

marriage and women

contrary to popular belief and many present day social practices, women have been given a lot more rights, property and respect by the society which have been abused by individual greed and ignorance. a closer look at the very sourcebooks of hindu social constitution provides an interesting read and insight into present day marriage customs!

On May 11, 2003, in New Delhi, a greedy groom and his parents demanded more dowry at the most vulnerable moment. When hundreds of guests are enjoying the function and wedding ceremonies were moments away. But the *durga* in the bride Nisha Sharma arose to confront the situation and called the police instead.

Indeed it was a great act of courage, especially from an educated girl of wealthy background (she is the daughter of an industrialist). Usually educated middle class families are too embarrassed to call the police and wealthy families are too embarrassed to be unable to afford the financial demands. It is usually the really cornered victims who act out in courage.

But what is more amusing is that it was such a slow news day around the world that major US dailies also picked up the story. Arranged marriage in urban India! Dowry demands! What dark ages is India living in? Never miss a chance to cover India in a sensational light!

Usually all such situations are blamed flat and square on the religion and social practices ordained in Hindu scriptures, and not on the individual criminals. Constitutionally, dowry, sati, child marriage etc. are all illegal, women have equitable rights, the share of religious respect is also substantial, and education is equally accessible, even then media and 'activists' claim that laws are not enough, the religious and social 'laws' promote oppression of women. Many pseudo-intellectuals fail to realize that such evils are not sanctioned by the scriptures but done by people who don't respect, read, know or follow them.

So it is appropriate that we take a look at the sources that form the root of the social practices and religion. Let us see what they have to say about marriage, dowry, women's right etc. While we should keep in mind the times when and for which these 'rules' were made, one should try to focus on the good said in

the scriptures rather the bad that may have crept over time.

In *taittirīya upaniṣhad* the guru says to the graduating disciples – *only follow those of our conducts that are good, not others*. This is the power of the Indian culture and 'religion' – it is the collective wisdom of seers and gurus, it allows for correcting its mistakes, it doesn't demand fundamentalist approach towards life, blind following of outdated conducts. This doesn't mean we throw all older traditions without proper understanding in favor of newer untested 'traditions'. Blind respect or disrespect both should be avoided.

The following passages are extracted from *manusmṛiti*, the *dharmashāstra* that acted as the social constitution for centuries, and has been much misunderstood, maligned and misused.

types of marriage

there are eight types of marriages - *brāhma*, *daiva*, *ārṣha*, *prājāpatya*, *āsura*, *gāndharva*, *rākshasa*, *paishācha* (3:21)| inviting an educated and decent groom and offering him the daughter, well dressed and decorated, accompanied with prayers, is *brāhma* marriage (3:27)| giving the daughter to the presiding priest of a ceremony is *daiva* marriage (3:28)| asking a bovine pair from the groom and marrying with all rituals is *ārṣha* marriage (3:29)| when the marriage is only accompanied with the blessings 'you two follow the right social path and prosper' it is *prājāpatya* marriage (3:30)|

when money is given to the bride and her relatives as per one's capacity and in accordance of one's wish (rather than that ordained by *shāstra*) it is called *āsura* marriage (3:31)| the marriage born out of mutual desire and intimacy of the two is called *gāndharva* marriage (3:32)| when the man maybe hurts or kills her family and forcibly kidnaps her it is *rākshasa* marriage (3:33)| when consummation is done with a sleep-

ing, senseless, intoxicated or unaware girl in order to marry her, it is the worst of all *paishācha* marriage (3:34)|

the marriage of *duṣhyanta* and *shakuntalā* was pure *gāndharva*; that of *vichitra-vīrya* and *ambikā* (grandparents of *kaurava* and *pāṇḍava*) was *rākshasa*; and that of *kṛiṣṇa* and *rukmiṇī* was a mixed *gāndharva* and *rākshasa*, since the kidnapping was with the consent of the woman! and the consummation of marriage, before it was solemnised publicly, was not condemned in *gāndharva* form of marriage! again, the example of *duṣhyant* and *shakuntala*, whose son 'bharata' gives india its original name of 'bhārata' |



the bride leads the first four rounds around the matrimonial ritual fire!

'business' of marriage

in the *āsura* form of marriage a 'bride price' was paid out of one's own desire (to marry the girl) rather than as ordained by *shāstra*, scriptures| in all primitive societies the father had absolute proprietary rights over his sons and daughters| daughters were given in matrimony for royal or business relations among the elite and rich or just to the highest bidder among the ordinary| thus in the very nature of things the daughters came to be looked upon as excellent marketable commodities, and husbands learned to look upon their wives as kind of moveable property, a class of slaves they had to purchase| this practice of 'bride price' was common in rome, europe and middle east and still in practice in many societies|

to the credit of our seers and *ṛiṣhis*, they were the first to condemn the commercial element of holy matrimony| a wise father should never take even a little 'price' for his daughter, because it is like selling (3:51)|

the wise seers foresaw the evils of 'business' in marriage, and restricted this condemned form of āsura marriage only to the merchants and artisans whose occupations led them to long stays in foreign or distant lands among strangers; thus 'buying' the bride was sometimes the only way out for them|

respect

if desiring betterment (kalyāṇa), father-, brother-, husband or younger brother-in-laws should respect the bride and give her ornaments (3:55)|

that house where the incoming women (wife, daughter-in-law) mourn, that surely is ruined quickly, and where they don't mourn, that surely prospers (3:57)| in that family where the husband is happy by the wife and wife is happy by the husband, there surely stable prosperity abounds (3:60)| new bride, young daughters, sick or pregnant women, without hesitation, should be fed even before feeding the guests (3:114)|

freedom

under changed circumstances and external social pressures of second millennia, indian society saw new restrictions put on women as being sanctioned and supported by the scriptures! an oft-quoted shloka from manusmṛiti on this is – *in childhood father protects, in youth, husband and in old age, sons protect; woman should not be on her own* (9:3)| this has been misinterpreted as woman should not have freedom|

the changing second millennia was the time when india saw relentless onslaught of muslim invasions, plundering of villages, towns and abduction of women| this was the time when many of the present day social vices arose as a social exo-skeleton, including sati, child marriage, dowry etc.| as a further evidence, these practices affected north-western india more, which was under constant attacks| sati or jauhar was done willingly by wives of defeated royalty and warriors| child marriage was seen as a way to get rid of the responsibility of protecting a girl till her puberty| and perhaps this was also the time when men started *asking* for dowry!

back to the women's freedom! no man can protect a woman by force (9:10)| engage the lady of the house in money matters (sav-

ing, investing), expenses (shopping!), interior decoration, rituals and rites, kitchen and general house-caring (9:11)| this is very different from "a woman's place is in the kitchen" cliché| she has the keys to the safe| her domain has been carved out for her where she is the authority (individuals can interpret this as a prison rather than the kingdom! but the literature prior to the second millennia is replete with stories of how liberal the society and women were)| the husband earns and she manages the earnings to make life comfortable, healthy and meaningful| relatives can't protect the woman even by house-arresting them, but only if they (women) protect themselves (9:12)| so,

here the import is not that women don't deserve independence but that women in youth need protection from other men who may hurt or seduce her and caring in childhood and old age|

where ladies are respected, there the gods wander in enjoyment. where they are not respected, all deeds are fruitless (MS 3:56)

marital rights

the husband has full responsibility of his wife, he can't get rid of her by selling or simply abandoning (9:46)| if terminally ill wife is decent and loves her husband alone, then he may remarry only with her consent and never disrespect her (9:82)| if a handsome and suitable groom is found then one may marry the girl little early too; but even after puberty she may sit at home for life, never give her to an unworthy man (9:88-89)| a marriageable daughter should wait for three years for her father to give her away to a suitable man, after that she may choose on her own (9:90)| if the father doesn't marry her in time and she find a suitable man to marry then she or her husband don't acquire demerit (9:91)|

property rights

there are six types of *stri-dhana* or property of a woman — **adhi-agni**, given to her before nuptial fire; **adhi-āvāhanika**, given to her by her parents at the time of departing to her husband's home; **pradidatta**, given to her at festive occasions; given by her father; given by her mother; and finally given by her brother (9:194)| if a woman dies without having sons, her property given to her in āsura marriage, goes to her mother or in her absence to her father (9:197)| the husband doesn't get that property! out of ignorance, those relatives who use the bride's money, mode of transportation (chariots) or clothes, those sinners surely doomed (3:52)|

according to chāṇakya's arthashāstra (chapter 3.2 or 58) a woman has two types of property – *vṛitti* or cash, at least 2000 and *āvadhya* or kind which has no limit| the woman's property can be used in the following situations – sickness, emergency, calamity; after two children (by which time the bride is not new anymore and has settled well in the new home); or if childless than for three years| if the marriage was gāndharva (love) or āsura (bride price) then such property, if used, must be returned to her with interest!

remarriage

after husband's death if she wants to live on her own and without remarrying, she keeps her personal property and that given by her in-laws (and husband)| she can also inherit her husband's property| if she remarries, then she should return the principal with interest to the in-laws| if a widow remarries against the wishes of her in-laws then she can't inherit her husband's property| if they arrange for her remarriage then they have to return her husband's inherited property|

if a widow mother remarries, her children (from first marriage) will inherit her property| if a woman has children from more than one man (husbands from different marriages, not due to divorce but due to widow-remarriage) then she should let the children inherit their respective father's property| this shows that not only there was no practice of sati or widow burning prevalent in hindu society prior to external rampages mentioned earlier, but that widow remarriage was common and inheritance laws were pretty elaborate to accommodate these commonplace events like widow remarriage!

It is indeed a shame that a groom should not consider himself man enough to be able to provide for his life- and soul mate. Such men should not marry, since they are looking for financial and physical gains rather than life enriching soul mate in holy matrimony. These traits are not ordained by the scriptures but arise out of sheer greed that goes uncleansed by the very neglect of scriptures. Scriptures can't change your basic nature, they can guide those who seek guidance|

– Shashi Joshi, Editor
Following books were referred for this article – MS by Pt. Rameshwar Bhatt; MS by Dr. RN Sharma; AS by Vachaspati Gairola