive aspect of the SDhA is made possible because Āśādhara was himself a śrāvaka—the only lay author of a lay code of conduct besides Cāmuṇḍarāya, who wrote the *Cāritrasāra* in the 11th century CE. Therefore, the prescription we observe is not the normative expectation of monks who, as William says, “have not portrayed society as it existed but rather as they wished to have seen it.”¹³ It is a more realistic adaptation to social realities by an author who was part of the same lay community and could observe the theology of the ordinary life of a Jain householder more closely. Any legal system adapts and accommodates to changes in social practices and behavioural standards, which is a well-recognised feature of the Dharmaśāstra tradition. This is also reflected in the context of the SDhA, where the author attempts, to maintain his dharma, i.e., his religious vows, even when he must fulfill other social obligations, adapting to the changing dynamics of its contemporary community.

¹³ Williams 1963: Introduction, xi

The second half of the verse raises a new concern. It instructs the śrāvaka not to dine with those lacking proper conduct, seemingly condemning eating with other communities. But how should we define what it means to lack conduct here? A reasonable explanation is that Āśādhara forbids inter-dining with communities and social groups that consume meat (and possibly alcohol), making it difficult for a devout Jain to eat at such a gathering in his view. There is a clear order of preference—the śrāvaka should ideally avoid attending any feast altogether, but if he must go to a fellow Jain's house, he should not eat food prepared at night. Finally, he should not maintain relations with someone lacking proper conduct, meaning he should neither invite him nor visit his place. While the impact of dietary practices on the sociological preferences of the Jain community is a separate topic, what interests me here is how social interactions and behaviors are regulated by a religious rule, which links the act of social eating to transcendental spiritual well-being through the avoidance of ahimsa violations. Moreover, this rule is framed within the context of the dharmic objective—the ongoing spiritual growth—serving as an ideal example of the śrāvakācāra as the theology of everyday life of a householder. Through this verse, we can also identify the sociological challenges faced by a Jain layperson in upholding their religious vows in an overwhelmingly non-Jain society, and how the Jain authors attempted to adapt to new social realities.

An even clearer record of social realities is found in Āśādhara's instructions about a householder's occupation. In the sixth chapter, as soon as a śrāvaka completes his daily worship at the temple, he is expected to go to work and earn his livelihood righteously. SDhA 6.15 clarifies this—

tato yathocitasthānaṃ gatvā 'rthe'dhikṛtān sudhīḥ|

adhitiṣṭhedvayavasyedvā svayaṃ dharmāvirodhataḥ ||6.15

[Then, having gone to the suitable place (his place of work), he should approach the employees appointed for the matters of business, and either remain there or engage himself in some occupation, without acting opposite to the dharma]

There is a clear mercantile undertone to the verse—one can sense that the usual occupation of the śrāvaka is assumed as some form of trade or commercial activity, supported by the phrase 'arthe'dhikṛtān' and the verb 'vayavasyed'.

Certainly, he is not imagined as an agriculturist or a craftsman, and the mention of people appointed for ‘creating and protecting wealth’ refers to employees of a business. The current social construct of the Jain community in North India also supports our view, where the Jains are almost always considered *baniya*—a term used for mercantile communities.¹⁴ Āśādhara explains in his auto-commentary how different individuals can practice their occupations without opposing dharma (*dharmāvirodha*). A king can do this by remaining impartial to everyone while delivering justice, and ministers can achieve it by ensuring the welfare of both the king and the subjects. For traders, they must be righteous by avoiding fraudulent practices and steering clear of livelihoods involving forest produce (*vanajīvikā*).

The term *vanajīvikā* can broadly cover activities such as collecting timber, fruits, medicines, and possibly even animal goods such as skins and meat. A śrāvaka must avoid these in his business. Besides trade, royal service appears to be another favoured livelihood mentioned in the verse, which is not surprising considering that several Rajput groups followed Jainism in Gujarat and Rajasthan¹⁵ and Jains continued to serve at royal courts in ministerial capabilities. Āśādhara himself is a good example, as his father and son served as the *mahāsandhivigrāhika* (minister of war and peace) at the court of the Paramāra ruler Arjunavarman II.¹⁶

The primary concern behind deciding the righteous occupation is *ahiṃsā*—the source of livelihood for a Jain should not cause injury to any living being, which is reflected in the other prescriptions of the SDhA discussing matters of occupation. One such example is 4.16, which belongs to the discussion on the minor vow of *ahiṃsā* (*ahiṃsāṇuvrata*). Here Āśādhara directs a śrāvaka not to follow an occupation that involves putting animals in bondage—

gavādyairnaiṣṭhiko vṛttiṃ tyajedvāgvādinā vinā|

bhogyān vā tānupeyāttam yojayedvā na nirdayam|| 4.16

[The *naiṣṭhika* householder should give up any occupation performed by using cows, etc. If he keeps them for his personal use, then he should do so without

¹⁴ Babb 1998:2

¹⁵ Jain 2017:125

¹⁶ Premi 1943:132-33

binding/restraining them. Or else, if he binds them, he should do it without cruelty.]

This verse rules out any occupation related to dairy or even to an extent, agriculture, for an advanced (*naiṣṭhika* i.e. advanced) householder—considered the best scenario by the author in his auto-commentary. A less preferred, but still valid option is to use the cattle for personal consumption and transport, without binding them. The least ethical option is to bind the cattle, but in that case, the śrāvaka is expected to at least do that without cruelty. Two broad observations can be made here. First, it reflects the regulation of the occupational choices that a Jain householder can make through the considerations of *ahiṃsā*, which is not merely ethical but *de facto* religious law. Second, the conditions for using and restraining domestic animals reflect how minutely the Jain law insinuates dharma in mundane activities. Using domestic animals becomes a theological question because their bondage is a means of violence, as explained by Āśādhara¹⁷, and therefore should be abandoned to fulfill the dharmic objective. Not only the choice of occupation, but also other household decisions like the righteous treatment of one's cattle are brought under the religious law, reflecting the theology of the householder operating in practical life.

One would feel that the text can mean a complete restriction of activities such as agriculture or dairy farming, placing the Jain community within narrow contours. But we should not forget that it is the *naiṣṭhika* householder who is being instructed against such activities. Āśādhara makes it clear that the *pākṣika* śrāvaka, who hasn't taken up advanced religious vows, is not obliged to avoid dairy-related occupations¹⁸, although it would make sense that the other prescriptions about not binding the cattle apply to him in the same way. Here we see another adjustment to the social realities; perhaps such occupations were not spiritually ideal for Āśādhara but were common among the laity. Hence, he appears to have made some concessions and restricted the

prohibition to only those householders who were spiritually advanced and were already withdrawing from the mundane worldly activities. Regardless of spiritual advancement, the SDhA ensures that dharma is instilled in the life of a regular śrāvaka, because even if he uses cattle for transport or dairy, he needs to maintain a compassionate behavior towards his livestock and follow *ahiṃsā*.

¹⁷ satyaṃ hisaiva pratyākhyātā na bandhādayaḥ | kevalaṃ tatpratyākhyāne'rhetaste'pi pratyākhyātāḥ drṣṭavyāḥ hiṃsopāyatvātteṣāṃ – SdhA p.159

¹⁸ naiṣṭhikaḥ pākṣikasya tu nāsti niyamaḥ – Loc. Cit

We find a more detailed list of professions prohibited for a śrāvaka under the category *kharakarma* (activities causing injury/death of other beings)¹⁹. This category has been borrowed from the *Yogaśāstra*, which mentions fifteen occupations as *kharakarma*. Although Āśādhara disagrees with Hemacandra and says that the exact number of such activities cannot be ascertained in the world,²⁰ he names the fifteen of them, that are sinful because of causing violence. The original passage is very detailed, but I will only list the names of the *kharakarma* occupations—

[1]selling forest timber and grinding flour, [2] sale of coal, [3] making or having someone else make wheels of carts, etc., [4] digging wells, ploughing earth, etc., [5] renting means of transport, [6]extracting oils from seeds, [7] piercing the nose of livestock, [8] breeding animals like dogs and cats, and keeping i.e. selling servants, [9] constructing canals to irrigate agricultural fields, [10] providing fire to burn grass, [11]trading in objects that cause harm to others, [12] trading in lac, [13]purchasing the tusk of animals like elephants, [14] selling men, cattle, horses, bullocks etc., [15] trading in butter, fat, liquor, etc.²¹

The last line of the verse deserves some attention, where the author says that these occupations are enlisted because of affections towards those who are unwise. It might be possible that there were members of the Jain community who were engaged in these, or similar activities, and Āśādhara sought to make them realise the sinful nature of such occupations. Nevertheless, if we contextualise the prescriptions on a śrāvaka's occupations within the idea of a livelihood that is '*dharmā virodha*', they fit quite well within the larger dharmic objective of his daily life and thus serve as regulations to maintain his spiritual wellness.

From the examples we have studied in this paper, even if a handful, it is clear that the śrāvakācāra provides a theology of ordinary life and presents a specific vision of dharma as the objective or goal of the householder. But what is the 'theological

¹⁹ kharam kaṭhoram prāṇibādhakam karma vyāpāram – SDhA p.223

²⁰ adacāru loke sāvadyakarmanām parigaṇanasya kartumaśakyatvāt| –Ibid.222

²¹ vṛttiṃ vanāgnyanasphoṭabhāṭakairyantrapīḍanam||21
nirlāñchanāsatiṭpoṣau saraḥśīrṣam davapradānam|
viśalākṣānantakeśarasavāṇijyamaṅgiruk||22
iti kecinna taccāru loke sāvadyakarmanām
aganyatvātpranayam vā tadapyatiḍān prati||23

reflection’ which acts as the means of this process, through which ordinary activities instigate the process of law-making as explained by Davis? All the case-studies looked at here reflect *ahiṃsā* as their major theological reflection. Whether it is the prohibition of certain fruits or abstaining from professions such as selling the tusk of an elephant, there are undeniable undertones of *ahiṃsā* present in each prescription, which is almost the universal case in Jainism. Suppose the spiritual progress is the dharmic objective of the householder. In that case, that progress is dependent on *ahiṃsā*, which gives a transcendent perspective to daily activities and includes them in the process of law-making. We can formulate this as a chain reaction —

Ordinary activity	<i>ahiṃsā</i> as the	Spiritual Wellbeing	Dharmic objective of
	theological reflection	(dependent on the practice	the householder’s life
		of <i>ahiṃsā</i>)	

Another recurring observation in all the case studies is the adaptation to social realities by the Jain laws, which tried to provide the householder a code of dharma that responded to his circumstances and socio-religious contexts. This means that the Jain law was not only moral maxims set in stone but was a living system that continued to direct the Jains on how to lead an ideal religious life. R Williams remarks that Jainism turned into a religion from philosophy in medieval times.²² I believe our current study suggests otherwise. The śrāvakācāra tradition, in its original form, is a system of religious law. It clearly defines the objectives of a householder and then structures their life around those objectives through a framework of conduct—whether it is the eight root vows or the twelve *vratas*. While texts such as the SDhA introduce new prescriptions within this framework, they convey the same theology of ordinary life and make it more relevant to the socio-religious changes of their contemporary time.

Law and Religion in the Śrāvakācāra

I will conclude this paper with a brief discussion on the relationship between law and religion in the *śrāvakācāra*, which is an essential part of the Jain dharma. It is already recognized that Indian legal traditions are not positivist laws and, instead, reveal the limitations of positivist legalism. The same can be said about Jain law, which does not derive its authority from the state or government and, in some ways,

²² Williams 1963: Introduction, xx

even resists state influence. Within the SDhA, we find Āśādhara insisting that if an individual claims disputed land from his kin through a lawsuit, that too is a violation of the vow of *acaurya*²³. Such a rule can be seen both as a religious law and as the ‘personal law’ of the Jains, which was classified as ‘Jain customs’ once it was incorporated into Hindu personal law.²⁴ The same attitude towards state litigation was present the Jains living in British India, who had a tendency to keep their disputes out of official courts.²⁵ Lingat’s observation about replacing legality with authority²⁶ also applies to śrāvakācāra, which does not impose itself but rather influences an individual’s conscience. The dharmic goal it promotes cannot be measured through social control mechanisms; it is inherently a personal aim, yet one that guides a Jain’s daily actions and connects his individuality to the community.

The relationship between law and religion within the śrāvakācāra also offers valuable insights into understanding classical Indian law. The interdependence of law and religion²⁷, which Davis considers evident in a comparative study of Indian law, can also be seen in the śrāvakācāra. The principles outlined in the SDhA are religious in origin but establish certain conventions and practices that become the normative behaviour for the community of the śrāvakas. Thus, it can be said that the boundaries between law and religion are actually much more fluid, and both are subsumed within the complex structure of Jain dharma. According to Davis, when we ask religious and theological questions in relation to the actions of daily life, there is a configuration of norms, institutions, and rituals developed in response to those questions. This configuration is what we call law. Moreover, he specifies these questions as ‘big ones’, such as what does it mean to be fully human, and what is the place of humanity in the world.²⁸ This is precisely what we saw in the SDhA—the daily life of the śrāvaka begins with big questions—who am I? What is my dharma? Spiritual progress then becomes his dharma, and his quest for such spiritual progress can be considered as another ‘big question’, which makes him ponder on and how his daily actions and decisions have a transcendental outlook and ultimately affect his spirituality. Subsequently, the śrāvakācāra is in reality a configuration of rules, vows, and

²³ dāyādājīvatō rājavarcasād gr̥hṇato dhanam |

dāyaṃ vāṇṇaṃ

²⁴ Menski 1994:373

²⁵ Loc. Cit

²⁶ Lingat 1973:258

²⁷ Davis 2017:11

²⁸ Davis 2017:11

practices that respond to such questions by presenting an objective and providing a theology of daily life mediated by principles such as *ahiṃsā* that are central to Jainism.

When I was thinking about the theology of the householder life envisioned by the *śrāvakācāra*, I was drawn towards J.L. Jaini's assertion of 'the spirit of the Jain law' in his introduction to his book 'Jaina Law', which remained as "distinct from the Hindu law as Jainism is different from the religion of the Veda."²⁹ If there is a spirit of the Hindu law when we talk about *dharmaśāstra* as the theology of the householder, can there also be a spirit of the Jain law? Jaini thinks that the Jain disbelief in a creator God and *ahiṃsā* are the theological and ethical principles that distinguish Jainism from other religions and shape the legal doctrines.³⁰ While I agree with the notion of a two-pronged framework in which theological and ethical-religious principles operate in tandem, we need to amend Jaini's idea in our context of *śrāvakācāra* slightly. From what we have observed, *ahiṃsā* is rightly the religious spirit of the Jain law—it is the way of life every Jain is supposed to preserve and practice, within which all other vows and practices find their place. But the practice of *ahiṃsā* also happens within a specific framework, and that is the *dharma* of the householder. The spirit of Jain law, or the *śrāvakācāra*, is also reflected in its vision of household life as inherently incomplete, something that should be renounced for monasticism once the *śrāvaka* has developed detachment from the material world and is sufficiently spiritually advanced. The household life is a preparation—a gradual advancement for the eventual renunciation, and therefore, the *śrāvaka* is exhorted to lead a dharmic life to that end.

The Jain theology of household life also marks its contrast with the Hindu law, which, according to Davis, gives the householder a central place. While the *śrāvakācāra* also sacrlises household life like the *dharmaśāstra*, it also simultaneously structures it as a path of renunciation. The *śrāvaka* is someone in transition rather than someone who has achieved fulfilment, making his conduct distinct from the life of the ideal *gṛhastha* legalised by the *dharmaśāstra* in some important ways. Thus, both *dharmaśāstra* and *śrāvakācāra*, or the Hindu and Jain laws, provide a theology of ordinary life by putting the daily activities of a householder into theological contexts, which also invites attention to their shared religious-legal value. The *śrāvakācāra*

²⁹ Jaini, J.L. 1917: Preface vi

³⁰ Ibid, ix

also supports Davis's idea of *ācāra* being 'dharma in practice' when we discuss it as a source of dharma,³¹ because the daily *ācāra* of the householder is basically Jain dharma in practice, which strengthens his *samyagcāritra*. At the same time, the theological differences that we noted above would have meant different objectives of regulating ordinary life and how it is done through law-making, and a comparative study of the traditions of two religious laws can further enrich our understanding of the classical Indian legal system. The present study of the SDhA was an attempt in this direction: to establish the śrāvakācāra as a living religious law and to investigate how it presents a very specific vision of dharma and insinuates it in the life of śrāvaka through the theology of ordinary life. The dharmic objective of spiritual progress extolled by the śrāvakācāra and its *ahiṃsā*-based theological vision gives it a unique place within the classical Indian law, highlighting the varied interpretations of dharma and its practice across Indian religious traditions.

³¹ See the seventh chapter of Davis (2017)

References

- Babb, L. A. (1998 (Indian edition)). *Absent Lord: Ascetics and Kings in a Jain Ritual Culture*. Motilal Banarsidass.
- Davis, Donald (2017). *The Spirit of Hindu Law*. Oxford. Oxford University Press.
- Jain, Shalin (2017). *Identity, Community and State: The Jains Under The Mughals*. Delhi. Primus.
- Jaini, J.L. (1916) *Jaina Law “Bhadrabahu Samhita”*. Arrah. The Central Jaina Publishing House
- Lingat, Robert (1973). *The Classical Law of India*. Trans. J. Duncan M. Derrett. Berkley. University of California Press.
- Menski, Werner (1994). *Law and Religion: The Hindu and Jain Approach in: NN Bhattacharya ed. Jainism and Prakrit in Ancient and Medieval India*. Delhi. Manohar
- Premi, Nathuram (1943). *Jain Sahitya Aur Itihas*. Mumbai. Hindi Grantha Ratnakara Karyalaya
- Ratnakaraṇḍa Śrāvakācāra* of Samantabhadra with the commentary of Sadasukhadas Kasliwal. Trans. Mannulal Jain (1966). Ajmer. Sri Vitraga Vijnana Svadhyaya Mandir Trust.
- Sāgāradharmāmṛta of Āśādhara*. Ed. and Trans. Shastri, Kailashachandra (1978). Delhi. Bharatiya Jnanapitha
- Singh, K. (2000) “Ageing: a phenomenon.” *India International Centre Quarterly*, 27(2),133.
- Sitaropoulos, N. (2011). *Implementation of the European Court of Human Rights' Judgments Concerning National Minorities or Why Declaratory Adjudication Does Not Help*. ESIL 2011 4th Research Forum. <https://ssrn.com/abstract=1968186>
- Spanier, B., Doron, I. I., & Milman-Sivan, F. (2013). Older persons' use of the European Court of Human Rights. *Journal of Cross- Cultural Gerontology*,

28(4),411.https://www.researchgate.net/profile/Israel-Doron/publication/258060878_Older_Persons'_use_of_the_European_Court_of_Human_Rights

Stiansen, Ø., Naurin, D., & Bøyum, L. S. (2020). “Law and Politics in the Inter-American Court of Human Rights: A New Database on Judicial Behavior and Compliance in the IACtHR.” *Journal of Law and Courts*, 8(2), 359–379.

Tattvārthasūtra of Umāsvāmī. Trans. Tatia, Nathmal (1994). New York. HarperCollins. London. Institute of Jainology.

Tuli, M., & Gupta, D. (2024). *Ethics in a Culture of Dharma. Review of General Psychology*, 29(1), 103–104. <https://doi.org/10.1177/10892680241289345>

Tymofeyeva, A. (2022). Human Rights of Older Persons in the Case Law of the European Court of Human Rights.

United Nations. (1966). International Covenant on Civil and Political Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

United Nations. (1966). International Covenant on Economic, Social and Cultural Rights.<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

United Nations. (1979). Convention on the Elimination of All Forms of Discrimination against Women. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

United Nations. (2006). Convention on the Rights of Persons with Disabilities. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

United Nations. (2021, lipiec 16). Human rights of older women: The intersection between ageing and gender (A/76/157). <https://undocs.org/A/76/157>

United Nations. (1948). Universal Declaration of Human Rights.

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>

Utrillano, L. H. T. (2020). The Inter-American Convention on Protecting the Human Rights of Older Persons. W. A. von Arnould, K. von der Decken, & M. Susi (Eds.), *The Cambridge Handbook of New Human Rights: Recognition, Novelty, Rhetoric* (p. 167–182). Cambridge University Press.

Vasunandi Śrāvaka-cāra of Vasunandi. Ed. and Trans. Hiralal Jain (1952). Delhi. Bharatiya Jnanapitha

Wiles, E. (2006). Aspirational principles or enforceable rights? The future for socio-economic rights in national law. *Am. U. Int'l L. Rev.*, 22, p. 58.

Williams, R. (1963). *Jaina Yoga*. Oxford. Clarendon Press.