CHAPTER 17

The Woman and the Counter-Revolution

There is one copy with a title 'The Woman and the Counter-Revolution'. There is another copy of the same text with a title, 'The Riddle of the Woman'. The Editorial Board felt that this essay would be appropriate in this Volume rather than in the volume of 'Riddles in Hinduism' .—Editors.

Manu can hardly be said to be more tender to women than he was to the Shudra. He starts with a low opinion of women. Manu proclaims:

> II. 213. It is the nature of women to seduce men in this (world); for that reason the wise are never unguarded in (the company of) females.
>
> II. 214. For women are able to lead astray in (this) world not only a fool, but even a learned man, and (to make) him a slave of desire and anger.
>
> II. 215. One should not sit in a lonely place with one's mother, sister or daughter; for the senses are powerful, and master even a learned man.
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> IX. 14. Women do not care for beauty, nor is their attention fixed on age; (thinking); '(It is enough that) he is a man', they give themselves to the handsome and to the ugly.
>
> IX. 15. Through their passion for men, through their mutable temper, through their natural heartlessness, they become disloyal towards their husbands, however, carefully they may be guarded in this (world).
>
> IX. 16. Knowing their disposition, which the Lord of creatures laid in them at the creation, to be such, (every) man should most strenuously exert himself to guard them.
>
> IX. 17. (When creating them) Manu allotted to women (a love of their) bed, (of their) seat and (of) ornament, impure desires, wrath, dishonesty, malice, and bad conduct.

The laws of Manu against women are of a piece with this view. Women are not to be free under any circumstances. In the opinion of Manu:

IX. 2. Day and night women must be kept in dependence by the males (of their families), and, if they attach themselves to sexual enjoyments, they must be kept under one's control.

IX. 3. Her father protects (her) in childhood, her husband protects (her) in youth, and her sons protect (her) in old age; a woman is never fit for independence.

IX. 5. Women must particularly be guarded against evil inclinations, however trifling (they may appear); for, if they are not guarded, they will bring sorrow on two families.

IX. 6. Considering that the highest duty of all castes, even weak husbands (must) strive to guard their wives.

IV. 147. By a girl, by a young woman, or even by an aged one, nothing must be done independently, even in her own house.

V. 148. In childhood a female must be subject to her father, in youth to her husband, when her lord is dead to her sons; a woman must never be independent.

V. 149. She must not seek to separate herself from her father, husband, or sons; by leaving them she would make both (her own and her husband's) families contemptible.

Woman is not to have a right to divorce.

IX. 45. The husband is declared to be one with the wife, which means that there could be no separation once a woman is married.

Many Hindus stop here as though this is the whole story regarding Manu's law of divorce and keep on idolizing it by comforting their conscience by holding out the view that Manu regarded marriage as sacrament and therefore, did not allow divorce. This of course is far from the truth. His law against divorce had a very different motive. It was not to tie up a man to a woman but it was to tie up the woman to a man and to leave the man free.

For Manu does not prevent a man from giving up his wife. Indeed he not only allows him to abandon his wife but he also permits him to sell her. But what he does is to prevent the wife from becoming free. See what Manu says:

IX. 46. Neither by sale nor by repudiation is a wife released from her husband.

The meaning is that a wife, sold or repudiated by her husband, can never become the legitimate wife of another who may have bought or received her after she was repudiated. If this is not monstrous nothing can be. But Manu was not worried by consideration of justice or injustice of his law. He wanted to deprive woman of the freedom she had under the Buddhistic regime. He knew that by her misuse of her liberty, by her willingness to marry the Shudra the system of the

gradation of the Varna had been destroyed. Manu was outraged by her license and in putting a stop to it he deprived her of her liberty.

A wife was reduced by manu to the level of a slave in the matter of property.

> IX. 416. A wife, a son, and a slave, these three are declared to have no property; the wealth which they earn is (acquired) for him to whom they belong.

When she becomes a widow Manu allows her maintenance, if her husband was joint, and a widow's estate in the property of her husband, if he was separate from his family. But Manu never allows her to have any dominion over property.

A woman under the laws of Manu is subject to corporal punishment and Manu allows the husband the right to beat his wife.

> VIII. 299. A wife, a son, a slave, a pupil and a younger brother of full blood, who have committed faults, may be beaten with a rope or a split bamboo. In other matters woman was reduced by Manu to the same position as the Shudra.

The study of the Veda was forbidden to her by Manu as it was to the Shudra.

> II. 66. Even for a woman the performance of the *Sanskaras* are necessary and they should be performed. But they should be performed without uttering the Veda Mantras.

> IX. 18. Women have no right to study the Vedas. That is why their Sanskars are performed without Veda Mantras. Women have no knowledge of religion because they have no right to know the Vedas. The uttering of the Veda Mantras is useful for removing sin. As women cannot utter the Veda Mantras they are as unclean as untruth is.

Offering sacrifices according to Brahmanism formed the very soul of religion. Yet Manu will not allow women to perform them. Manu ordains that:

> XI. 36. A woman shall not perform the daily sacrifices prescribed by the Vedas.

> XI. 37. If she does it she will go to hell.

To disable her from performing such sacrifices Manu prevents her from getting the aid and services of a Brahmin priest.

> IV. 205. A Brahman must never eat food given at a sacrifice performed by a woman.

> IV. 206. Sacrifices performed by women are inauspicious and not acceptable to God. They should therefore be avoided.

Woman was not to have any intellectual persuits nor free will, nor freedom of thought. She was not to join any heretical sect such as

Buddhism. If she continues to adhere to it till death she is not to be given the libation of water as is done in the case of all dead.

Finally a word regarding the ideal of life, Manu has sought to place before a woman. It had better be stated in his own words:

> V. 151. Him to whom her father may give her, or her brother with the father's permission, she shall obey as long as he lives and when he is dead, she must not insult his memory.
>
> V. 154. Though destitute or virtue, or seeking pleasure elsewhere, or devoid of good qualities, yet a husband must be constantly worshipped as a god by a faithful wife.
>
> V. 155. No sacrifice, no vow, no fast must be performed by women, apart from their husbands; if a wife obeys her husband, she will for that reason alone be exalted in heaven.

Then comes the choicest texts which forms the pith and the marrow of this ideal which Manu prescribes for women:

> V. 153. The husband who wedded her with sacred Mantras, is always a source of happiness to his wife, both in season and out of season, in this world and in the next.
>
> V. 150. She must always be cheerful, clever in the management of her household affairs, careful in cleaning her utensils, and economical in expenditure.

This the Hindus regard as a very lofty ideal for a woman!

Compare with this the position of the woman before the days of Manu.

That a woman was entitled to Upanayan is clear from the Atharva Veda where a girl is spoken of as being eligible for marriage having finished her Brahmacharya. From the Shrauta Sutras it is clear that women could repeat the Mantras of the Vedas and that women were taught to read the Vedas. Panini's Ashtaadhyai bears testimony to the fact that women attended Gurukul and studied the various Shakhas of the Veda and became expert in Mimansa. Patanjali's Maha Bhashya shows that women were teachers and taught Vedas to girl students. The stories of women entering into public discussions with men on most abstruse subjects of religion, philosophy and metaphysics are by no means few. The story of public disputation between Janaka and Sulbha, between Yajnavalkya and Gargi, between Yajnavalkya and Maitrei and between Shankaracharya and Vidyadhari shows that Indian women in pre-Manu's time could rise to the highest pinnacle of learning and education.

That women in pre-Manu days were highly respected cannot be disputed. Among the Ratnis who played so prominent a part in the coronation of the King in Ancient India was the queen and the King

made her an offering[1] as he did to the others. Not only the king elect did homage to the Queen, he worshipped his other wives of lower castes[2]. In the same way the King offers salutation after the coronation ceremony to the, ladies of the chiefs of the shremes (guides[3]).

In the days of Kautilya women[4] were deemed to have attained their age of majority at 12 and men at 16. The age of majority was in all probability the age of marriage. That the marriages were post puberty marriages is clear from Baudhayanas' Grihya Sutras[5] where an expiatory ceremony is specially prescribed in the case of a bride passing her menses on the occasion of her marriage.

In Kautilya there is no law as to age of consent. That is because marriages were post puberty marriages and Kautilya is more concerned with cases in which a bride or a bridegroom is married without disclosing the fact of his or her having had sexual intercouse before marriage with another person or maiden in menses having had sexual intercouse. In the former case Kautilya says[6]:

> "Any person who has given a girl in marriage without announcing her guilt of having laid with another shall not only be punished with a fine but also be made to return the Sulka and Stridhana. Any person receiving a girl in marriage without announcing the blemishes of the bridegroom shall not only pay double the above fine, but also forfeit the Sulka and Stridhana (he paid for the bride). In regard to the latter case the rule in Kautilya[7] is:

> "It is no offence for a man of equal caste and rank to have connection with a maiden who has been unmarried three years after her first menses. Nor is it an offence for a man, even of different caste, to have connection with a maiden who has spent more than three years after her first menses and has no jewellery on her person."

Unlike Manu Kautilya's idea is monogamy. Man can marry more than one wife only under certain conditions. They are given by Kautilya in the following terms[1]:

> "If a woman either brings forth no (live) children, or has no male issue, or is barren, her husband shall wait for eight years (before marrying another). If she bears only a dead child, he has to wait for ten years. If she brings forth only females, he has to wait for twelve

[1] Jaiswal: Indian Polity, Part II, p. 16.

[2] *Ibid,* Part II, p. 17.

[3] *Ibid,* p. 82.

[4] Sham Shastri, Kautilya's Arthashastra, p. 175.

[5] Baudhyayana, I. 7. 22.

[6] Sham Shastri, Kautilya's Arthashastra, p. 222.

[7] *Ibid,* p. 259.

years. Then if he is desirious to have sons, he may marry another. In case of violating this rule, he shll be made to pay her not only Sulks, her property (Stridhana) and an adequate monetary compensation (adhivedanika martham), but also a fine of 24 panas to the Government. Having given the necessary amount of Sulka and property (Stridhana) even to those women who have not received such things on the occasion of their marriage with him, and also having given his wives the proportionate compensation and an adequate subsistence (vrutti), he may marry any number of women; for women are created for the sake of sons."

Unlike Manu in Kautilya's time women could claim divorce on the ground of mutual enmity and hatred.

"A woman, hating her husband, cannot dissolve her marriage with him against his will. Nor can a man dissolve his marriage with his wife against her will. But from mutual enmity, divorce may be obtained (parasparam dveshanmokshah). If a man, apprehending danger from his wife, desires divorce (mokshamichchhet), he shall return to her whatever she was given (on the occasion of her marriage). If a woman, under the apprehension of danger from her husband, desires divorce, she shall forfeit her claim to her property."

A wife can abandon her husband if he is a bad character.

"A woman who has a right to claim maintenance for an unlimited period of time shall be given as much food and clothing (grasacchadana) as necessary for her, or more than is neessary in proportion to the income of the maintainer (yathapurushapari-vapam va). If the period (for which such things are to be given to her with one-tenth of the amount in addition) is limited, then a certain amount of money, fixed in proportion to the income of the maintainer, shall be given to her; so also if she has not been given her Sulka, property, and compensation (due to her for allowing her husband to re-marry). If she places herself under the protection of any one belonging to her father-in-law's family (Svasurakula), or if she begins to live independently, then her husband shall not be sued (for her maintenance). Thus the determination of maintenance is dealt with."

In the days of Kautilya there was no ban on woman or a widow remarrying:

"On the death of her husband a woman, desirous to lead a pious life, shall at once receive not only her endowment and jewellery (sthapyabharanam), but also the balance of Sulka due to her. If after obtaining these two things she re-married another, she shall be caused to pay them back together with interest (on their value). If

she is desirous of a second marriage (kutumbarkama), she shall be given on the occasion of her re-marriage (nivesakale) whatever either her father-in-law or her husband or both had given to her. The time at which women can re-marry shall be explained in connection with the subject of long sojourn of husbands.

"If a widow marries any man other than of her father-in-law's selection (svasurapratilomyenanivishta), she shall forfeit whatever had been given to her by her father-in-law and her deceased husband.

"The kinsmen (gnatis) of a woman shall return to her old father-in-law whatever property of her own she had taken with her while, re-marrying a kinsman. Whoever justly takes a woman under his protection shall equally protect her property. No woman shall succeed in her attempt to establish her title to the property of her deceased husband, after she re-marries.

"if she lives a pious life, she may enjoy it (dharmakama bhunjita). No woman with a son or sons shall (after re-marriage) be at liberty to make free use of her own property (stridhana); for that property of hers, her sons shall receive.

"If a woman after re-marriage attempts to take possession of her own property under the plea of maintaining her sons by her former husband, she shall be made to endow it in their name. If a woman has many male children by many husbands, then she shall conserve, her property in the same condition as she had received from her husbands. Even that property which has been given her with full powers of enjoyment and disposal, a remarried woman shall endow in the name of her sons.

"A barren widow who is faithful to the bed of her dead husband may, under the protection of her teacher, enjoy her property as long as she lives; for it is to ward off calamities that women are endowed with property. On her death, her property shall pass into the hands of her kinsman (Dayada). If the husband is alive and the wife is dead, then her sons and daughters shall divide her property among themselves. If there are no sons, her daughters shall have it. In their absence her husband shall take that amount of money (sulka) which he had given her, and her relatives shall re-take whatever in the shape of gift or dowry they had presented her. Thus the determination of the property of a woman is dealt with."

"Wives who belong to Sudra, Vaisya, Kshatriya or Brahman caste, and who have not given birth to children, should wait as long as a year, two, three and four years respectively for their husbands who have gone abroad for a short time; but if they are such as have

given birth to children, they should wait for their absent husbands for more than a year. If they are provided with maintenance, they should wait for twice the period of time just mentioned. If they are not so provided with, their well-to-do gnatis should maintain them either for four or eight years. Then the gnatis should leave them to marry, after taking what had been presented to them on the occasion of their marriages. If the husband is a Brahman, studying abroad, his wife who has no issue should wait for him for ten years; but if she has given birth to children, she should wait for twelve years. If the husband is a servant of the king, his wife should wait for him till her death; but even if she bears children to a savarna husband (i.e. a second husband belonging to the same gotra as that of the former husband), with a view to avoid the extinction of her race, she shall not be liable to contempt thereof (savarnatascha prajata na' pavadam labheta). If the wife of an absent husband lacks maintenance and is deserted by well-to-do gnatis, she may remarry one whom she likes and who is in a position to maintian her and relieve her misery."

Unlike Manu every precaution was taken to guarantee economic independence to a married woman. This is clear from the following provisions in Kautilya's Arthashastra relating to wife's endowment and maintenance:

"Means of subsistence (vruti) or jewellery (abadhya) constitutes what is called the property of a woman. Means of subsistence valued at above two thousand shall be endowed (in her name). There is no limit to jewellery. It is no guilt for the wife to make use of this property in maintaining her son, her daughter-in-law, or herself, whenever her absent husband has made no provision for her maintenance. In calamities, disease and famine, in warding off dangers and in charitable acts, the husband, too, may make use of this property. Neither shall there by any complaint against the enjoyment of this property by mutual consent by a couple who have brought forth a twin. Nor shall there be any complaint if this property has been enjoyed for three years by those who are wedded in accordance with the customs of the first four kinds of marriage. But the enjoyment of this property in the cases of Gandharva and Asura marriages shall be liable to be restored together with interest on it. In the case of such marriages as are called Rakshasa and Paisacha, the use of this property shall be dealt with as theft. Thus the duty of marriage is dealt with."

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Surprising as it may appear in Kautilya's time a wife could bring an action in a court of law against her husband for assault and defamation.

In short in pre-Manu days a woman was free and equal partner of man.

Why did Manu degrade her?

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PART IV

Buddha or Karl Marx

The Committee found three different typed copies of an essay on Buddha and Karl Marx in loose sheets, two of which have corrections in the author's own handwriting. After scrutinizing these, this essay is compiled incorporating the corrections. The essay is divided into sub-topics as shown below:

Introduction

1. *The Creed of the Buddha*
2. *The Original Creed of Karl Marx*
3. *What survives of the Marxian Creed*
4. *Comparision between Buddha and Karl Marx*
5. *Means*
6. *Evaluation of Means*
7. *Whose Means are More Efficacious ?*
8. *Withering away of the State*—Editors.