

FOREWORD

In this booklet, the author of the 'Key of Knowledge', Mr. C. R. Jain, Bar-at-Law, who needs as little introduction to the student of Jaina Literature and Philosophy as does Newton to a physicist or Darwin to an evolutionist, has examined the errors—gross, inexcusable and uncharitable—of Dr. H. S. Gour in his Hindu Code. A lawyer should know that a mere dabbler in Law—however so eminently placed in his profession—is no more qualified to pass judgment as to the origin of a great, ancient religion than is a medical expert to settle the point of a legal controversy. In the West, it was the wise Socrates, the seeker after truth, who long long ago made men conscious of their ignorance and thoroughly exposed the hollowness of their much boasted wisdom. He advised them to remove what is known as the conceit of knowledge as a preliminary measure to their securing real development, moral and mental. But even in these days of enlightenment the curious spectacle of a learned Doctor of Law making sweeping, puerile and highly offensive statements about an ancient religion on the authority of unhistorical history and works that do not profess to deal with the matter is not uncommon, and we find a lawyer of such eminence as Dr. Gour speaking of Jainas as Hindu dissenters and heretics and of Jainism as a child of Buddhism, when every scholar now knows the facts to be the other way. Dr. Gour's authorities are Elphinstone's History of India and the Bengal Census Report for 1881, together with certain rulings of the Indian High Courts. These authorities have been examined in this pamphlet by Mr. Champat Rai Jain who has shown them to be out of date as well as irrelevant. The result of scientific research carried on by European and Indian scholars during the last 40 years has exploded the old notions early Europeans entertained about Jainism, and it is shown in the following pages how Dr. Gour kept back this most important and conclusive item of evidence in airing his views in the Hindu Code. The internal evidence furnished by the sacred books of the Buddhistic creed which allude to the Nigghanthas (the Jainas) again and again in one form or another is also referred to and considered here,

The Jain Mitra Mandal of Delhi in the end commend the pamphlet to the careful consideration of all interested in the subject, especially to that of Dr. Gour whose remarks in paras 296, 297, and 331 of the Hindu Code are unworthy of the traditions of true scholarship.

The Mandal also takes the opportunity of thanking the great living Jain scholar who has composed this refutation of Dr. Gour's views.

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Jainism and Dr. Gour's Hindu Code.

It is notorious how certain lawyers and advocates do not hesitate in an emergency to cite over ruled precedents (rulings); but no one would have imagined that a lawyer of Dr. Gour's standing would be guilty of such a flagrant violation of a lawyer's Code of Honour. In his "Hindu Code" the learned Doctor has made a number of statements about Jainism which are simply astounding and against the conclusions established by scientific research. He regards the Jainas as Hindu dissenters and considers Jainism to be a child of Buddhism. Para 331 of the Hindu Code reads as follows :—

"Jainism claims to be the precursor of Buddhism, but it is only its child. It is in reality a compromise between Buddhism and Hinduism, an adaptation made by those who could not receive the new faith, but who nevertheless took refuge in a creed, which, while retaining its traditional connection with Hinduism, has borrowed from Buddhism its doctrines and religious practices. In course of time as Buddhism lost its hold on India, its waning influence continued in Jainism till it relapsed into a form of Hinduism into which it individually became eventually merged and practically lost."

Dr. Gour does not refer to a single Hindu or Buddhist scripture or other ancient writing chronicling the rise of Jainism, nor he is able to point to a single doctrine or practice which Jainism may be accused of borrowing from Buddhism, though he makes the above statement in the paragraph quoted unblushingly. His authorities are:—

- (i) Mount Stuart Elphinstone's History of India.
- (ii) Certain rulings of Indian Courts, and
- (iii) The Bengal Census Report for 1881 pp. 87-88.

But these are not contemporary records; and the rulings certainly do not profess to determine whether Jainism is a child

of Hinduism or Buddhism or *vice versa*. One of them merely refers to the following passage from M. S. Elphinstone's History of India as an available piece of information :—

".....The Jainas appears to have originated in the sixth or seventh century of our era; to have become conspicuous in the eighth or ninth century; got to the highest prosperity in the eleventh and declined after the twelfth."

This was, no doubt, the opinion prevalent among early Orientalists who knew very little about Jainism. But all recent researchers are now at one in recognising the fact that it was an error to regard Jainism as an off-shoot of Buddhism. There is no difference or dissent as to this to-day amongst Orientalists and researchers, whether European or Indian. Prof. T.W. Rhys Davids says (see "Buddhist India" p. 143):—

"The Jainas have remained as an organised community all through the History of India from before the rise of Buddhism down to to-day."

According to Elphinstone, Jainas appeared to have originated in the sixth century A. D., but Rhys Davids shows that the Jaina Canon was reduced to writing in the fourth century B. C. On p. 164 of his Buddhist India he says:—

"The books purport to be substantially the ones put together in the 4th century B. C. when Bhadrabahu was head of the community."

Elphinstone, however, only said that Jainas appeared to have originated etc., but Dr. Gour is positive that Jainism is only a child of Buddhism. "It is in reality a compromise between Buddhism and Hinduism," What is Dr. Gour's authority for transforming this guarded qualified expression of opinion of an early European thinker into the positive assertion in para 331 of the Hindu Code is only known to him; but can he plead ignorance of the conclusions reached since 1881 by impartial research? Dr. T. K. Laddu a Hindu scholar in recent times says:— "We cannot trace any reliable history of Jainism beyond Mahavira. This much however is certain that Jainism

is older than Buddhism and was founded probably by some one, either Parasva Nath or some other Thirthamkara who had lived before the time of Mahavira" (see the "Full Texts of the Address by Dr. T. K. Laddu published by the Honorary Secretary Syadvada Mahavidyalaya Benares). The late Mahamahopadhyaya Dr. S. C. Vidya Bhusana also maintained:—

"It may be held that Indrabhuti Gautama, a direct disciple of Mahavira whose teachings he collected together, was a contemporary of Buddha Gautama, the reputed founder of Buddhism, and of the Akshapada Gautama the Brahman author of the Nyaya Sutras" (see The Jaina Gazette Vol. X. No. 1).

Dr. J. G. Buhler, C. I. E., LL D., Ph. D. points out:—

"The Buddhists themselves confirm the statements of the Jainas about their prophet. Old historical inscriptions prove the independent existence of the sect of the Jainas even during the first five centuries after Buddha's death, and among the inscriptions are some which clear the Jaina tradition not only from suspicion of fraud but bear powerful witnesses to its honesty" (see "The Jainas" pp. 22. and 23).

Major-General J. G. R. Forlong, F. R. S. E., F. R. A. S., M. A. D., etc., etc. also writes:—

"All upper, Western, North Central India was then—say 1500 to 800 B. C. and, indeed, from unknown times—ruled by Turanians, conveniently called Dravids, and given to tree, serpent and phallic worship.....but there also then existed throughout Upper India an ancient and highly organised religion, philosophical, ethical and severely ascetical, viz. Jainism, *out of which clearly developed the early ascetical features of Brahmanism and Buddhism*" (see Short Studies in the Science of Comparative Religion, pp. 243-244).

Where is now the claim that Jainas are Hindu dissenters and Jainism a child of Buddhism! The explanation of the error of the earlier Orientalists is thus given in the latest authority (The Encyclopaedia of Religion and Ethics Vol. VII. p. 465):—

"Notwithstanding the radical difference in their philosophical notions, Jainism and Buddhism, being originally both orders

of monks outside the pale of Brahmanism, present some resemblance in outward appearance, so that even Indian writers occasionally have confounded them. It is, therefore, not to be wondered at that some European scholars, who became acquainted with Jainism through inadequate samples of Jaina literature easily persuaded themselves that it was an off-shoot of Buddhism. But it has since been proved beyond doubt that their theory is wrong and that Jainism is at least as old as Buddhism. For the Canonical books of the Buddhists frequently mention the Jainas as a rival sect, under their old name Nigantha.....and their leader in Buddha's time, Nataputta (Nata or Natiputta being an epithet of the last prophet of the Jainas, Vardhmana Mahavira), and they name the place of the latter's death Pava, in agreement with Jaina tradition. On the other hand, the canonical books of the Jainas mention as contemporaries of Mahavira the same kings as reigned during Buddhas career, and one of the latter's rivals. Thus it is established that Mahavira was a contemporary of Buddha and probably somewhat older than the latter who outlived his rival's decease at Pava. Mahavira, however, unlike Buddha, was probably not the founder of the sect which reveres him as their prophet, nor the author of their religionHis predecessor Parsva, the last Thirthamkara but one, seems to have better claims to the title of the founder of Jainismbut in the absence of historical documents we cannot venture to go beyond a conjecture."

With respect to the next proposition of Dr. Gour that the Jainas have borrowed from Buddhism its doctrines and religious practice, the truth is precisely the opposite of this. It is pointed out by the latest authority (see the "Encyclopaedia of Religion and Ethics Vol. VII p. 472):—

"A question must now be answered which will present itself to every critical reader viz. Is the *harma* theory (of the Jainas)an original and integral part of the Jaina system? It seems so abstruse and highly artificial that one would readily believe it a later metaphysical doctrine which was grafted on an original religious system based on animistic notions and intent on sparing all living beings. But such a hypothesis would be in conflict with the fact that this *Karma* theory, if not in all details, certainly in the main outlines, is acknowledged in the oldest parts

of the canon and presupposed by many expressions and technical terms occurring in them. Nor can we assume that in this regard the canonical books represent a later dogmatic development for the following reason : the terms *asrava*, *samvara*, *nirjara*, etc., can be understood only on the supposition that *Karma* is a kind of subtle matter flowing or pouring into the soul (*asrava*), that this influx can be stopped or its inlets covered (*samvara*) and that karma matter received into the soul is consumed or digested, as it were, by it (*nirjara*). The Jains understand these terms in their literal meaning, and use them in explaining the way of salvation (the *samvara* of the *asravas* and the *nirjara* lead to *moksha*). Now these terms are as old as Jainism. For the Buddhists have borrowed from it the most significant term *asrava* they use it in very much the same sense as the Jainas, but not in its literal meaning, since they do not regard the *Karma* as subtle matter, and deny the existence of a soul into which the *Karma* could have an influx. It is obvious that with them *asrava* has lost its literal meaning, and that, therefore, they must have borrowed this term from a sect where it had retained its original significance, or, in other words, from the Jainas.....Thus the same argument serves to prove at the same time that the *Karma* theory of the Jainas is an original and integral part of their system, and that Jainism is considerably older than the origin of Buddhism."

If Dr. Gour had taken the trouble to refer to Budhistic records he would have found Buddha himself referring to the last Tirthamkara, Parmatman Mahavira, of the Jainas in the clearest terms.

"There are, brethren, certain recluses (*Achelkas*, *Ajivikas*, *Niganthas* etc) who thus preach and believe, whatsoever an individual experiences, whether it be happy, or painful, or neutral feeling, all has been caused by previous actions. And thus from the cancelling of old actions by *tapas*, and by abstaining from doing new actions, there is no influx into future life; by this non influx *Karma* is destroyed and so ill is destroyed, and so all pain will become worn away. This, brethren, is what the *Niganthas* (*Jainas*) say.....is it true, I asked them, that you believe and declare this ?They replied.....Our leader *Nataputta* is all wise.....out of the depth of his knowledge he tells us : Ye

have done evil in the past. This ye do wear away by this hard and painful course of action. And the discipline that here and now, by thought, word, and deed, is wrought, is a minus quantity of bad Karma in the future life.....thus all karma will eventually be worn away, and all pain. To this we assent" (Majjhima II 214 ff; cf. I. 238).—The Encyclopaedia of Religion and Ethics vol. II. p. 70.

Here Buddha clearly refers to (1) Paramatman Mahavira, (2) the Jaina creed and (3) most important of all the Jaina claim that Paramatman Mahavira was all knowing. And it was not mere idle curiosity unproductive of tangible results that led Buddha to seek an interview with the Nigantha (Jainas). He was fired by the ambition to acquire that all-wisdom which he had seen in Paramatman Mahavira. His whole life thereafter was moulded accordingly. When enfeebled by *tapas* which did not lead to the sought for Enlightenment he said :—

"Not by this bitter course of painful hardships shall I arrive at *that separate and supreme vision of all-sufficing noble (Aryan) knowledge passing human ken*. Might there be not another path to enlightenment?"—Encyclopaedia R.andE. Vol.II. p. 70.

These extracts furnish conclusive evidence of the following facts :—

(i) That Paramatman Mahavira was a real historical being and not a myth;

(ii) That He was contemporary of Buddha ;

(iii) That the claim as to the omniscience of Paramatman Mahavira was openly made by the Jainas whose religion teaches that every soul is endowed with potential omniscience which is fully developed when it is about to obtain *nirvana* ;

(iv) That Buddha was fired by the example of the Jinendra to acquire that Wisdom which he describes in the most glowing terms as *that separate and supreme vision of all-sufficing noble (Aryan) knowledge, passing human ken* ;

(v) That Buddha knew that it could be acquired by *tapas* and performed severe austerities for its acquisition ; and

(vi) That *tapas* leading to no useful result in his case, he

did not give up the attempt, but determined, if possible, to seek his ideal in some other way.

Buddha had, thus, no manner of doubt about that separate and supreme vision of all-sufficing noble (Aryan) knowledge passing human ken. It was a certainty for which he performed the severest austerities for years, and from the pursuit of which even enfeeblement, emaciation and repeated failure combined could not keep him away ! Buddha must have actually seen the Thirthamkara himself to have acquired this certainly. It may be added that there was no one else whose example could have fired Buddha's imagination in this way, for none claimed to be omniscient then outside Jainism.

It is also interesting to note that in the Anguttara Nikaya (iii. 74) Abhaya, a prince of the Lachchhavis of Vaisali refers to the Jaina affirmation of ability to attain to full knowledge and to annihilate karmas, old and new, by means of austerities (see the Outlines of Jainism p. xxi).

I think this is sufficient to show the absurdity of the proposition that the Jainas borrowed their doctrines and religious practices from the Buddhists, that Jainism originated in the sixth century or that it is a compromise between Hinduism and Buddhism.

As for the dictum that the Jainas are Hindu dissenters, neither Dr. Gour nor any one else has a shred of evidence to adduce in support of it. It is a mere assumption grounded on the authority of early European enquirers who understood little if anything at all of religion and whose views about Indian religions including the Vedic Dharma are grotesquely childish and silly. It is true that in the absence of historical documents or inscriptions which do not generally run further back than the 3rd century B. C. no direct evidence can be had one way or the other, but the intrinsic evidence furnished by the *real* tenets and doctrines of the different faiths is conclusive on the point. This line of research the early investigators were not qualified to pursue, and was not taken up by them. Animistic belief is, however, regarded, by nearly all Orientalists, to be the most primitive form of belief. Accordingly, Prof. T. W. Rhys Davids says of the Jaina Scripture (see Buddhist India pp. 163—4) that ".....they give

evidence of a stage less cultured, more animistic, that is to say earlier." I have shown in the Appendix to my Practical Path which covers 58 pages the true relationship between Jainism and Hinduism, and have further elucidated the subject in my Key of Knowledge (see pages 1068 to 1080 of the 2nd edition) and in my Confluence of Opposites (see especially the last lecture). It is made clear in these works that Jainism is the oldest religion of all and that its principles constitute the foundation of the different systems and schools of thought. Any one who will dispassionately and without prejudice go through my Confluence of Opposites and will then read the other references will, I feel sure, not find it in his heart to differ from me on this point. The arguments advanced by those who regard the Jainas as Hindu dissenters may be summed up under the following heads :—

(1) That their doctrines resemble those of the Brahmanas in their character of quietism, tenderness for animal life, transmigration, hells and heavens, attainment of salvation and the means for the same.

(2) That the caste system is common to both.

(3) That the Jainas "admit the Hindu gods and worship them though they consider them as entirely subordinate to their own saints."

(4) That the Jainas have "added to the absurdities of the (Hindus) system," thus they have sixty four Indras and twenty two Devis.

These are the grounds of opinion of Elphinstone which Dr. Gour quotes on pages 180—181 of the Hindu Code. But surely they cut both ways, for when certain features are found in common between two systems A and B it cannot be said with certainty that A is necessarily the borrower and not B. It may be that the Jainas borrowed these things from the Hindus but it is equally possible that the Hindus borrowed the basis of their creed from the Jainas. Mere resemblance obviously does not suffice to determine the point. And so far as the most important of these resemblances, *i.e.* tenderness for animal life is concerned, I think *ahimsa* can never be said to have been a mark of Hinduism as it is of Jainism whose very motto has all along been *ahimsa parmo dharma* (non-injuring is the highest religion). The third point that the Jainas admit Hindu gods and worship them is

absurd. It has no foundation of fact. Mr. Elphinstone probably came across an instance or two of the kind and presumed generally that Jainism admitted Hindu gods. Such spectacles are not uncommon in every religion. To-day Hindus (especially females) worship Mahommedan *tazias* and tombs of men supposed to have been holy. But can we say that because some individuals thus act against the teachings of their religion therefore Hindus are Mohammedan dissenters? The fourth ground is the worst of all. It proceeds on the assumption that the Hindu system is absurd, and then develops the idea that the Jainas have added to its absurdities. To this the Hindus will not, I am sure, readily agree. The truth is that what Mr. Elphinstone regards as an absurd statement is an enumeration of the rulers of Heavens who are termed Indras. Jainism fixes the number of Indras in all the heavens as 64 and the number of *devis* (*devangnas*) is also a fixed one. It may be that there are actually no heavens and hells in existence in which case the teaching will be certainly absurd, but the Jainas take it as proceeding from the Tirthamkara who is omniscient, and are therefore not likely to be dissuaded from accepting it on the word of a foolish writer who knows nothing about religion, his own or any one else's.

Now, the Indra that figures largely in the sacred scriptures of Hinduism, is not the ruler of the Heavens but a personification of Life (Confluence of Opposites. Lecture V). If Elphinstone and others who hastily jumped to the conclusion that Jainas were Hindu dissenters had taken the trouble to understand the character of the Rig Veda, they would have discovered that that document was couched altogether in a secret script underlying the apparent Sanskrit of the text. The moderns are altogether ignorant of this secret script though it is also the real language of the Holy Bible, the Zend Avesta and almost all other scriptures including the Quran. Jainism is, however, not composed in any secret script, and is not mythological in its nature. Now, the argument which proves the priority of Jainism to Hinduism consists in the priority of fact to fiction, that is to say in the priority of scientific truth to mythological garb. The point is that both the Jaina scriptures and the Vedas teach the same thing almost entirely, but the former are couched in plain language and the latter in mystic speech which has to be understood first. I have made this point very clear in the Confluence of Opposites and the Appendix to the

Practical Path, and have elucidated it with illustrations from the holy scriptures of the different faiths. Unfortunately Elphinstone knew nothing about the mystery-language of his own or any one else's religion and freely talked as he pleased. Forlong has shown how Brahmanical ascetism has arisen from Jaina *tapas* (see Short Studies in Comparative Religion).

Of the rulings referred to by Dr. Gour, the one in 10 Bomb. H. C. Reports pp. 241—267 is the most typical. It was, however, passed in the year 1873 when the early errors were fully current. We must take it that the learned judges were anxious to do justice according to their lights, but *the lights were not good*. They quote Elphinstone's quotation (given in the Hindu Code) on pages 247, 248 and 249, and refer to some other minor works including the accounts given by certain military travellers, and finally consult Rev. Dr. Wilson whom they regard as possessed of "a knowledge of the castes of Western India and their literature and customs, as extensive as that of any other living person whom it would be easy to name". Dr. Wilson's opinion was that he was not aware of any authority in the books of the Jaina community or amongst the Hindu writers which would tend to support the custom set up by the plaintiffs and that he was informed by a learned *Jati* of the Jaina community and his Brahman assistants that they did not know of any such authority and that adoption was generally regulated by Hindu Law. The High Court also relied upon the fact that in many matters Brahman intervention was sought by Jains, *e. g.*, in marriage ceremonies. They also refer to Colebrook, Wilson and others who shared Elphinstone's opinion on the same grounds as those already stated. No Jaina works seem to have been produced, though the names of some of them are mentioned, including Vardhmana (Niti), Gautama Prasna and Poonawachun (see pp. 255-256). Some of these had actually been cited in a Calcutta case (Maharaja Govind Nath Roy V. Gulab Chand and others) in 1833 (see 5 S.D. Rep. 276). This case is also referred to in the Judgment as also the work of Mr. Steel on Hindu castes who shows that the Jains have books of their own which are different from the Brahmanical Shastras. But the High Court did not insist on their production and did not send for them of its own accord. The party whom the Hindu Law favoured would not naturally be anxious to assist the Court in this

matter and perhaps the opposite side were not so situated as to procure rare hand-written manuscripts of *Shastras* for production in Court. Alas ! the Modern Judge does not, unlike the despised *Qazi* of old, himself feel called upon to collect the material for decision; he is perhaps some times more critical, but the material has to be placed before him. Those who follow have the light of his ruling to guide them in their decision, and to secure dissent from a pre-existing precedent is by no means an easy task, as every lawyer knows full well.

As for the Jainas themselves, they shut up shop, virtually removing the sign-board, when the Mohammedans came. The invaders showed such marked animosity to Jain religion that they destroyed Jain temples and scriptures wherever they came across them. The Jainas were generally understood (in reality misunderstood) to be atheists and this probably was the reason why they suffered so much from the hands of the Muslim invaders. Be that as it may, the fact is that the Jainas buried their libraries underground to preserve them, and there the scriptures remained untill they were devoured by rats and white-ants and crumbled away into dust. Bitter experience in the past made the Jainas look askance at the great foreign power which succeeded the Moghul rule, and it is only within the last 20 years that the Jain Scriptures have begun to be published in any language. I doubt if a Jain would even to-day hand over a hand written *shastra* from a Jain temple to an official in the Court, so imbued is he with the spirit of veneration for the *Scripture* and apprehensive of contamination and disrespect for the Word of Law.

AMONGST THE JAINA LAW BOOKS ARE:—

(1) *Bhadrabahu Samhita* which is about 2300 years old (see Rhys Davids' *Buddhist India* p. 164 as to the age of the author, also the *Heart of Jainism* p. 70). This has now been translated into English by Mr. J. L. Jaini barrister-at-law and for some time a Judge of the Indore High Court. Dr. Gour himself quotes *shlokas* 39 to 49 of this work in para 759 on p. 360 of the Hindu Code.

(2) *Vardhman Niti* (probably the same as described as *Vardhmana* on p. 255 of the Bombay ruling noted above). This was written about 1011 A. D. (see Jaini's *Jaina Law* p. 105 and the authorities cited there).

(3) *Arhama Niti* which is about 800 years old (see p. 108 of the *Jaina Law*).

These are quite independent of the Brahmanical influence, though Brahmans are sometimes employed by Jainas both to interpret their scriptures and to perform certain religious and temporal ceremonies for them.

I do not know what is there in this fact of employment of Brahmans by Jainas that might go to show that they are Hindu dissenters. Is it expected that the two communities that have existed side by side from times immemorial in one and the same country should have had no intercourse between them? The fact is that Hinduism has always been almost exclusively the recruiting ground of Jainism, and that formerly inter-marriages between Hindus and Jainas were fairly frequent. The children of such marriages would follow sometimes the one and sometimes the other of the two faiths, and at times their beliefs and practices would combine certain tenets of both of them which could not but be puzzling to the unenlightened foreigner and even to a half-witted native. Besides this, in many places Jainas have been altogether swept away, but the Jaina temples are still to be found there. Brahman *pujaris* have to be engaged for such temples to keep up the daily worship. All this might not be known to a stranger in the early seventies, but a Hindu writer of our times cannot be allowed to plead ignorance of them, especially as it is his duty to study matters before expressing himself in print about them. Dr. Gour has the option of laying his head or his heart open to blame for his rash statements in the Hindu Code. The presumption is that he studied the subject well before he sat down to commit himself in writing. As he does not mention the recent authorities, and, ignoring the results now reached, preaches the old exploded theory of Jainism being a child of Buddhism and other falsehoods, fault seems to lie with the heart. It is for him now to say whether he would like to sacrifice his head or his heart. It may be that after all the fault does not lie with his heart, but in that case he should come forward as a man and acknowledge his error, by substituting truth for the falsehood that now misfigures the pages of the Hindu Code.

HARDOI,
19th September 1921.

CHAMPAT RAI JAIN,
BAR-AT-LAW.