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Pulak Chandra Majumder

Former Guest Faculty in the
Department of Economics,
Presidency University, Kolkata,
West Bengal, India

Gender inequalities in manu's period

Pulak Chandra Majumder

Abstract

In the present paper, we examine the issues of the discrimination of men and women in regards to (i) the birth of children; (ii) education; (iii) marriage and remarriage; (iv) family arrangement of house works between husband and wife, and (v) property rights of men and women in Manu's period. The objective was to know whether the gender inequities existed in Manu's period on the above mentioned issues. We have also examined how far the gender inequalities, if any, are relevant to 21st century modern India on the above issues.

Keywords: Gender inequalities, manu's period

Introduction

Since the Rigvedic age, Manu's name is being mentioned. This proves Manu's ancientness. The Rigvedic sages often cited Manu's name especially when they offered praises towards winds and pointed out medicines recommended by Manu. This aspect has been expressed in Rigveda (2,33,13) saying as "Of your pure medicines, O potent Maruts, those that wholesome and healthy bestowing, those are father Manu hath selected. I crave from Rudra by the gain and welfare." The Rigvedic sages also prayed to the gods so that they were not deviated from the path of Manu.

Manu's 'Jagna' towards gods is also mentioned in the Rigveda (8,30.2) saying as 'Manu deba Jagniasa'. i.e. Manu offered 'Jagna' towards gods. Again, in Rigveda, Manu is presented as the father of mankind (Rigveda, 3.34, 4; 3, 57, 4). Thus, in most cases in Rigveda, Manu is presented as most influential and separate person. Manu's son was 'Navanedistha'. He was deprived of his paternal property.

In Rigveda (5,45,6), Manu is described as the warrior which is expressed by saying as "Jaya manu vishishiprang jigaya" i.e. that where with Manu conquered 'vishishiprang where with the wandering merchant gained the heaven's water (Translated by Ralph T.H. Griffith – the hymns of the Rigveda)

In many hymns of the Rigveda, ((9, 113, 8); (10, 58, 1); (10, 60, 10); 10, 164, 2), Manu is mentioned as 'Vaibaswata' Manu. He perhaps was the most ancient Manu. It has been described in 'Manusamhita' that Manu became the king due to the influence of 'Vinaya Dharma' which is expressed in the Manusamhita saying as "Prithustu binayad rajyang praptaban manureb cha"

i.e. Manu got the kingdom due to the influence of 'Vinaya dharma'.

Manu has been mentioned in innumerable times in Mahabharata. In Mahabharata, Manu is sometimes mentioned as 'Swanghuba Manu' and sometimes as 'Prachetosh Manu'. In *shantiparva* of Mahabharata Manu is described as 'Purushattama Bhagaban' who composed lakhs of verses about religion which people would follow. 'Swanghuba' Manu himself propagated those principles of religion composed by 'Purushattama Bhagaban'.

Like Mahabharata, Manu's name has been mentioned in the Ramayana as the creator of the famous 'Ayodhya' City saying as

अयोध्या नाम नगरी तत्र आसीत् लोक विश्रुता ।

मनुना मानव इन्द्रेण या पुरी निर्मिता स्वयम् ॥ १-५-६

Valmiki, Ramayana, 1-5-6

Corresponding Author:

Pulak Chandra Majumder

Former Guest Faculty in the
Department of Economics,
Presidency University, Kolkata,
West Bengal, India

i.e. It is hard from the people that there was a city named 'Ayodhya'. A man named Manu built that city.

In ancient Indian literature, Manu is mentioned as the father of mankind, ancient sage, establisher of Fire God and composer of economics.

Kautilya also mentioned Manu's name in his 'Arthashastra' saying as 'Manaba Manu's shishaya, i.e. men were the disciples of Manu. From the above description, it is clear that Manu had different names. He was called as 'Vaibaswata Manu', 'Swanghuba Manu', 'Prachetas "Manu"'. The question arises about the real identity of Manu, It is very difficult to determine Manu's real identity.

Manu's real identity can be enquired from the views of Medhatithi, Gobindaraj and Kulluka. Each of them was the commentator of Manusamhita. The commentator Medhatithi said,

"Manur nama Kachit purusha bisheshohanek beda shakhadhya Vignananusthana sangpanna smriti parangpara prasidhya."

i.e. there was a special man named Manu. He studied many branches of Veda. He had knowledge in all branches of Veda. He was famous from generation to generation

Gobindaraj was another commentator, who accepted Medhatithi's explanation about Manu. He said,

"Manunama maharshirshesha Vedhartha jnanana prapta-manusanga:

agamparag paraya sakal bidwajjana karane gocharibhuta swargasthiti pralayakarane adhikrita."

i.e. Manu was a rishi (saint). He had knowledge over all branches of Veda. All learned men had heard the name of this famous man from generation to generation. He had knowledge about the creation, existence and destruction. From this view of Gobindaraj i.e. is inferred that this learned Manu was different from the mythological Manu.

Kulluka, another commentator, was of the opinion that Manu's name was derived from man. He was a manifestation or embodiment in flesh in human form of the supreme Soul. He was the authority of sacred law. However, from the views of Medhatithi, Gobindaraj and Kulluka, it is clear that Manu was not an ordinary man. He had a lot of knowledge on the different branches of Veda. The real name of this man was Pragapati Manu. It is known from Manu-sanhita.

The present study uses the data from Manusmriti to examine the different types gender inequalities in Manu's times. It is also necessary to say a few words about how Manusamhita was composed and when it was composed. Perhaps, Manusamhita was composed in different stages or it had been composed based on some ancient books. Maxmuller's view, in this context, can be mentioned. According to Maxmuller, "Manusamhita" is based on, or in fact, a recast of ancient 'Dharmashastra'. (Ref. "The Sacred Books of the East" Edited by F. Maxmuller.)

But it is difficult to determine the period of its composition. This aspect can be enquired through the appearance of Medhatithi, a commentator of Manusamhita. Medhatithi appeared before 900 BC. Thus, it is inferred that 'Manusamhita' was composed before 900 BC. Another proof is that Manu's name has been mentioned in the Ramayana as a builder of 'Ayodhya' city as mentioned earlier. The events of the Ramayana took place before 900 BC. Thus, it is also inferred that Manusamhita' was composed before 900 BC.

Objective of the Present Study

The objective of the present study is to know whether there were gender inequalities in the issues of parents' preference

on the birth of children (i.e. natality inequality), education, marriage and remarriage of men and women, household arrangement of house works between a husband and wife, and property rights of men and women in Manu's times. The above issues are discussed in the different sections of the present paper.

The Issue of Parents' Preference on Birth of children.

In Vedic and Epic periods, parents would expect to have a son rather than a daughter at the time of their birth. But in Manu's time their preferences were indifferent. Parents would follow Manu's principles. Manu did not show any preference either to male progeny or female progeny. Thus, his opinion went against the Vedic and Epic preferences to male progeny. A son and a daughter were equal to him.

यथा-एव-अत्मा तथा पुत्रः पुत्रेण दुहिता समा । ९-१३०

"A son is even (as) oneself; a daughter is equal to a son" Manu Smriti IX, 130

Manu, again, advised people to treat daughter with tenderness and parents should not enter into argument with them. MS IV, 185 expresses the above by saying as

चाया स्वो दासवर्गश् च दुहिता कृपणं परम् ।

तस्माद् एतैर् अधिक्षिप्तः सहेत-अ-संज्वरः सदा ॥ ४-१८५

"One's slaves as one's shadow, one's daughter as the highest of tenderness; hence, if one is offended by (any one of them; one must bear it without resentment."

The issue of Education

Manu glorified mother's role in education. According to him, children must be first taught by their mothers. The vital role of a mother in children's' education is expressed in (MS 2, 145) by saying as

उपाध्यायान् दश-अचार्य आचार्याणां शतं पिता ।

सहस्रं तु पितृन् माता गौरवेण-अतिरिच्यते ॥ २-१४५

i.e., The teacher (Acharya) is ten times venerable than the sub teacher (upadhaya), the father is the hundred times more than the teacher but the mother a thousand times more than the father.

In Manu's times the equal treatment in education between a son and a daughter is noticed. He recommended such treatment in education by which a son and a daughter would get the same opportunity and access to education. His opinion about education is expressed by saying as

"Kanyapabeng palaniya sikshanceati Jatnata."

i.e. a daughter must be brought up with proper education like a son.

(Ref. Dr. Manabendu Bandopadhaya – 'Manusamhita'). It should be mentioned that his opinion on education was ambiguous. The ambiguity is noticed when he prohibited women, Sudra and degenerated Brahmins to pronounce "Vedic mantras." However, his education system was all pervasive. Because the learner's body, mind and intelligence would have been manifested through his education system. He said that Veda is the root of all religions – "Vedohakhila dharma mulam").

The pupils (i.e. both male and female students) would begin their education at Guru's house after the upanayana in Manu's times. The objective of education was to build character in them.

Manu said that if a man learns religion from both 'sruti' and 'Smriti', he would become happy in this world and the next world after his death. (MS 2,9) expresses the above fact by saying as,

श्रुति-स्मृति-उदितं धर्मम् अनुतिष्ठन् हि मानवः ।
इह कीर्तिम् अवाप्नोति प्रेत्य च-अनुत्तमं सुखम् ॥ २-०९

i.e., For that a man who learns religion prescribed in the revealed texts (sruti and smriti) and in the sacred tradition, gains fame in this (world) and after death unsurpassable bliss.

श्रुतिस् तु वेदो विज्ञेयो धर्मशास्त्रं तु वै स्मृतिः ।
ते सर्वार्थेष्व् अमीमांस्ये ताभ्यां धर्मो हि निर्वभौ ॥ २-१०

(But by Sruti (revelation) is meant the Veda, and by Smriti (tradition) the Institutes of the sacred law: those two must not be called into question in any matter, since from those two sacred laws shone forth. (MS 2, 10))

Marriage and Remarriage

This section examines the issue of marriage and remarriage.

(i) Marriage.

In the epic period, marriage was obligatory only for women. But in Manu's times marriage had become obligatory for both men and women. In support of his opinion he argued that the bodies of both men and women could be perfect and sacred through the marriage. His opinion on marriage is expressed in (MS IX, 45) by saying as,

एतावान् एव पुरुषो यत् - जाया-अत्मा प्रजा-इति ह ।
विप्राः प्राहुस् तथा च-एतद् यो भर्ता सा स्मृत-अङ्गना ॥ ९-४५

"He only is a perfect man who consists (of three persons united), his wife, himself, and his offspring; thus (says the Veda), and (learned) Brahmanas propound this (maxim) likewise, 'The husband is declared to be one with the wife.' However, according to Manu, marriage is a life-long binding between a man and a woman. It is a sacrament (sign of grace).

ii) Remarriage

In Vedic period, remarriage was permitted to both the widow and widower. But in Manu's times it was prohibited for the widow but not for the widower and this is reflected in MS 5.168

भाययै पूर्वमारिण्यै दत्त्वा-अग्नीन् अन्त्यकर्मणि ।
पुनर् दारक्रियां कुर्यात् पुनर् आधानम् एव च ॥ ५-१६८

"Having thus, at the funeral, given the sacred fires to his wife who dies before him, he may marry again, and again kindle (the fires)."

This reflects the gender discrimination.

Manu argued that if a widow had a relation with another man after her deceased husband, she would lower herself to the animal stage and would lose her place in heaven. His opinion on widow remarriage is expressed in (MS V, 161) by saying as

अपत्यलोभाद् या तु स्त्री भर्तारम् अतिवर्तते ।
सा-इह निन्दाम् अवाप्नोति परलोकाच्च हीयते ॥ ५-१६१

"But a woman who from a desire to have offspring violates her duty towards her (deceased) husband, brings on herself disgrace in this world, and loses her place with her husband (in heaven)."

Manu was liberal in the case of a child widow. Manu said that if a child widow without any issue wants to have a child, she would be allowed to beget a child from her relative of her husband by a special permission (MS IX, 59). He expresses his liberality on child widow in the following way.

देवराद् वा सपिण्डाद् वा स्त्रिया सम्यक्-नियुक्तया ।
प्रजा-ईप्सिता-अधिगन्तव्या संतानस्य परिक्षये ॥ ९-५९

"On failure of issue (by her husband) a woman who has been authorised, may obtain, (in the) proper (manner prescribed), the desired offspring by (cohabitation with) a brother-in-law or (with some other) Sapinda (of the husband)".

Manu further advised that after achieving a child through such sexual meeting, the child widow and her second husband would behave each other as father and daughter.

न दत्त्वा कस्य चित् कन्यां पुनर् दद्याद् विचक्षणः ।
दत्त्वा पुनः प्रयच्छन् हि प्राप्नोति पुरुषानृतम् ॥ ९-७१

"Let no prudent man, after giving his daughter to one (man), give her again to another; for he who gives (his daughter) whom he had before given, incurs (the guilt of) speaking falsely regarding a human being."

Family arrangement of Houseworks

5) "It has been found that in many societies the family arrangement of household's work is quite unequal in terms of sharing the burden of housework's and family care. Even in cases where there is no open sign of anti-female bias in survival or in son preference, the family arrangement of house works was quite unequal". (Ref. Amartya Sen, Many Faces of Gender inequalities – an essay. Published in Front Line, 2001).

However, whether there was an inequality in burden of house works between a husband and a wife can be traced to the married life in Manu's period. In times of Manu a person's married life would begin after the period of studentship. A man who studied three Vedas or two Vedas or one Veda without breaking the rule of studentship was entitled to enter the married life. (MS 3,2) expresses this fact by saying as

वेदान् अधीत्य वेदौ वा वेदं वा-अपि यथाक्रमम् ।
अविप्लुत-ब्रह्मचर्यो गृहस्थाश्रमम् आवसेत् ॥ ३-०२

“(A student) who has studied in due order the three Vedas, or two, or even one only, without breaking the (rules of) studentship, shall enter the order of householders.”
‘Guru’ played a significant role in marriage. Because his permission was necessary for getting married. (MS 3,4.) expresses this fact in the following way.

गुरुणानुमतः स्नात्वा समावृत्तो यथाविधि ।
उद्धेत द्विजो भार्या स-वर्णा लक्षणान्विताम् ॥ ३-०४

“Having bathed, with the permission of his teacher, and performed according to the rule the Samavartana (the rite on returning home), a twice-born man shall marry a wife of equal caste who is endowed with auspicious (bodily) marks.”
Manu specified the duties of householders in respect of spending wealth. He suggested that the householders should spend their wealth for their existence, all human beings and for all living creatures to maintain cohesion and co-operation. However, in Manu’s times a wife in her married life enjoyed an inferior position. A wife would bear most of the burden of house works. The family arrangement of house works between a husband and a wife was quite unequal. A brief description of unequal house works between a husband and a wife is given below to support the unequal arrangement of house works. In Manu’s time a wife would frame a proper annual budget for regulating expenditure. She would purchase when the provisions were cheap. She would store them properly for consumption throughout the year. She would look after the general needs of the servants and supervise the management of cattle and agriculture.
A wife belonging to family (Especially poor) would help her husband in manual labor jobs outside home. Indeed, she would take the whole responsibilities when her husband was absent. A husband would only supervise her duties.

अर्थस्य संग्रहे च-एनां व्यये च-एव नियोजयेत् ।
शौचे धर्मे अन्नपत्त्यां च पारिणाह्यस्य वेक्षणे ॥ ९-११

“Let the (husband) employ his (wife) in the collection and expenditure of his wealth, in keeping (everything) clean, in (the fulfilment of) religious duties, in the preparation of his food, and in looking after the household utensils.”
Being confined to the four walls at home she would perform all her prescribed duties including the care of her children and husband’s old parents. In a word, a wife, in Manu’s time, would do all works inside the home and outside home to help her husband.
From the above description it is quite clear that in Manu’s times the distribution of house works between a wife and her husband was really unequal. (Deepali Bhargava (1989): “Manu Smriti: A Sociological Analysis”, Rawat Publication, Jaipur, India).

Property Rights

Whether there was gender inequality in property rights between sons and daughters in Manu’s times can be understood from the rights of women on property in those

days. The property rights of women in Manu’s times are classified in this paper under the following heads.

(a) Property Rights of A woman as a Mother

A woman as a mother had no right over her paternal property. Because a mother would change her ‘gotra’¹ after her marriage. Thus she would lose her right over her paternal property. Even she had no right over her husband’s property. She had only right over ‘Stridhana’.²
Manu said that a mother had only right over her unmarried daughter. Again, he said that, the son of the appointed daughter will take the whole estate of his sonless maternal grandfather and his own father. Accordingly, he will perform two funeral rites of his own father and maternal grandfather. These aspects have been expressed in MS IX.131 and MS IX.132 respectively.

मातुस् तु यौतकं यत् स्यात् कुमारीभाग एव सः ।
दौहित्र एव च हरेद् अपुत्रस्य-अखिलं धनम् ॥ ९-१३१

(But whatever may be the separate property of the mother, that is the share of the unmarried daughter alone; and the son of an (appointed) daughter shall take the whole estate of (his maternal grandfather) who leaves no son.)

दौहित्रो ह्यखिलं रिक्थम् अपुत्रस्य पितुर् हरेत् ।
स एव दद्याद् द्वौ पिण्डौ पित्रे मातामहाय च ॥ ९-१३२

(The son of an (appointed) daughter, indeed, shall (also) take the estate of his (own) father, who leaves no (other) son; he shall (then) present two funeral cakes to his own father and to his maternal grandfather.)

(b) Property Rights of woman as an Unmarried Daughter, Married Daughter and an Adopted Daughter

(i) Unmarried Daughter

After the death of the father, the eldest son would take over the property of the father. Then the eldest son would divide the property in the following ways which is expressed in (MS IX, 112.).

ज्येष्ठस्य विंश उद्धारः सर्वद्रव्याच्च च यद् वरम् ।
ततो अर्धं मध्यमस्य स्यात् तुरीयं तु यवीयसः ॥ ९-११२

“The additional share (deducted) for the eldest shall be one-twentieth (of the estate) and the best of all chattels, for the middlemost half of that, but for the youngest one-fourth.”

¹ “A **gotra** is a lineage, akin to a family name, but the given name of a family is often different from its **gotra**, and may reflect the traditional occupation, place of residence or other important family characteristic rather than the lineage. People belonging to a particular gotra may not be of the same caste in the Hindu social system.”
https://en.wikipedia.org/wiki/List_of_gotras.

² It included gifts given to her before nuptial fire, gifts given on bridal procession as token of love, and gifts received from her father, mother and her brothers.

The unmarried daughters (unmarried sisters) were given one fourth part of the shares of all brothers. But an unmarried daughter who was homeless or mad did not receive any share of the property.

This aspect is expressed in (M S IX, 118) by saying as

स्वेभ्यो अंशेभ्यस् तु कन्याभ्यः प्रदद्युर भ्रातरः पृथक् ।
स्वात् स्वाद् अंशाच्च चतुर्भागं पतिताः स्युर अदित्सवः ॥ ९-११८

“But to the maiden (sisters) the brothers shall severally give (portions) out of their shares, each out of his share one-fourth part; those who refuse to give (it), will become outcasts.”

But if the eldest daughter would remain unmarried till the death of her father, she would get a share which was equal to that received by the son who was younger to her. (Deepali Bhargava (1989): “Manu Smriti: A Sociological Analysis”, Page.60, Rawat Publication, Jaipur, India).

(ii) Married daughters

The married daughters had no right over the paternal property. But if a married daughter would die by accident without a son then her husband would take the estate.

Again, it was prescribed that if the property given to a daughter in ‘Asura²’ marriage or blamable marriage shall go to her mother or father if she died without an issue. The above aspect on ‘Asura²’ marriage is expressed in (MS IX, 197) in the following way,

यत् त्व् अस्याः स्याद् धनं दत्तं विवाहेषु आसुर-अदिषु ।
अप्रजायाम् अतीतायां माता-पित्रोस् तद् इष्यते ॥ ९-१९७

“But it is prescribed that the property which may have been given to a (wife) on an Asura marriage³ or (one of the) other (blameable marriages, shall go) to her mother and to her father, if she dies without issue.”

(iii) Adapted daughters

In Manu’s period, an adopted daughter had no right over her paternal. In his times, an adopted son had the right over her paternal property. Manu declared that an adopted son would be an absolute owner of the property of his father. The absolute ownership of the adopted son over the property is expressed in (MS IX, 145) in the following way.

हरेत् तत्र नियुक्तायां जातः पुत्रो यथा-अरसः ।
क्षेत्रिकस्य तु तद् वीजं धर्मतः प्रसवश् च सः ॥ ९-१४५

“A son (legally) begotten on such an appointed female shall inherit like a legitimate son of the body; for that seed and the

produce belong, according to the law, to the owner of the soil.”

From the above paragraph, it is clear that Manu made a gender discrimination on the right of property between an adopted daughter and adopted son.

However, if an appointed daughter dies by accident without a son, the husband of an appointed daughter may take the estate without any hesitation (MS IX.135).

अपुत्रायां मृतायां तु पुत्रिकायां कथं चन ।

धनं तद् पुत्रिकाभर्ता हरेत्-एव-अ-विचारयन् ॥ ९-१३५

(But if an appointed daughter by accident dies without (leaving) a son, the husband of the appointed daughter may, without hesitation, take that estate.)

(c) Property Rights of Woman as a Widow:

In Manu’s period a widow was not given any legal right on property. Even she could not receive the property of his dead husband. The mother of her dead husband was recognized as an heir of the property. Indeed, Manu did not allow the partition of the property as long as the father or mother of her dead husband was alive. However, the widows in Manu’s times, could only use the property of her dead husband if her husband would die without any son. But she could not inherit the property. Manu advised the widows to be patient, hardship and chaste.

Conclusions and Discussions

In Manu’s period, the sons and daughters were equally treated. The parents preferred equally both sons and daughters when they were born. Thus, their preferences’ were indifferent to any gender.

The above conclusion is not the same as in early 21st Century modern India. Because, the parents seem to prefer a son rather than a daughter when child is born. In this context Prof. Amartya Sen’s observation deserves to be mentioned. He observed, “The sex selective abortion (though illegal) has been common in many countries like India due to the availability of modern techniques to determine the gender of fetus. It has been statistically evident phenomenon specially in India and South Asia”. (Ref. Amartya Sen “Many Faces of Gender Inequality” - An Essay, Front line, Vol 18, 2001).

There was no gender inequality in education in Manu’s period. Both sons and daughters were equally treated to get education. They were given the same opportunity and access to education (described in the text).

The conclusion drawn on education in Manu’s time does not match to the early 21st Century modern India. Because unfortunately education has not been still freed from gender biases. Girls still now have less opportunities than boys. The less opportunities in education for girls are confirmed by Sen’s observation. He observed that “many countries like India where girls have less opportunities in basic education. He also observed gender biases in higher education”- (Ref. A. Sen “Many Faces of Gender Inequality – Frontline, Vol 18, 2001)

The marriage was compulsory for both men and women in Manu’s period. The widow remarriage was completely prohibited in this period with the exception of a child widow who could remarry after special permission.

There is no relevance to this conclusion in the early 21st century modern India. Because now marriage has been optional. A man or a woman can now freely decide whether

³ ‘Asura, Marriage: Under the ‘Asura marriage, the husband used to get a bride by paying a reasonable price for her. The idea behind the ‘Asura marriage was that it would be disgraceful for a bride and her family if the bride was not given any price in marriage. It the bride was not given any thing in marriage, it would mean that the bride’s family had no status. Indeed, the price paid by the bridegroom in ‘Asura’ marriage was the compensation to the bride’s family for the loss of her service. The bride’s price was usually parcel in cash or kind. There are few cases of this marriage is recorded in ancient Indian traditions.

he or she will marry or not. In the same way the prohibition on widow remarriage in Manu's times has been totally rejected in early 21st Century India. Now, widow remarriage has been legal.

The household arrangement in house works was unequal in Manu's times in terms of the sharing the burdened between a husband and a wife. It was revealed from the study that a wife (generally in a poor family) bore more burden in house works than her husband.

The above conclusion is, to some extent, relevant to the early 21st century modern India. It is found that generally a wife specially belonging to a poor family bears more burden in house works than her husband. She takes care of her children and looks after the husband's parents at home. In addition, she helps her husband in many activities outside home. For example, in a poor agricultural family, a wife helps her husband in agricultural activities outside home.

So far as the property rights of a woman (as a wife, married daughter, unmarried daughter and a widow) are concerned it was revealed from the study that with some exceptions, a woman had no right over the ancestral property in Manu's times. Only man i.e. sons had the right over the paternal property.

The above conclusion about the rights of woman has been totally rejected in the 21st century modern India. A woman has now full rights over her paternal property as sons. In this connection, it may be mentioned that though the rights are given to them according to the law, but in many cases the rights are not properly implemented. For example, it is often found that a brother often refuses to give any share to his sisters after their parents' death.

Miscellaneous Gender Discriminations in Manu's Period

1. Manu said that a man should not marry a brother-less girl or a girl whose father is unknown. If he does it he would commit sin. But Manu did not say anything about whether a girl would commit sin if she marries a man whose father is unknown. This reflects a gender discrimination in terms of sin between a girl and a man. MS 3.11 expresses this discrimination by saying as

यस्यास् तु न भवेद् भ्राता न विज्ञायेत वा पिता ।

न-उपयचेत् तां प्राज्ञः पुत्रिका-अधर्मशङ्कया ॥ ३-११

(i.e. But a prudent man should not marry a maiden who has no brother, nor one whose father is not known, through fear lest (in the former case) she be made an appointed daughter (and in the latter case) lest he should commit sin.)

But it does not say anything about a girl whether she should marry a man whose father or mother is unknown or who has no sister.

2. Manu said that if a daughter's father takes the smallest gratuity (money) from the bridegroom's father, he would be a seller of his daughter. But did not say anything about whether the bridegroom's father would be the seller of his son if he takes money from the bride's father. This is clearly an act of gender discrimination. This is reflected in MS 3.51 by saying as

न कन्यायाः पिता विद्वान् गृहीयात् - शुल्कम् अणु-अपि ।

गृह्णन् - शुल्कं हि लोभेन स्यान् नरो अपत्यविक्रयी ॥ ३-५१

(No father who knows (the law) must take even the smallest gratuity for his daughter; for a man who, through avarice, takes a gratuity, is a seller of his offspring).

3. Manu said that if the elder brother married bride after the younger brother and the younger brother married before the elder brother, then the elder brother, the other brother, the bride, priest etc. all will go to hell. But Manu did not say anything about whether the elder sister, younger sister, the bridegroom etc. will go to hell if the opposite situation takes place. This reflects the gender discrimination between brothers and sisters. MS 3.172 expresses this aspect of discrimination saying as

परिवित्तिः परिवेत्ता यया च परिविद्यते ।

सर्वे ते नरकं यान्ति दातृयाजक-पञ्चमाः ॥ ३-१७२

(If the elder brother marries after the younger brother, or the younger brother marries before the elder brother, then the bride and the sacrificing priest all fall into hell).

(4) Manu said that (a man) can obtain long life, desirable children and imperishable wealth through his virtuous conduct and the virtuous conduct destroys the effect of inauspicious marks of a man. But Manu did not say anything about whether a woman could obtain a long life, desirable children and imperishable wealth through her virtuous conduct. This indicates a gender discrimination between a man and a woman. This aspect is expressed in MS 4.156 as

आचारात् - लभते द्यायुर आचाराद् ईप्सिताः प्रजाः ।

आचाराद् धनम् अक्षय्यम् आचारो हन्त्यलक्षणम् ॥ ४-१५६

(Through virtuous conduct he obtains long life, desirable offspring, and imperishable wealth; and virtuous conduct destroys (the effect of) inauspicious marks.)

Manu was always against the independence of a woman. She should always be dependent on her father, husband and sons in the different stages of her life. But in the case of a man, he accepts the independence. This suggests the gender discrimination of freedom between a man and a woman. This as expressed in MS 5.148 by saying as

बाल्ये पितुर वशे तिष्ठेत् पाणिग्राहस्य यौवने ।

पुत्राणां भर्तारिं प्रेते न भजेत् स्त्री स्वतन्त्रताम् ॥ ५-१४८

(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.)

(6) Manu opines that a wife must always be devoted to her husband. If she violates her duties towards her husband, she will be a jackal after her death for her sin. But Manu was silent about whether a husband will be a jackal after his death if the husband violates his duties towards her wife. This reflects a discrimination between a husband and a wife in terms of performing duties to each other. This discrimination is reflected in MS 5.164 by saying as

व्यभिचारात् तु भर्तुः स्त्री लोके प्राप्नोति निन्द्यताम् ।

शृगाल-योनिं प्राप्नोति पाप-रोगैश् च पीडयते ॥ ५-१६४

(By violating her duty towards her husband, a wife is disgraced in this world, (after death) she enters the womb of a jackal, and is tormented by diseases (the punishment of) her sin.)

(7) Manu was of the opinion that if the wife is not beautiful, she will not attract her husband and as a result no children will be born. But Manu did not say anything about whether children will be born if her husband is not handsome. This suggests a discrimination between a husband and a wife in terms of appearance. This is reflected in MS 3.61 by saying as

यदि हि स्त्री न रोचेत् पुमांसं न प्रमोदयेत् ।
अप्रमोदात् पुनः पुंसः प्रजनं न प्रवर्तते ॥ ३-६१

(For if the wife is not radiant with beauty, she will not attract her husband; but if she has no attractions for him, no children will be born.)

(8) Manu did not allow women to study Vedas. The women were allowed only to do the nuptial ceremony. This indicates a discrimination between a man and a woman in studying 'Vedas'. This discrimination is reflected in MS 2.67 saying as

वैवाहिको विधिः स्त्रीणां संस्कारो वैदिकः स्मृतः ।
पतिसेवा गुरौ वासो गृहार्थो अग्नि-परिक्रिया ॥ २-६७

(The nuptial ceremony is stated to be the Vedic sacrament for women (and to be equal to the initiation), serving the husband (equivalent to) the residence in (the house of the) teacher, and the household duties (the same) as the (daily) worship of the sacred fire.)

(9) Manu in his text 'Dharmasastra' has given freedom of divorce only to man (husband) not to a woman (wife). A man can remarry even if his first wife is alive, but a wife cannot divorce her husband even if he sells her wife or abandon her wife. This reflects severe gender discrimination between a man and a woman in terms of divorce and remarriage. This discrimination is expressed in MS IX, 46 by saying as

न निष्क्रय-विसर्गाभ्यां भर्तुर् भार्या विमुच्यते ।
एवं धर्म विजानीमः प्राक् प्रजापतिनिर्मितम् ॥ ९-४६

(Neither by sale nor by repudiation is a wife released from her husband; such we know the law to be, which the Lord of creatures (Prajapati) made of old.)

(10) Manu said that women, aged persons, the blind men etc. should not be taken into consideration at the time of consultation by heads of the state. This type of discrimination is noticed in MS VII, 149 saying as

जड-मूक-अन्ध-बधिरांस् तैर्यग्योनान् वयो-अतिगान् ।
स्त्री-म्लेच्च-व्याधित-व्यङ्गान् मन्त्रकाले अपसारयेत् ॥ ७-१४९

(At the time of consultation let him cause to be removed idiots, the dumb, the blind, and the deaf, animals, very aged men, women, barbarians, the sick, and those deficient in limbs.)

Thus, idiots, the dumb, the blind, the deaf, animals, very aged men, barbarians, the sick, and those deficient in limbs are

equated with women so far as consultation is to be made by the head. So disgracing is the attitude shown here.

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