

V

Man, Woman and Family: *Manu-Smrti*

The analysis of the text *Manu-Smṛti* is carried out here for the purpose of understanding and interpreting the concepts of family and gender inscribed in the text. Such an analysis becomes germane since the text has been universally recognized for its merits and demerits over centuries.³⁷⁰ And in India the text has exerted tremendous power over the social formations through ages.³⁷¹

In *Manu-Smṛti*, the third, fourth, fifth and ninth chapters out of the twelve, are compiled with different verses that confer the concepts of family, husband, wife, masculinity and femininity in particular. The gendered concepts and gendering process through the household in *Manu-Smṛti* could be learned from the elaboration given about the mode of marriages, terms and conditions for marriage and divorce, the consequences of widowhood and remarriage, duties of a woman, householder, husband and wife etc. It is also stated in the verses, how the roles and relationships would be formulated around the household. It would be a breathtaking practice to go through the main verses of these chapters of the text.

Marriage, Divorce, Widowhood, Remarriage

Although the concept and practice of marriage has been much altered over time in India, a close look at the social situations and events pertaining in the present society would make us feel it as worth analyzing the scriptures, especially for a study

³⁷⁰ Various writers have made such comments that the text was known all over the world. For example see, Archak, K.B., ed., *Manusmṛti and Woman* (A Collection of Research papers) ,Sambodhana Series- 10 (ed. Dr. D.N. Shanbhag) ,1998. See the keynote address for the seminar on *Manusmṛti*. P.xxxiv

³⁷¹ Many sociologists have noted this. See for eg., Pande, 1984; Madan, 1989

checking the gender kindness of marriage and family formations. There are many sociological and anthropological references to know the transformations in the marriage customs and family forms in Indian region.³⁷² The text such as *Manu-Smrti* gave emphasis to monogamy which is considered as praise-worthy and an ideal way of life for the couple.³⁷³ Marriage in India was not seen as an institution and it has never been considered as a social contract or man`s fulfillment of sexual urge.³⁷⁴ Marriage was a religious rite done by the men and the women were only the objects in that process done by men. Although the present day marriages are not strictly according to scripturally prescribed methods, the concept of patriarchy inherent in the marriage customs has percolated down to the modern India as well.³⁷⁵ The feminist interpretations hold that even the mythical tales of marriage in the epics and the recent women`s writings including fictions show the socio-cultural construction of the woman with excessive submission.³⁷⁶

As marriage is the ingredient institution for the constitution of family, it would be worth looking at the concepts around marriage described in *Manu-Smrti*. Among the sixteen initiations (*Samskaras*) that are beginning from pregnancy, marriage is also very important one.³⁷⁷ Since the traditional Indian concept suggests marriage to be conceived as a religious enterprise and it could be observed as a *dharma* of the

³⁷² Shah, 1998; Madan, 1982; Gray and Mearn, 1989; Gray, 1995, Hutchinson, 1989; Thaper, 1984; Kapadia, 1955; Srinivas, 1996 and Levi-Strauss, 1985

³⁷³ Archak, K.B., ed., *Manusmrti and Woman* (A Collection of Research papers) ,Sambodhana Series- 10 (ed. Dr. D.N. Shanbhag) ,1998. p.25

³⁷⁴ Ibid.,p.22, 14

³⁷⁵ Singh, Chandra Nisha. *Radical Feminism and Women`s Writing*, Atlantic Publishers, NewDelhi, 2007, p.51

³⁷⁶ Ibid., p.48-119

³⁷⁷ Archak, K.B., ed.,1998,p.22

householder as well. The householder is supposed to marry a chaste woman to fulfill his *dharma* in the *garhasthya* stage of the four *asramas*. At the same time this stage is conceived as the life stage in which a man is supposed to attain the *purusharthas* such as *artha* and *kama* along with his dutiful life. The *brahmachari* would undergo the *upanayana-samskara* after the education and then he could go for marriage.³⁷⁸ This is evidential for the girl's secondary status as having not educated and marriage becomes the *samskara* through which she is supposed to go to her pregnancy. The following jaunt into the verses in the *Manu-Smrti* exactly connotes the phallogocentric features of the text which conceptualized the marriage as 'something to be done by the male human beings, making use of the female human beings'.

The objectification of woman in the verses of *Manu-Smrti* has been interpreted by various writers both in positive and negative angles.³⁷⁹ Uma Chakravarty has critically seen the objectification of woman through marriage and family concepts of *Manu-Smrti*.³⁸⁰ Leela Dube's comments on the metaphor of 'seed and earth' point to the issues of the Indian concept of marriage as a ritual *dharma* just for the reproduction of progeny.³⁸¹ Gandhiji detects the error of Hindu culture in terms of the unwarranted subjugation of wife to the husband, but he envisages a woman like

³⁷⁸ See, Anand, S. "Women in Hindu View and Way of Life" in *Jeevedhara*, Vol.XVII No. 97, Kottayam, January 1987

³⁷⁹ Hutchinson, 1989

³⁸⁰ Chakravarty, Uma. 'Conceptualizing Brahminical Patriarchy in Early India: Gender, Class, Caste and State' *Economic and Political Weekly*.28, No.14 April 3, 1993, 579-85

³⁸¹ Dube, Leela. *Anthropological Explorations in Gender*, Sage Publications, New Delhi, 2001, pp.119-142

Sita, Damayanti and Draupadi who is responsible to run the household with immense capacity for suffering.³⁸² Coomaraswamy supports *Manu-Smrti* holding that the wife should look on her husband as a God and it is for her own sake and for the community.³⁸³ This type of opinions would seem to be following the dominant Indian philosophical concept of *purusha/prakrti* duality which reflects the idea of male and female as self and self-less respectively. The male subject having a self and intellect and the female object devoid of these qualities are replicated in the verses of *Manu-Smrti*. The construction of the subject/object dichotomy could be traced through out the patriarchal exploitation of women in the marriages.

If we take a look into the descriptions and prescriptions on marriage in *Manu-Smrti*, beginning from the eight forms of marriage, we would be able to observe the fact that it presupposes men as subjects and women as objects. It is doubtless to say that the eight forms of marriage known as *Brahma, Daiva, Arsha, Prajapatya, Asura, Gandharva, Rakshasa* and *Paisacha* (*Manu-Smrti*, Chapter.III, Verse.21) are talking about, how a man from either one of the four *varnas* could 'take a woman in marriage'. The bride 'is gifted' by the father to the husband as per the idea of accepted marriage forms (see, *Manu-Smrti*, Chapter.III, Verse.27, 28) .³⁸⁴ The bride is supposed to be well-dressed and decorated with ornaments and should be properly 'given in marriage' to an erudite bridegroom with good character (III.27). The idea

³⁸² Singh, Chandra Nisha. *Radical Feminism and Women`s Writing*, Atlantic Publishers, NewDelhi, 2007,p.51. Also see, Gandhi, M.K. *Women and Social Injustice*, Navjivan Publishers, Ahmedabad, 1942, p.110,4, 22

³⁸³ Ibid. Also see, Coomaraswamy, Anand K. *The Dance of Sive*, Munshiram Manoharlal Publications, Delhi, 1982

³⁸⁴ Sharma, ed.,1998 p.104. See the translation of the verses 27 and 28 of the third chapter for the usages such as , 'is given in marriage' and 'is gifted' .

that one would be able to elicit from these verses suggest that, the character and wisdom of the man is important, while the beauty and materials are imperative for the woman. This proves the marriage forms are about to the objectification of woman simply as a body, but without a mind and intellect. This kind of objectification is evident in all the eight forms though the *gandharva* seems to be better since it counts woman`s will.

The six forms of marriage commencing with the first one are said to be proper for *Brahmins*; the four forms counted from the end are not sinful for *Kshatriyas* and the same set excepting that of *Rakshasa* shall be regarded as proper for *Vaisyas* and *Sudras* (III.23). But there is a different opinion in the next verse about this, which may be confusing for any interpretive tasks. It says, the first four forms are proper for *Brahmins*; only the *Rakshasa* form is proper for *Kshatriyas* and the *Asura* form is proper for *Viasya* and *Sudra*. These are the forms of marriage which a *Brahmana*, a *Kshatriya*, a *Vaisya* and a *Sudra* shall respectively consider as the most approved forms to take a wife, according to Kulluka.³⁸⁵ The usage ‘take a wife’ by the translator in the commentary proves to be worth noting as these commentaries might have worked like the tools of conceptualizations in the space and time in which it was written. Although that is not provable, There are discursive elements of evidences for the fact that the modes of marriage in *Manu-Smrti* prescribed for all the four *varnas* work out indirectly for nullifying the woman`s subjectivity and strengthening her objectivity in the contemporary context of modern India. And the intention of the text,as interpreted by the translators, to make an order in social and

³⁸⁵ Ibid., p.103

family life of people inhabiting in the concerned region becomes fulfilled by the formation and execution of such ideas that would conceal the woman`s choice, identity and self.

For example, among the eight forms of marriages only one type named *Gandharva*, gives the idea of mutual interest and passion leaving a possibility for a woman to hold her choice. *Gandharva* is the form in which marriage takes place with the mutual desire of the lovers and would survive on mere ardor. *Brahma* marriage is one in which the father invites the righteous bridegroom and ‘gives his daughter’ properly decked, after proper ceremony. The *Daiva* marriage is one in which the ‘daughter is given’ to the priest with proper observances, during a sacrifice. In the *Arsha* form of marriage the bride’s father accepts a pair or two pairs of cows from the bridegroom and ‘gives his daughter in’ ceremoniously. *Prajapatya* is the form in which the father ‘gives his daughter’ to a virtuous man with the words that they might be united following the duties of the householder. In *Asura* marriage a person pays bride-price and ‘takes the bride’ ceremoniously. *Rakshasa* marriage is the way in which one would kill the woman`s relatives and ‘forcibly takes the screaming and resisting woman’. *Paisacha* marriage is the way of ‘outraging the woman`s modesty when she is asleep or intoxicated or mad’. (*Manu-Smrti*, Ch.III, Verses 27-33).³⁸⁶

Out of the eight forms of marriage the praised ones are the first six, all of which are considering women as the father`s property to be gifted properly to another man. The *Brahma*, *Daiva*, *Arsha* and *Prajapatya* marriages are said to be just applicable to

³⁸⁶ See Ibid, for these translations written here of the verses. Also see Buhler,1886

upper caste (*Varna*) people only, and would seem as if not being exercised in the present society even for the *Brahmanas* though the concept of ‘giving and taking of woman’ holds. The last two forms *Paisacha* and *Rakshasa* modes of treatment of man-woman relationship could be traced out in the incidents of rape and kidnap of women and girls happening in the society in one way or other. According to P.V. Kane, the marriage between Arjuna and Subhadra in Mahabharata is of *Rakshasa* type, though it is not clear whether Arjuna eloped with Subhadra without her consent.³⁸⁷ And Indian history proves that the system of abduction of women was prevalent among the ancient Rajputs.³⁸⁸ Such activities that make man-woman relationships are not considered as marriage under the legal system nowadays. But the prevailing laws proffer no better concepts in the case of women’s modesty and chastity, while solving such cases. Women are looked upon as ‘something lost’ after the incidents of molesting, even though it was without women’s consent they had been used sexually. May be one could see the similarity in the ancient and present abduction and rape modes, as the systems mull over the offspring as if they are evil children by birth (*Manu-Smrti*, III.41).

The *Gandharva* marriage form has got better hope in terms of the woman’s involvement and decision-making in the marriage. But such marriages out of mutual love and passion also seem to be relatively less in number in India, holding the ingrained concept of it as a ‘family deal’ . And cohabitation out of mutual passion without any legal registration is not considered as a marriage no matter it has

³⁸⁷ Archak, K.B., ed., *Manusmrti and Woman* (A Collection of Research papers) ,Sambodhana Series- 10 (ed. Dr. D.N. Shanbhag) ,1998. p.25,26

³⁸⁸ Ibid.

emotional support from the families. Seeing marriage as a critical institution, Patricia Uberoi thinks, whatever the other changes in Indian society, matchmaking still remains the prerogative of parents or family elders but not the two persons involved (Uberoi, 1993:36). Moreover, the social stigma which considers the marriages out of mutual passion as a crime is prevailing in Indian society although that has very deep rooted reason out of the caste and religious based impracticability of intermingling as well. It may be extended from the interpretations of the textual reference. *Manu-Smrti* considers the children from all the last four types of marriage starting from *gandharva* as born cruel, untruthful and hostile to the religion of *Brahma* (*Manu-Smrti*, III.41).

Asura and *Arsha* marriages are having money or matter transaction, but it is always given to the bride's father. These are the types of marriage that we could trace as prominent in contemporary India, but the wealth given at the time of marriage nowadays is from the father of the bride to the bridegroom in the name of 'streedhana' (dowry). Actually the word *streedhana* (*stree*=woman, *dhana*=wealth) mentions woman as the wealth in a positive way, but that also conceptualizes semantically the woman as something precious in union with man. A reflexive claim on the dowry practice followed by the people in India, no matter which caste or religion they belong to, seems to be quite contradictory to that prescribed in *Manu-Smrti*.³⁸⁹ The text has even asserted that by receiving a 'sulka' (bride-price) a father

³⁸⁹ This generalization is liable to limitations . May be there are exceptions about the matriliney among Nayers in Kerala and some other tribes in different regions of India, who hold different customs of marriage alliance. Levi-Strauss has mentioned about nayar matriliney in , Levi-Strauss, Claud. *The View From Afar*, Trans. Joachim Neugroschel and Phoebe Hoss, Penguin Books, London,1985; And

is selling his offspring (III.51). Romila Thaper writes that the term *sulka* is used in the Rg-Veda is not just meaning a tax. In the post-Vedic period and in Panini there is the meaning of the tax and also the meaning of the nuptial fee.³⁹⁰ She thinks gift-giving must have been part of marriage alliance even from Vedic period. The word *streedhana* is used in *Manu-Smṛiti* is to note the wealth given by the bridegroom to the father of the bride. But Kautilya in his *Arthashastra*³⁹¹ has put forth laws in support of accepting a fee for the daughter. So, Shastri(1953:87) thinks the antipathy of taking money on marriage in *Manu-Smṛiti* is a new development after Kautilya`s time which is supposed to be in between 4th century BC and 1st century AD. Although this gives very positive attitude towards the anti-dowry concepts through the text, by stressing on the authority of the father, ‘to give his daughter’ in marriage, the woman is conceptualized as a property that could be ‘delivered or gifted’³⁹². It is known as ‘*kanyadanam*’ and the word itself asserts the commoditization of woman (*Kanya* means ‘virgin girl’, and *danam* means ‘giving free of cost’) according to the tradition dominating in Indian region. This type of conceptualizations inserted into the life by the usages of language as well, are culturally celebrated and followed as such, even in the present time. Literature would no doubt give insights to the periods,³⁹³ and it might continue to pertain in the social life. Language has its effect on

see for note on polyandry among cis-Himalayan tract in north India and some Dravidian or pre-dravidian groups in south , Madan , 1989

³⁹⁰ Thaper,1984,p.41

³⁹¹ ‘The *Arthashastra* is said to reflect the social and political aspects of the Mauryan age. The distinctive feature of *Arthashastra* is to exalt the monarchical power (*raja-sasan*) over all other sources of power. Kautilya, the author of *Arthashastra* was influenced by *Brahminism*’.

See, Jatava, D.R., *Evolution of Indian Social Thought*, Bohra Publications, Jaipur, India,1987,p.59

³⁹² see Sharma,ed., 1998:104 and Buhler, 1886:80

³⁹³ Nestor, Paulina. *Female Friendship and Communities*, Clarendon Press, Oxford, 1985,p.2

society through repeated use, through sequences of use, through the laying down of a history of use.³⁹⁴ The anxiety about the way in which the concepts become dominant by the repeated usage of language, draws our attention into the importance of deconstruction of scriptures and texts existed during different times.

Shakunthala Rao Shastri (1953:78-79) says that the earliest law-givers were silent about the conditions of marriage such as the women should be of auspicious bodily marks etc. She thinks that the new complexities and facets of marriage ritual might not have come into existence then. In Manu anyway, we can see they have gained a unique concentration.

Gurun anumatah snatwa samavrtto yathavidhi

Udvaheta dwijo bharyam savarnam lakshananvitam (III.4)

Even though the above said verse is particularly for the twice-born men (*Dvija* or *Brahmana*), the idea that a man should marry ‘a woman of auspicious signs’ reveals the very much rooted concepts of femininity that qualifies a woman for marriage. By saying *lakshananvitham*, ‘the marriageable’ becomes conditional and that she should be having promising or favourable bodily marks or signs. Shastri (1953:78-79) claims these marks are the same as those mentioned by Apasthambha and they are seen in contemporary literature such as *Kamasutra* of Vatsyayana. *Kamasutra*

³⁹⁴ Eckert, Penelope., McConnell-Ginet, Sally., *Language and Gender*, Cambridge University Press, U.K.2003, See p.53. Here language is defined as a communicative practice mediated by a linguistic system. ‘Philosopher David Lewis (1974) proposed using language as a count form (with an article or plural as in the boat, boats) to designate linguistic systems and using it as a mass form (with no article or plural as in *water*) to designate linguistically mediated communicative practices.’

proposes a learned person has to marry a beautiful girl from the same caste.³⁹⁵ This text elaborates eccentrically about how a girl would be of auspicious traits by suggesting her teeth, nails, hair, ears, eyes and breasts must be of normal size.³⁹⁶ Vatsyayana has consent with Manu about the opinion that women should have sweet names and thinks that bides with bad names and names of star, river, tree and names ending in ‘ra’, ‘la’ consonants should be discarded.³⁹⁷ According to Vatsyayana the girls are disqualified for marriage for the following reasons.

1) having inauspicious names, 2) being concealed from others, 3) being pure white, 4) being jet black, 5) being already married to others, 6) having manly look, 7) having no hair, 8) having curved legs, 9) having broad forehead, 10) having already performed father’s funeral rites, 11) having attached with stigma, 12) having attained puberty, 13) being dumb, 14) being a friend from childhood, 15) being under-aged, 16) having hand feet always perspire.³⁹⁸

While disqualifying a girl from marriage, Vatsyana has entirely accepted Manu’s categorization of lapses, says Dr.V.K. Hampiholi in a recent article.³⁹⁹ The writer expresses the opinion that with these points we would feel that Manu is upholding the eternal values. At the same time the analysis in the article takes the position that

³⁹⁵ *Kamasutra* III.i.1

³⁹⁶ *Kamasutra* III.i.2

³⁹⁷ *Kamasutra* III.i.12

³⁹⁸ *Kamasutra* III.i.11

³⁹⁹ Archak, K.B., ed., *Manusmrti And Woman* (A Collection of Research papers) ,Sambodhana Series- 10 (ed. Dr. D.N. Shanbhag) ,1998, p.20

the institution of marriage is not only for procreation, but had been visualized to establish mainly a society with happiness, peace and harmony through the development of individual and family.

Shakunthala Rao Shastri (1953:78-79) says that Manu's definitions of marriage agrees with Vasishtha who reflects a post-Budhistic society and Gautama who reflects pre-Budhistic society. Manu reflected the conservative Hindu society where caste and creeds had become prominent and laws were necessary protection from disorder. This is the view she takes up while maintaining that Apasthambha had declared this necessity of laws in his time unlike that the times of antiquity. But this doesn't give any explanation for the addition of qualifications of women for marriage. In spite of the auspicious marks, the woman is qualified by the family she is born as well. She should be from a family where men have studied Veda and where at least one brother has born to her (*Manu-Smrti*, III.6). It is not her birth but her brother's birth is what counts her existence. This explains the status of a woman and her identity as dependent of her 'being a sister or daughter of a leaned man'.

And the family where epileptic, consumptive, leprous or leucodermic members are born disqualifies women for marriage (*Manu-Smrti*, III.7). Women having dreadful names and of brown complexion are not good for marriage according to Manu. Furthermore, in a preposterous way the text proposes, on which body parts the women should/should not have hairs and how thickly etc. to be fit for a marriage (*Manu-Smrti* , III:8). Other scholars who wrote *Smrtis* also are in agreement with

such views put forward by Manu. Yajnavalkya has accepted the qualifications described by Manu while elaborating the qualities to be found in a bride.⁴⁰⁰ *Yajnavalkya- Smrti* prescribes a staunch celibate to marry a beautiful, not closely related younger and healthy bride having brothers and belonging to different *gotra* and *pravara*.⁴⁰¹ The system of fixing the elements that would make a woman favorable for a marriage would seem to be a problematic for any gender insightful individual. Not only the possession of auspicious bodily marks makes the woman marriageable but having a brother also is said to be a necessary quality. (*Manu-Smrti*, III. 9- 11). This also would seem to be bizarre that the qualifications to get married are stipulated in this way, but it seems to have some positive points in terms of a girl child's right to ancestral property.

A girl who doesn't have a uterine brother of her own is known as *Putrika* and she is not considered for marriage. Because her children would belong to her father's family and the husband will not get sons to his family (and so, later verses have given options such as the children of *Putrika* could belong to both families so as to perform the after death duties of the father and mother's father etc.) (see, IX: 127-131). But she is given the estate of the father as inheritance which would go to her children later on. Usually the girl child is not involved in the deals of inheritance and as she has no rights at the father's house after marriage. But as an only daughter the woman is considered to hold her father's estate 'like a son', the concept being the son only should inherit (see, IX: 104-110). Though it is promising in a way for an

⁴⁰⁰ Ibid., p.19

⁴⁰¹ Ibid., Also see, *Yajnavalkya- Smrti* (Chapter III, verses, 52-53)

only daughter with no male sibling, it doesn't assure her freedom for decision-making and choice. She could be most probably denied a married life which is not usually a problem to be denied in the ordinary case where the first son inherits the father's property. And, though it is stated that the daughter is equal to a son in this case (IX: 130), she is only considered as an appointed daughter and actually the inheritance is still going to her in favour of a male member, that is her son (IX:131). This is because of the strict patriarchal lineage concepts of families that the women suffer such subordinate status. The system of fixing the elements that would make a woman favorable for a marriage would necessarily breed the concepts of femininity.

The kinship mode of laws which could be used in a positive purpose or misused to abandon the choice of the women individuals, are recurring in the text *Manu-Smṛiti*. For example a widow is married by the brother of her died husband, for the purpose of getting offspring in the family (IX. 64, 65, 69, 97). Many readings on such issues have generalized that *Manu-Smṛiti* is supporting widow marriage which may seem to be contradictory (see Shastri, 1953) to the existing belief that the Hindu religion prohibit it . But by a keen reading, the way in which such ideas are expressed in language to propose the conditions would be clearer. If a girl's betrothed husband is dead just after paying the nuptial fee to the brides father, the younger brother of the dead bridegroom could marry her, if she approves (IX: 97).

Kanyayam dattasulkayam mriyeta yadi sulkadah

Devarayah pradatavyah yadi kanyanumanyate (IX: 97)

Actually the same point is told in the sixty-ninth verse, but the addition ‘*yadi kanyanumanyathe*’ comes in the ninety-seventh verse only. The approval of the woman is taken into account in the verse, but it doesn’t assure that the choice of making a child is not of the woman. But there are possibilities that it may take place as per the misunderstanding of the concept *Niyoga*. Verses 64&65 assert procreation of children by appointment on another’s wife, *Niyoga*, is nowhere mentioned in any *Sastra* or *Mantra*, and a *Brahmana* should never allow a widow to procreate to get a son. The woman cannot go for procreation if she wants even being a widow. The concept of remarriage of widow is made clear in the verses, showing that the purity and chastity of the woman is not lost, in case the brother-in-law marries her as it is soon after the death of the betrothed husband. And the issue that may be noted from the institution of such a law would be bizarre that it takes place as if it is not right to take back the nuptial price, *sulka*, once given, and so it can be an option that the bride may be given to someone else in the same family and the proposed economic deal is done between the families. It evidentially shows the marriages existed were also to make the best financially fit family ties. The elementary concepts of lineage and kinship could be traced out from these ideas of *Manu Smrti*.⁴⁰² And as Hutchinson

⁴⁰² For details of evolution of lineage in India, see, Thaper, Romila. *From Lineage to State*, Oxford University Press, 1984. And also see Dube, 1997 and Karve, 1953. The relation between kinship and family has been explained by, Yanagisako, Sylvia Junko and Collier, Jane Fishburne. “Toward a Unified Analysis of Gender and Kinship”, in, Robert Parkin and Linda Stone (ed.) *Kinship and Family: An Anthropological Reader*, Blackwell Publishing, USA, 2004

puts it,⁴⁰³ kinship has played vital part in the parameter of marriage and it could be discussed in terms of the uneven division of resources in the family.

The treatment of widows in *Manu-Smṛiti* has not been favorable as it controlled the sexuality rights and life of the women no matter they are young or old. To make a son for the family or to fulfill the financial deals of families through fixing a marriage, were the purposes of remarriage prescribed in the text. Chastity and purity of woman was a strong concept put forward by the text while it didn't insist upon men's chastity. But the custom prevailed in India, of the widow burning in the husband's crematory fire, is not at all discussed in the text. And even in Vedic literature, there is no trace of such a practice called *sati* (widow-burning). P.V.Kane in his most eloquent commentary on *Dharmasāstras* declares that there is no Vedic passage which could be cited as incontrovertibly referring to widow-burning and nor do the ancient *grihyasūtras* contain any direction prescribing this procedure.⁴⁰⁴ Chandrakala Padia also asserts in her article that there is ample evidence to show that none of the *Dharmasāstras* except *Vishnupurāna* contain any reference of *sati*.⁴⁰⁵ She finds the old commentator Medhatithi treated *sati pratha* as *adharmā*, but Manu was silent on this issue.

⁴⁰³ Hutchinson, 1989

⁴⁰⁴ Lal, Malashri & Kumar, Sukrita Paul., ed. *Women's Studies in India: Countours of Change*, Indian Institute of Advanced Studies, Shimla, 2002, p.93

Also see, P.V. Kane, *History of Dharmasāstra*, Vol.II Part I, Poona, Bhandarkar Oriental Research Institute, 1941, p.625

⁴⁰⁵ *Ibid.*, p.94

Divorce is an inevitable topic while the discussion on marriage continues. In *Manu-Smṛiti* any term identical with divorce has never been used, but the concepts of demolition of marriage and separating of husband and wife relation have been mentioned. The terms and conditions for leaving a wife/husband behind and remarrying are elucidated in the text. Any study on gender would not be able to skip the point that the conditions for the separation are different for men and women (See IX: 72-83). A man can abandon a wife if she was given to him by suppressing a physical deformity or if she was diseased or possessed inauspicious physical features (IX: 72). But a woman, who discards her husband for his sickness or addiction of drinks, might be deserted for three months deprived of her ornaments and furniture (IX: 78). This type of punishment indirectly essentializes woman's identity as tied with her ornaments and other material things. And the verse makes it apparent that not only is the women devoid of any right to divorce a bad husband but would be punished if she wished separation. The punishment is a kind of imprisonment by denying her ornaments and furniture facilities as well. Even in the case the husband is mad, outcaste, a eunuch, sexless or afflicted with any disease, a wife cannot abandon him and remarry. But slightly positive statement of the text in this case is that, even if the wife showed aversion towards the husband, she might not be losing her property right (IX: 79). This may be symptomatic of the patriarchal strategy to show that women can fling upon a man just for the financial support, even with a loathing mentality. Also this could be interpreted as showing the fact that the property would be always with men, the women would get them as presented by the husband or father. And, this kind of statements would also bring forth the ideas that

the women are actually obliged to nurse the men at home while they keep quite about who would care for the women if they fell ill or insane. Whether men at home are supposed to foster their women if they become degraded or diseased is a question arise automatically with this prescription. It is stated as follows:

Unmattam patitam kleebamabeejam paparoginam

Na tyago/sti dvishantyascha na cha dayapavartanam (IX: 79).

(But a wife failing to nurse an insane, degraded, sexless or seedless husband, or one afflicted with sinful disease, is not fit to be abandoned by the husband for that neither hostile conduct, nor the things which he might have presented to her can be taken back from her.)

Manu-Smrti gives men many options and the freedom to remarry, keeping the earlier wives. If the wife becomes a drunkard or a faithless, hostile, hot-tempered, spend-thrift, one shall marry a second wife (IX: 80). A husband of a sterile wife shall remarry on the eighth, of a wife whose children die in infancy may remarry on the tenth and of a woman who gives birth a daughter on the eleventh year of their respective marriages, but the husband of a harsh-tongued wife may remarry without the least delay (IX: 81). This shows how the text has been particular about the control of conduct of women. This is evidential to what extent the freedom for expression is prohibited for women according to the moral codes. It is clear that language has been the property of men as per this scriptural morale. And the warning sign of a good-woman and the indicator of femininity are specified in the

verses as speaking less, using limited language that is allowed for them and thus being polite. Feminist theorists have written about how women would be blamed for any linguistic state or development which is regarded as negative or culpable.⁴⁰⁶ The preponderance of such rules dictates the studies on the relation between gender and language and ensuing research happened on language and gender could be seen as influenced by the mode of discourse analysis that concentrated on the language function along with the language forms, structures and semantic systems.

The men in the marriage tie are visibly much favoured according to the text. In any case the husband has got the option to remarry keeping the previous wives or abandon a wife and marry another one. If the wife is hostile he should wait only one year and then he could take back whatever he has given to her and take a second wife (IX:77). The wife of a good conduct, if she gets an incurable disease the husband shall give her good respect and remarry with her permission (IX:82). But there is the instruction in the text that the first wife should not leave the husband's house in angry. In such cases the men are supposed to imprison the wife in his house or send her to her father's house for the good (IX: 83). This method seems to be set up for making sure that the women won't get freedom at no cost from family houses in anyway.

In any case the women are not allowed to divorce or remarry and to stay out of her husband's or father's house. The only possibility is that if the husband who has gone abroad has not returned after a particular number of years, the wife doesn't need to

⁴⁰⁶ Gamble, ed., 1998. p.140, 141. See article by Mary.M.Talbot

wait for him then. She should wait eight years for the husband who has gone for sacred duty, six years for the one who went for study and three years for the one who went for pleasure (to another wife or so) (IX:76). But the text never says literally that, 'then the wife can remarry'. There are no verses which say the words, 'she can divorce or remarry'. It just says she should wait this many years and escape from suggesting what next to do. But in the case of a man it clearly says 'he can remarry or can have a second wife'. One can read out the moral fear about women here, which the Indian society has been following for years from the ancient period. Unlike *Manu Smrti*, one of the later *Smrtis* named *Narada Smrti* allows remarriage for women.⁴⁰⁷ Proclaiming nothing about the women's choice and sexuality, the text talks simply about the way in which a woman should restrain herself. Such a verse proposes that, the wife should restrain herself doing blameless manual works, until her husband comes back if he had gone abroad arranging suitable maintenance for her life (IX:75). And in the conception of the text, there are no possibilities imagined that the wife would go out for some years in exile and the husband would wait for her. This shows the dejection of woman's status just as a domestic entity according to the textual concept. With all such conceptual configurations in the verses, *Manu-Smrti* has played a role in promoting a male-centered household in the regions where it excreted influence over time.

⁴⁰⁷ The Vedanta Kesari, December 2002, p.485

Duties of a Householder

In the process of family construction by the role formations as householder and wife, *Manu-Smṛiti* has been endorsing laws in favour of men and that against women. It has propounded many codes that hamper women's lives, but at the same time one can see that the text has put forward many rules for men as well. They are compiled as the duties of a householder, but indirectly they conceptualize the masculinity and identity of a man and apparently regulates the man's movements and liberties in life. The fourth chapter elaborates the duties of a man, as that of the householder in his second quarter of life and the rules and restrictions for him to lead a virtuous life. Connived by the rules, a researcher may find, the householder in *Manu-Smṛiti* might be regulated though in a different manner a woman might have been. Although the laws are mainly for the life of a twice-born man, the way in which he is supposed to do things as per the text would show the command of the literature over the everyday life of the people who read them. And as part of the well-known process of sanskritization in modern India,⁴⁰⁸ the text could be proved to affect all the other caste people. May be some of the rules that prevent a householder from going away for long journey crossing a river, accepting gifts and food from others etc. are particularly meant for *Brahmin* men. And the rules such as the householder should leave his bed in *Brahma muhurta* (forty- eight minutes before the sun- rise, IV:92), evacuate urine and stools far away from the fire, bath in his own tank, offer fire five times a day etc., illustrate how the day is ordered by the text (See the various verses of chapter four). But the laws on the virtues of a householder may be found

⁴⁰⁸ See, Radhakrishnan, 1923: P 515-518 and 477

important for all the men as it is what makes him great in the death-after world but not his property or family relations (IV:239).The auspicious conduct of the man is strictly stipulated by the text. He is supposed to be self-controlled, behaving properly and hold pure body and spirit (IV: 145). A man`s purity and modesty is also proclaimed in the text even though we can find more options for men to keep his liberty over sexuality and individual life. One verse says (IV: 134) the most bad thing which would shorten the life of a man in this world is the act of (clandestinely) visiting another`s wife.

Na heedrsamanayushyam loke kinchana vidyate

Yadr̥̥̥ sam purushasyeha paradaropasevanam(IV: 134)

The translation made in Sharma (1998) uses the word ‘clandestinely’ in bracket. It may leave questions about what if the act is done not secretly. It is a problem if the open relation with another`s wife is acceptable or not. Buhler (1886) translates, in this world there is nothing as detrimental to long life as criminal conversation with another man`s wife. It is only taken as ‘criminal conversation’ by Buhler, what is said to as ‘the secret act of visiting’ in the other translation raising the doubt if the actual author meant a sexual act or just a conversation. The usage *paradaropasevanam* (*para daram*= other`s wife) really makes it unclear that the *upa sevanam* (activity near by) extended to what limit. These types of use of language in the translations necessarily leave confusions about what the actual or first writer (although the confusion may arise if the first writer is the actual writer etc. as well)

meant by saying something in a written form of language. This entailed in the textual reading all over and it is predominant about some verses in the *Manu- Smṛti* as well. It is more visible according to a gender-based reading that such loopholes by the usage of the language are more clubbed with the verses which restrict men.

In the case of the duty to keep the auspicious conduct the householder is reminded by the text not to quarrel with priests, Rittvigs (i.e. celebrants of sacrifice on his behalf), preceptors, mental uncles, guests, dependents, servants, infants, old men, sick folks, physicians, cognates, marriage relations and relations (IV: 179), nor with his parents, sisters, daughters-in-law, son`s wives and brothers and slaves (IV: 180). By avoiding such quarrels a house-holder may be exonerated of all sins and by conquering these, a house-holder can conquer all the worlds (IV: 181). It is also said as the duty of the householder to consider his wife and children as parts and parcels of his own self (see, IV: 184).

But these declarations on the duties of men would find the ultimatum when we go through the language in which it is presented in different verses in different chapters of the text. For example, in the ninth chapter ‘the protection of wives’ is said to be the highest duty of men of all four social orders (see IX: 6)⁴⁰⁹. The following verses⁴¹⁰ elaborate how the protection is to be carried out. Any reader could easily see the fact that the mental and physical ‘control’ is the meaning of ‘protection’

⁴⁰⁹ Sharma, 1998, is used in this part for quoting the translation of the verses. See, p.392

⁴¹⁰ Especially see eleventh verse of ninth chapter, which says the woman should be employed day and night at home looking after the household materials and taking care of the cleanliness of the persons at home etc.

prescribed by the text. This is a good example for the games done in the texts using the language, which could be manipulating the minds of people in the process of conceptualization. At the same time the type of a ply allows the freedom to take either the positive or the negative connotations. Anyhow the language use in the verses of text, with and without all the limitations of translation, mostly appears to be gender numb. This would be clearer by an examination of the duties assigned to woman and man, as householder and wife. This attempt may demonstrate the degree of discrimination in the justice made by the text towards both the genders and may reveal the linguistic invasion of the scriptures into the social formations.

Duties of a Woman

The verses from 146 to 166 in the fifth chapter of *Manu-Smṛiti* put forward the duties of women of all the four social orders (V: 146). The usage ‘*uktho vah sarvavarnanam streenam dharmonnibodhath*’ makes it clear that the rules on women and their duty described in the text are for all the women from all the four *varnas* or social orders. Though the usage of the word *dharma* comes in the verse to denote the duty of a woman, in fact it doesn’t refer to the same kind of *dharma* in the *purushartha* list meant for male human beings.

Balaya va yuvatya va vrddhaya vapi yoshita

Na swatantryena kartavyam kimchitkaryam grheshvapi (V: 147)

That means, a girl or a maid or an old woman, must not do anything independently (i.e. at her own will) even at the house (*gruheshvapi*). It may look outrageous that the list of the duties of women starts by such a statement. And this verse evidently shows that the house is the one and only one possible space for the woman and she shouldn't do anything on her own even in that place. These types of absurd laws are prescribed following this verse and that would doubtlessly lead any researcher into the conclusion that the text has treated women in diverse stumpy manners compared to that with men. Women are having stages of life as daughter, wife and mother that cannot be compared any way with the four *Asramas* of men. She is supposed to remain under the control of her father in childhood, under the control of husband in her youth, and under the control of her son after the demise of her husband in old age (V: 148). That clearly concludes saying that, the women should not assume independence (*na bhajetstree swathanthratham*) under any circumstances whatsoever.

Balye piturvase tishthed panigrahasya youvane

Puthranam bharthari prete na bhajetstree swathanthratham (V: 148).

The following verse restricts women even from wishing separation from her father, husband or sons. A woman living separate from these relatives would be condemnable in both families (i.e. the father's and the husband's families) (V: 149). This is indirectly clarifying that the woman has no house of her own and she only

has either her father`s or her husband`s house. This could be seen as a crucial phenomenon in the ever strong dominant patriarchal social and family system followed in India. Though ‘the theory of patriarchal family’⁴¹¹ was questioned by his followers, Henry Sumner Maine has mentioned about the patriarchal family system in India as notable and he brought under consideration the rich data of Indian customary law that patently connected with British imperial enterprise.⁴¹²

Sada prahrshataya bhavyam ghrakaryeshu dakshaya

Susamskrtopaskaraya vyaye chamuktahastaya (V: 150)

By saying that, skillful in her household duties let her remain a happy and cheerful frame of mind, keeping the furniture neat and tidy and avoiding extravagance (V: 150), the patriarchal family system continues to prove its sovereignty over woman beings. The verse shows the duty of a woman is mainly to be at home taking care of the household materials. And one cannot run off the criticism towards the duty assigned to a woman to be happy and cheerful all the time (*Sada prahrshataya*). It is an injustice that denies the existence of a mind for a female human being to feel and think freely in different ways as per her surroundings and experiences.

Another duty for a woman is to serve her husband whom she has been given in marriage by her father or brother with father`s consent. She is not supposed to

⁴¹¹ See Uberoi,1993, p.8. Maine`s theory hold that the earliest form of family in human history was what he called ‘patriarchal family’. See for details, Maine, Henry Semner. *Ancient Law*, Everyman Edition, London,[1861]1972

⁴¹² *Ibid.*, p.10

transgress against him even after his demise (V: 151). The total control over the sexuality of the woman is enrooted in such verses. It is asserted and explained in another verse telling that after the demise of her husband (lord) she is expected to control her passion by living on auspicious flowers , bulbs and fruits , never even dream of taking the name of another man (V:157). The woman is supposed to be a chaste wife, who would always serve her husband, even if he is found devoid of learning, character and conjugal fidelity (V: 154). This is the only way to get glorified in heaven for her as she has no other religious rites to do (V:155,156) while for the man it is not his wife, children, or parents but his virtue alone glorifies him after death(IV:239). At the same time a virtuous wife is one who attains the region of her husband, by serving him in life and death. This exemplifies one of the very anti-woman elements the text propagates as if she is just a part of the man, having no ‘self’ of her own. The verse,

Mrte bhartari sadhvi stree brahmacharye vyavsthita

Svargam gachathyaputrapi yatha te brahmacharinah (V:160)

reveals the self-lessness of women in a strong manner saying that a *sadhvi* (virtuous wife) by taking the life of asceticism after the demise of her husband would go to heaven like a *Brahmacharin*. That declares that the woman has no possible ways on her on to get heaven and her asceticism could only be understood in terms of that of a male *brahmacharin*. The woman is never described as an ascetic without a marriage or after the married life, according to the text. The spirituality is thus seen

as gents-only realm and the women can only be 'like a *brahmacharin*' but never could she be a *brahmacharini*.

A virtuous woman is advised nowhere to take a second husband in any *Sastra* (V: 162) even for the purpose of begetting progeny (V:161). A woman is condemned in the society if she marries a better husband discarding the inferior one (V: 163). This is a social phenomenon yet in the modern India that to denounce a woman if she happens to divorce and remarry. For such activities of infidelity, according to the ancient belief yielded by *Manu-Smrti*, the woman would be reborn as a she-jackal afflicted with many foul diseases like leprosy etc. (V:164). This is the extreme way of regulating the sexuality of women, making aware of the seriousness of sin and punishments. This is the strong wish to maintain the family structure keeping the woman inside it. The good-woman is always suggested to be controlled in her speech, body and mind (V:165) .

Anena narivrttena manovagdehasamyata

Ihagryam keerthimapnoti patilokam paratra cha (V: 166)

Repeating like this in two consecutive verses, the virtue of a dutiful woman is emphasized to be controlled in her speech, body and mind (*manovagdehasamyatha*). And thus proposes a woman (wife) to be faithfully doing the duties of matrimony, to acquire glory in this life and to attain the region of the husband after death, which should be the one and only one ambition in her life. Thus the respected text book of

social order treats the woman imprisoned with the tie of husband and family. No one can deny the fact that the text *Manu-Smṛti* in fact has caused some wretched conceptualizations to limit the woman in the architectural space of the house-hold. According to the text, the house is the only world for the woman and her self-realization is contained in the completion of duties towards the family members. The psychodynamics of social organization could be observed as evolving from these scriptural injunctions in the Indian context. The psychological constellations in individuals are formed by the legal monogamy, the organization of family and the in-group formation that has been culturally of patriarchal in pattern.⁴¹³ This could have turned a foundational reason for the internalizations of identities as a wife and as a husband by the textual enterprise of *Manu-Smṛti* as well.

Duties of Husband and Wife

The ninth chapter of *Manu-Smṛti* starts with the description of the duties of the husband and wife leading a virtuous life (IX: 1). The duties assigned to the husband and wife are applicable to the man and woman when they are together or separated as well according to the codes. The codes on the obligations and rights of husband and wife are sophisticated through the verses from one to hundred in this chapter. Kulluka states that, the duties of married life dealt within this chapter as such, although not falling within the purview of the ordinary legal duties of an individual,

⁴¹³ The cultural influence in the organization of family has been recognized by psychologists as well. For the task of linking psychology and sociology to see the reactions of individual lives towards their institutions, See, Kardiner, Abram. *The Individual and His Society: The Psychodynamics of Primitive Social Organization*, Columbia University Press, New York, 1939, p.21,22

their violations are punishable by law as crimes and the King`s court has jurisdiction to take cognizance of cases in which the rights or obligations which these duties entail are sought to be established or enforced.⁴¹⁴ Though the duties prescribed as such are not in the present legal system in India many of the concepts are underlying in the laws existing in the country. Moreover the social codes which are believed to be followed as unwritten laws for the acceptable mode of social life, could be traced out clearly in the *Smṛti* statements. Especially the norms of being a husband and a good-wife, as well as good-woman in general, are obviously uttered in the text, with which the contemporary family conceptualizations get attested.

Aswatantraḥ striyāḥ karyāḥ puruṣhāiḥ svairdivānisam

Vishayeshu cha sajjāntyaḥ samsthāpyāatmano vāse (IX: 2)

This verse prescribes that men should never give any license to their wives in day and night (*divānisam*). By keeping them engaged in commendable pursuits, it is their duty to maintain them under their own control. Kulluka has explained what would be the pursuits in which women must be engaged. The text says just *vishayeshu cha sajjāntyaḥ*, but Kulluka explains it by *Anishiddheshvapi rupaśādi vishayeshu*. That is the pursuit should not be in condemnable objects of sight, hearing etc.⁴¹⁵ In another verse it is made clearer by saying that,

⁴¹⁴ See, Sharma, 1998, p.391

⁴¹⁵ Ibid.

Arthasya sangrahe chainam vyaye chaiva niyojayet

Sauche dharme/nnapanktyam cha parinahyasya vekshane (IX: 11)

That means, the wives should be employed in storing and spending money, looking after the expenses of the household, in maintaining the cleanliness of their persons and of the house, and in looking after the beddings, wearing apparels, and household furniture. The verses themselves make it clear that it is not possible to control women by force and so these should be the way to organize them. It is deplorable to know that this is the deep motives behind the well-known verse,

Pita rakshati kaumare bharta rakshati youvane

Rakshanti sthavire putrah na stree swatantryamarhati (IX: 3).

[The father protects her in infancy; the husband in youth; and sons, in old age; a woman does not deserve independence]

This idea is asserted by repeating in different chapters in the text, as another form of the verse we could see in the fifth chapter (V: 148). And it follows trying to reflect as if the idea is propagated out of respect towards women. By stating that it is condemnable, for the father if he does not marry her daughter off at the proper age, for the husband if he does not visit his wife during her menstrual period and for the son if he does not protect his mother after the demise of her husband, the text attempts to depict that women are duly considered and there is no other issue if this idea is followed very well. The people who try to read the verses in a positive way

do not see the fact that the concepts evolved and enforced by such an idea would neglect the identity and liberty of women as individuals. And the symbols and idols of 'woman' simply as daughter, wife and mother are desperately evident in the hundreds of other verses, which would never, give any duck to read the verse as favourable to women.

The following verse (IX: 5) even conceptualizes a woman as the 'brooch of dignity' of the two families (her father`s and husband`s). Because of the very reason, it is the rule that women should be protected from slightest corrupting influence such as evil company etc. This would necessarily draw the question why women are only to be protected and why men get the position and duty to protect them. The text leaves no sign that the men are also human beings who may hold insecurity feelings and may have fear and fickleness which are feminine according to the text(IX:15). Noteworthy is the fact that the text openly declares, this kind of control (in the name of protection) of women is the highest duty of male members of all the four social orders (IX: 6).

Imam hi sarvavarnanam pasyanto dharmamuttamam

Yatante rakshitum bharyam bhartaro durbala api (IX: 6)

This also asserts that even a weak (*durbala api*), diseased or physically deformed husband should endeavor to protect their wife. Because by protecting the wife a husband (man) protects the purity of his progeny and his family as well as his

character, self and virtue (IX: 7). Nevertheless, the text sees the possibility that women could protect themselves, that is the best way of protection and may be sometimes the imprisonment in the house guarded by close relatives might not work as a sufficient protection (IX: 12).

Outlandish is the way of presentation of duties of men and women, as it expounds points, making repetitions and contradictions and thus confusions all the way. Men are asked to protect women in the above explained way along with the comment that it would be the best way if women protect themselves. Then the verses in the text proceed to assert again that men should protect their women because the god-given actual nature of women is easily corruptible. According to the text women do not care about the personal beauty or young age and they only long sexual intercourses with men, no matter the men are good-looking or bad-looking (IX: 14) At the mere sight of men, and on account of the inborn absence of affection and innate fickleness of heart, women though well protected by their husbands, make transgressions against them (IX: 15). The fickleness of heart and inborn absence of affection along with the fondness of ornaments, beds and cushions, intense erotic feelings, anger, crookedness and scandal (IX: 17) are said to be the symptoms of female identity and femininity. And the text has sought support in Vedas and Nigamas to avow the proneness of women to infidelity (IX: 19, 20). And the six factors that would defile a woman are stated as wine-drinking, evil company, separation from husband, idle rambling, sleep at the improper time and residence at another's house (IX: 13). Women are considered unto inorganic things and they are not given any *mantras*

for purificatory rites as men have (IX: 18) and thus they are exempted from the duty to perform religious rites. They are only supposed to do the supportive roles for their husbands to do their religious rites. Such preposterous verses describing the nature of women contribute in abundance for conceptualizing and defining the woman's cultural and religious status, identity and sexuality as well. There is no doubt, if we think about the theories on language and semiotics, that the symbols given by the text would affect the minds of people and social formations.

The wife has the duty of giving birth of a son similar in every respect to the husband, who impregnates her (IX: 9), and the concept behind this is that by entering into the body of his wife the husband is again born in her (IX: 8). Even by contemplating transgressions against her lord the woman is sinning and for the expiation of it has been proclaimed even from the Vedic period (see, IX: 21). As per the text, the chance of being good for a woman is obtained by being with men of good characters. As a river in contact with the sea becomes briny, a woman acquires traits of mind and character similar to those of the man she is united with (IX: 22). Even the women from lower origins acquire excellent traits of character through contact with auspicious mental traits of their respective husbands (IX: 24). This presupposes the inter-caste relationships as favorable if women of lower caste marry higher caste men. But at the same time, this envisages the verity of the text as to visualize woman (of any origin) as having no right existence with her own character and identity. The women are supposed to either opt for mimetic subject-positioning which prolongs

the notion of plausible gender identification, or ‘camp it up’, and so perform gender as excess in order to reveal gender identification as pretense, as Judith Butler said.⁴¹⁶

The elaboration of the duties of husband and wife in a household would seem to be uncanny for any gender insightful critical study. As Juliet Mitchell maintains, there are the four levels production, reproduction, socialization and sexuality, encompass the male supremacy and female subordination by gendering process.⁴¹⁷ The injection of laws in the text concentrates upon the fidelity of woman as wife and the duty of men to protect their women even by controlling them in every manner so as to keep the purity of their progeny and family. But in some other verse, the primary duty of husband and wife is stated as mutual fidelity (IX: 101). This could be found as a positive element as it equally insists the fidelity of both men and women who are holding a marriage. But the whole other verses previously stated prove that the men were privileged and the women were controlled in the case of their sexuality. Although the husband is not allowed to see women other than their wives, they had better options for remarriage.

The women are called ‘the lights of the households’ and repositories of bliss and auspiciousness and even they are compared to goddesses of fortune in the house and it is proposed that they should be honored (with presents of apparels and ornaments)

⁴¹⁶Butler, Judith., *Gender Trouble: Feminism and the Subversion of Identity*, Routledge, New York and London, 1999

⁴¹⁷ Mitchell, Juliet. ‘Women: The Longest Revolution’. In *Women`s Estate*, Pantheon, New York, 1971

for the purpose of conceiving progeny (IX: 26). One can reflexively trace the fact that this concept is much prevailing in the present society. But these kinds of attempts by a text to construct the family life might have doubtlessly affected many other life-styles of women. There is much evidence that women are not living just as wives in the world at any historical periods. The possibility of women's lives as unmarried and as single mothered were not in the light of the text. Also the slave/servant woman and prostitute woman were not imagined while *Manu-Smṛti* was compiled. These types of life-styles were there in Indian region even from the ancient time. The 'ganika' or 'devadasi' woman-concepts were acceptable and respectable in the society. *Arthashastra* and *Kamasutra*, all most contemporaneous to *Manu-Smṛti*, are evidential for such woman existence in India during that time. *Arthashastra* mentions about the prostitute women who held great economic status having counted as playing massive role in contributing to state revenue.⁴¹⁸ *Kamasutra* speaks about the life of *nagaraka* (city-man) in ancient India who used to go to clubs and pleasure houses such as abodes of *ganikas*.⁴¹⁹ And the kingdoms of medieval India show the existence of many 'dasi'(servant) women in the history. The purpose of *Manu-Smṛti* as a law-book, to make a society with very well structured family, could be drawn as troubling such 'other' lives of women. This shows the double suffering of such women out of the pressure of *Manu-Smṛti*'s conceptualizations on a model family life.

⁴¹⁸ Krishnawarrior, N.V. ed. *Kautilyante Arthashastram*, Trans. K.V.M., Kerala Sahitya Academy, Trissur, 1935

⁴¹⁹ Haran Chandra Chakladar, *Social life in Ancient India: Studies in Vatsyayana's Kamasutra*, Asian educational Services, Delhi, 1929. p.146

It is true, there are a few verses (III. 55-59) that talks about worshipping women in the family but not just for the function of making offspring as mentioned above. Among them the famous verse says; ‘the deities delight in the places where women are revered, but where women are not respected all rites are fruitless’. i.e.,

Yatra naryastu poojyante ramante tatra devatah

Yatraitastu na poojyante sarvastatraphalah kriyah (III: 56)

The following verses advocate where women of the family are miserable, the family is soon destroyed, but it always prospers where women are not miserable (III. 57). And the text prescribes men should respect women properly and otherwise their homes would be cursed. But, one might find contradictions in the concepts on ‘woman’ along the text by comparing these verses with the copious other verses in the text that have been stated earlier here as describing women in the form of merely erotic objects with no character and virtue. This could be interpreted as a general trickery observable through out the text while talking about the codes of conduct for social and family life. Or this may be to make sense of the option the text has mentioned in a beginning verse, to act either as per the scriptures or unto the conscience (*ManuSmrti*, II.12) and convincing to one`s own reason. Anyway a gender based analysis would not escape from being a critique on the dominating ideas put forward in the text.

Summary

The *dharma* concept of traditional India actually seems to be meant only for male human beings as it comes under the list of the four *purusharthas*. At the same time the females are also given some kind of duties as daughter, wife and mother, by *Manu-Smṛti* along with duties proposed to the men as a householder and as an individual virtuous person. By assigning the duties around the architectural space family alone, women are conceptualized as non-social beings in every sense and she is never conceived as an individual person holding her 'own' virtues. Any person pursuing the meanings conferred by the verses in *Manu-Smṛti* can find the weird way of gendering especially around the household structure and the process institutionalization of family. The structure and nature of the family and the household is exemplified in the description of the duties of husband and wife and the householder in the *Manu-Smṛti*.

One of the main duties of men as per the text is to protect their women (daughter, wife and mother) from being corrupted or transgressed. The women are pictured as vulnerable to transgressions by nature and thus the text ascertains women should be controlled by their men by engaging them all the day and night at homes. The dominant place given for the men according to the text is evident in almost all the verses that describe the marriage, divorce, widowhood, remarriage, transgression etc. Surprisingly enough, the much lauded law-book *Manu-Smṛti* would seem to be

strongly misogynistic if we go through the hundreds of verses which are limiting women in the architectural space household.

Although the modern terminological definitions and differentiations of family and household might not be directly masquerading *Manu-Smrti*'s concepts revealed in its description about householder, housewife and their duties, they find many common elements. With all the limitations such an argument may hold, the analysis made in this study anticipates, at least leaving some thoughts about the scriptural injunctions that seem to have influenced the construction of gendered/gendering family. The reflections of such a family in the present society would seem to be similar to *Manu-Smrti*'s model of family. And also the discourse on family and social formations, in the region termed as India could be traced from the verses of the text.