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MARRIAGE OF HINDU WIDOWS

Isvarachandra Vidyasagara

With an introduction by
Dr. Arabinda Podder



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INTRODUCTION

The present work is a summary of Iswarchandra Vidya-sagara's two tracts in Bengali on the much-debated question of the marriage of Hindu widows. The first of these tracts was published in January, 1855, and the second in October of the same year, the latter being a well-documented, fervently argued reply to his academic adversaries who sought to ridicule him into silence.

For a full realization of the impact of these tracts on Bengali society a peep into history is needed. It will help to have a view of the milieu that brought the problem to surface and necessitated governmental action for its solution. All innovations and changes arise, as the social scientists point out, from a shift in the collective situation, or from a change in relationships between groups or between individuals and groups. The commercial invasion of India by European trading companies and its ultimate conquest by England saw the tradition-bound, closed, and usually introvert Indian society terribly shaken in its foundations. This caused a great stir and an irresistible shift in the collective situation, leading to new assimilative efforts, to a new mode of perception. The Europeans who came to India in the 18th and early 19th centuries had the heritage of the Renaissance behind them and also of two centuries of scientific progress. People who came in their contact, as agents, interpreters, assistants or servants, could not but be impressed by their way of life and secularized thinking. Imperceptible radiation of ideas was bound to occur, even when there was no intentional tutoring. And tutoring began with the start and spread of English education, which brought into existence a large number of colonial intellectuals, mostly converts to westernism. The colonial economic system which tied the Indian plough to the wheels of capitalist development in England, broke the isolated character of the Indian village, and the spell of introvert world outlook was definitely lost. In course of time, the gradual dawning of the cosmopolitan sense of human reality became perceptible.

One noticeable trait of an introvert society is that it often internalizes its dormant energies for outward action, and that, thus internalized, it finds expression in cruel aggressiveness towards a section of its members or towards individuals. In India this found outlet in aggression towards married women, for whom the choice lay between burning at the funeral pyre of their dead husbands or living in a state of coerced celibacy on the demise of their husbands. Denial of human dignity to countless human beings either lowly placed in the social hierarchy or debarred entry within it was another easy outlet for this aggressiveness. Now, the shift in the collective situation following the impact of the West helped sensitive young men to achieve a sort of emotional revolution, which liberated them from accepted modes of thinking and at the same time released a great amount of creative energy. The twenties of the last century were convulsed with such loud-mouthed declarations as "nothing can surpass Hinduism in its incentive to evil-doing and in its power to deny peace and happiness to people ; and nothing can desist us from our determination to destroy such an irrational religion" (saying of Madhab Chandra Mullik, one of the first students of the Hindu School). The practice of *Sati* or burning wives alive with the corpses of their husbands was decried, long ago, by Akbar as revolting, by the Europeans as irrational and inhuman. Angry voices were raised by the newly emerged intellectuals against it and urging for its abolition, which was done through governmental intervention by Act XVII of 1829. This law saved married women from a compulsive death, but did not grant them the right of fruitful entrance into life. The question of their remarriage, therefore, began to assume importance and demand acceptance by society. History, silently, was preparing the soil for that too.

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Sporadic efforts for the marriage of widows had formerly been made by influential people at individual levels, but without success. One such attempt was made by Raja Rajballav of Vikrampur (Dacca) as far back as in the middle of the 18th

century. He, contemplating the marriage of his widowed early teen-aged daughter, enlisted the support of a good number of scholars considered authorities on Hindu scriptures and law, and afterwards sent a delegation of pundits to the Court of Raja Krishna Chandra of Nabadwip for his support and, through his instrumentality, for that of the pundits enjoying his patronage. But the delegation had to return empty-handed, mocked and abused. The Nabadwip pundits conceded the point that there was nothing prohibitory in the shastras against such marriages, but yet these could not be approved since they militate against time-honoured custom. It has to be noted that as the pundits had to depend on the aristocracy of wealth for their sustenance they could hardly act contrary to the wishes of their benefactors, and that many of them were only too willing to sacrifice academic honesty to practical consideration. One or two instances would be just in point. One Shyamacharan Das, a blacksmith of Calcutta, approached reputed pundits for permission to give his widowed daughter in marriage. All the distinguished pundits including Mukhtaram Vidyabagis, Bhabasankar Vidyaratna, Kasi-nath Tarkalankar and Ramtanu Tarkasiddhanta declared unequivocally that it was permissible according to shastric provisions ; but all of them, subsequently, stood firmly against it. The conduct of Bhabasankar Vidyaratna was disgraceful to the extreme. In an intellectual disputation he, arguing in favour of widow-marriage, defeated Brajanath Vidyaratna of Nabadwip and was rewarded with a pair of costly shawls by the zamindars of Shovabazar (Calcutta). But he opposed it vehemently when Vidyasagar launched his movement for marriage of widows.

Raja Srischandra of Krishnanagar organized a debate on the subject. The pundits, in a bid to flatter the Raja, declared that marriage of widows was not contrary to Hindu law, but refused to come out with an open avowal for fear of loss of academic prestige and public affront. In about 1845 a group of wealthy men of Bowbazar (Calcutta) made a vain attempt to celebrate the marriage of a widow. But in 1851-52 *Sambad*

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Prabhakar, of which the poet Iswarchandra Gupta was the editor, printed an amusing letter from a correspondent to the effect that a clerk had eloped with a widow and married her. The young Bengal radicals, mostly disciples of H. V. Derozio, a teacher of the Hindu School, strongly advocated such marriage in their journal, *Bengal Spectator*. So did the Brahmos in their journal, *Tattwabodhini Patrika*. These debates, speculations, daring advocacies, etc., like seismographic records registered the pulse of the fluid collective situation.

The East India Company Government also devoted much anxious thoughts to the subject. Indian Law Commission, of which J. P. Grant (afterwards Sir) was the Secretary, sounded in 1837 the Courts at Calcutta, Allahabad and Madras regarding the advisability and judiciousness of a legal enactment to legalize marriage of widows. The three Courts, in a sort of consensus, cautioned the Government against such enactment, since, they feared, it would be viewed as an infringement on the religious rights of Hindus and would certainly alienate them further. The Government, for the moment, drew its line there. Leadership should therefore emerge from amongst the people most concerned.

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Vidyasagar provided that leadership. Keenly aware of the challenge of the time as well as of the human condition, he tackled the problem from the perspective of humanistic rationalism. His early career as a reformer and organizer of education, particularly female education, had already developed his social personality, in which intellectual attainments united happily with practical action. Although not a product of English education in the sense the Hindu School boys were, he embodied in himself, perhaps unconsciously, the intellectual and humanistic seeds of European enlightenment, while his personal-social experience told him to the immensity of a widow's ordeal. With his mother's benedictions and father's approval, Vidyasagar determined to put an end to the inhumanity to which the women in India in general and widows

in particular were subjected. They were to be endowed with rights which they, as individuals, were entitled to enjoy. And rightly could he declare afterwards, "Widow marriage is the highest thing of all that I have accomplished, and there is no likelihood of my ever doing anything higher than that."

For its accomplishment he adopted very cautious tactics. First, he knew fully well that for the conviction of the people shastric sanction in its favour has to be found out and the approval of the community of pundits obtained. With that end in view he ransacked the unimaginably vast range of Hindu scriptures, commentaries, literary texts, etc., and found irrefutable sanction in Parasara Samhita. Secondly, to make it socially acceptable the support of the nobility, the newly wealthy as well as of the English-educated community has to be enlisted, which the shift in the collective situation made readily available. Thirdly, success in these two spheres led logically to the third step, the government was to be moved and urged to legalize widow-marriage by an act of law.

Of course, it was not roses, roses all the way. His first tract was published in January, 1855, causing an instant and unprecedented stir. Two thousand copies were sold out within a week, another three thousand were reprinted; but these having proved inadequate, further reprints were ordered, and the figure ultimately reached a record number of 15,000 copies. The arbiters of Hindu society could never be expected to swallow without protest this sour pill, and they harnessed the tallest of their pundits to action to controvert the arguments of Vidyasagar. Calcutta, in the next few months, witnessed a veritable battle of the books, as many as nine were written by pundits, within the traditional fold. Pundits from Benares even contributed a pamphlet. To these are to be added hosts of essays, satirical sketches, limericks that jingled pungently in derision. Vidyasagar replied to his critics in the second tract with calm and patience characteristic of a dispassionate investigator, and with additional proofs and documentation. It is futile today to enter into the intricate maze of shastric prescriptions and their bewildering commentaries. Suffice

it is to remember that Vidyasagar succeeded in beating orthodoxy with its own weapon, and specifically quoted such verses from various sources which sanctioned either remarriage of married women under certain conditions, or dissolution of marital ties under certain other conditions. The orthodox school was palpably at a disadvantage when its sheet-anchor in authority, Madhavacharya, was exposed by Vidyasagar as not infallible, since he had based his argument on verses spurious in nature, as these could not be traced in the original. The second tract ended with an impassioned appeal addressed to his countrymen not to allow themselves to be misguided by illusions, to awake to the realities of life, to follow shastric injunctions with a free mind so that all evils, whatever their shape or form, could be eliminated from the sphere of life.

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The battle of the books completed the polarization of social forces. Friend and foe stood apart. Vidyasagar, now assured of the support of the enlightened section of the community, moved into the third phase of his campaign, and on October 4, 1855, an appeal bearing signatures of 987 persons was sent to Government to legalize widow-marriage. The appeal, *inter-alia*, pointed out—

“2. That, in the opinion and firm belief of your petitioners, this custom (i. e., prohibition of marriage of widows) cruel and unnatural in itself, is highly prejudicial to the interests of morality, and is otherwise fraught with the most mischievous consequence to society”.

“5. That your petitioners and many other Hindus have no objection of conscience to the marriage of widows, and are prepared to disregard all objections to such marriages, founded on social habit or on any scruple resulting from an erroneoas interpretation of religion”.

“10. That such marriages are neither contrary to nature nor prohibited by law or custom in any other country or by any other people in the world”.

The dawning of the cosmopolitan sense of reality is clear. Within the next six months more than a dozen other petitions were submitted by eminent people from different parts of Bengal with the same prayer. The notable among these were petitions signed (1) by Maharaja Srischandra of Krishnanagar and other dignitaries (26 signatures), (2) by Rajnarayan Basu, the esteemed Brahmo leader from Midnapore and other distinguished citizens. (3) by young Bengal radicals of Calcutta (375 signatures), (4) by prominent liberal leaders of Calcutta including Sibachandra Deb, Pearicharan Sarkar, Digambar Mitra Bhabanath Sen, Ramnarayan Tarkaratna and others (685 signatures), (5) by the zaminder of Santipur and local pundits and gentry (531 signatures), (6) by the citizens of Bankura and Burdwan, (7) by the Hindu citizens of Chittagong, (8) by Madan Mohan Tarkalankar, Suresh Chandra Vidyaratna and others from Murshedabad, (9) by the inhabitants of Barasat and its neighbourhood (316 signatures), ect. The Maharaja of Burdwan, then regarded as the number one man in Bengal, also lent the weight of his support to the cause.

The then Government of India acted quickly. In November, 1855, a Bill to legalize widow-marriage was introduced in the Legislative Council, and in January 1856, it was placed before the Select Committee. In consequence of these Governmental steps the issue assumed a sort of national dimension. Submissions, pro and con, began to flow in ; and these came from Poona, Vinchoor. Satara, Secunderabad, Surat, Dharwar, Bombay, Ahmedabad, Uttar Pradesh, and many other places. From Bengal itself a mass-petition headed by Raja Radhakanta Dev of Shovabazar (Calcutta) and bearing the signatures of 36,763 persons was submitted strongly urging the Govrnment not to interfere with Hindu social institutions by any form of legislation, since such legislation would be calamitous to the petitioners' familial relations, social life and religious beliefs. Identical appeals were also sent from Nadia, Tribeni, Bhatpara, Bansberia, and on behalf of the professional interpreters of the *dharmashastras*. Such appeals were, however destined by history to prove to be inconsequen-

tial. And the desired enactment was made in July, 1856. The legislation validating marriage of widows, the Government proclaimed, "will interfere with the tenets of no human being ; but it will prevent the tenets of one set of men from inflicting misery and vice upon the families of their neighbours, who are of a different and more human persuasion".

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But a legislation, however well-intentioned, is in itself neither adequate nor forceful enough to act as social lever, unless put to immediate practice. Vidyasagara's campaign scaled a new height when his friend Srischandra Vidyaratna consented to become the hero of the first widow-marriage in Calcutta, solemnized on December 7, 1856, with all the paraphernalia and ritual usually observed in a Hindu marriage. Within a very short period a few other widows also were given to new husbands. Some liberal-minded literary men used their pen and talent to popularize the cause, a couple of plays were written and produced, none of which, excepting Umesh Chandra Mitra's *Bidhava-Bibaha*, had any pretentious claim to dramatic excellence. It has, however, to be admitted that although social resistance to widow-marriage, with the lapse of time, showed signs of decline, the idea did not receive that diffused acceptance which was expected of it. And it was perhaps not against the current of prevalent social mood that Bankim Chandra, in the early seventies, wrote his famous novel *The Poison Tree* to demonstrate the evil that accrued from widow-marriage, and found occasion to throw many an ill-conceived jibe at Vidyasagar.

Vidyasagar was, let it be repeated, a man of a sterner mettle. Success in this campaign was to him the greatest achievement of his career. His recklessness in a matter like this knew no bounds, and he was prepared even to lay down his life should circumstances demanded it. He ran into high debts in organizing and financing such marriages, and was virtually excommunicated by relatives and even friends (for which he cared not a straw); and while his single-minded

courage gained the gratitude of millions and of posterity, his immediate reward was the filthy slander and constant threats to life from the enemies of widow-marriage. But yet never for a day did he vacillate, never did he feel tired and exhausted in his fight against whatever was inert and dead and ossified.

Viewed in retrospect, however, it appears that the Young Bengal intellectuals, like Kishori Chand Mitra, Pearychand Mitra, Rashik Krishna Mulik and Radhanath Sikdar, had a clearer grasp of the issue in question than Vidyasagar. For one thing, they argued, widow-marriage would be something novel and absolutely a new factor in the Hindu social system. Persons of different aptitudes and testes would be seen employing different modes for its solemnization; and its validity might even be contested in a court of law. Hence a legislation on it should specifically define what would constitute the validity of a widow-marriage. Further, to prevent its being contested in a court of justice, they suggested a contractual agreement between the parties concerned to be registered within six months from the date of solemnization before public officials appointed by the Government for the purpose. Another point, also articulated by them, was that no widow should be given in marriage who had not attained puberty. (Both of these points have been reiterated and advocated for acceptance in the essay from the Calcutta Review reprinted in this book.) Then, there was the intricate and vexed problem of inheritance.

Vidyasagar's petition was silent on these points. Perhaps his multiple preoccupations did not allow him much time to ponder these problems. The Young Bengal intellectuals, on the other hand, by focussing attention on them did not only anticipate the Civil Marriage Act of 1872, but indirectly pleaded for legislation to abolish the superstitious practice of child-marriage. It, however, did not take long for Vidyasagar to learn from experience, when he was deceived by the knavery of lechers, who took both money and widows from Vidyasagar and practised polygamy. To prevent such deceptions he afterwards insisted that parties to such marriages should enter

into an agreement, in which the husband expressed his willingness to pay adequate alimony to his wife in case she decided to live separately from him on the ground of his taking another wife, and also agreed that she and her children would not be barred from inheriting his property

This is how Vidyasagar, in the absence of an explicit code, sought to cross rough hurdles presented by reality.

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That he was conscience of the society of his day admits of no contradiction. But when his campaign for widow-marriage is put into a wider perspective, some intriguing questions immediately crop up. The challenge inherent in the confrontation with the West and the consolidation of the colonial political system necessitated re-formulation of the goals and objectives of India's social and political life. Now, in a shifting collective situation this act of re-formulation could be done only in its own terms, i.e., through modernization in both its material and ideational connotations. In the ideational field modernization implied a release from all kinds of obscurantist thinking and an acceptance of the principles of truth and rationalism. It further implied a dawning of the individual's consciousness of himself as a person, involved in the affairs of life with specific rights and obligations. Moreover, there was the question of national liberation, and along with it the end of overlordism of the zaminders in the economic and social life of the land.

Viewed in the background of these larger issues, the marriage of widows appears to be a problem of only peripheral importance. It was not a national question, since it did not concern the Indian people as a whole, but affected only the Hindus, and of the Hindus only the upper castes, the Brahmans, Kayasthas, etc. Among the inferior castes widow-marriages were a common practice. The Hindu upper castes formed only a fraction of the population, and hence a problem touching their lot was only a minority problem. Hindu lower castes and the non-Hindus were not at all bothered with it.

It, therefore, appears perplexing why Vidyasagar, with his uncommon drive for action, should exhaust himself on a minor issue. His campaign loses edge when one remembers that it did not aim at removing the drawbacks inherent in Hindu marriages as a social institution, since no guarantee was held out for women to opt out of the marital ties or pray for its dissolution should circumstances so demand. Nor does his writing exhibit any awareness of the growing political aspiration of the people.

Yet, the qualitative intent of his campaign should not be missed. It reveals a new attitude towards women, which was alien to medieval obscurantism and is a product of modernism. It is the re-discovery and recognition of human dignity in India's womenfolk, in whom the spark of human personality was long extinguished. Indeed, Indian societal structure did never recognize an independent status for the humanity of man or woman as an end in themselves. Vidyasagar, in whose personality masculine aggressiveness combined fruitfully with feminine tenderness, assessed every social problem in the light of human values and aspirations. From that angle it may be affirmed that he, through his social reform and education campaigns, was striving to rebuild the tradition of humanism in India. While orthodox Hindus were desperately trying to protect their obsolete customs from the tyranny of English laws, Vidyasagar was invoking those very laws for taking men away from the clutches of obscurantism and into the field of concrete social reactions. Seen thus, his work assumes tremendous social significance ; indeed, Bengali social history does not provide any other record of a struggle against orthodoxy so spiritedly launched and won. And Madhusudan Dutt, Bengal's epic Poet, did not err in poetic exaggeration when described Vidyasagar as "one of nature's noble men" and as the "greatest Bengali".

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The article from the *Calcutta Review*, included in this volume, throws penetrating light on the intellectual climate as it obtained at the time of the genesis and spread of Vidyasagar's

campaign. Academically, it does not see eye to eye with him. and stands by shastras that disfavoured widow-marriage.

But, the article continued, human evolution did not end with the shastras. These, written by men themselves products of a particular culture-context, could not claim to have legislated for all humanity, or to have enjoined principles eternal and immutable in themselves. A different culture-context demanded a new social legislation. Dynamics of social evolution, while insisting on the formulation of new code to guide human behaviour at a given period, discarded many a code that had served its purpose and was dead and forgotten. The shastric conception of a man's or woman's right could no longer be taken as infallible, since it ill served the aspiration of an individual of the 19th century, who had absorbed, professed and stood by the humanist ideology of the West

But for a movement like Vidyasagar's to succeed and cut deep into the roots of prejudices, argues the journal, it was necessary to set the minds of men and women free from adherence to obscurantist notions by means of education and diffusion of sound moral influence and ideas. Elevation of women in general and of widows in particular demanded simultaneous elevation of men too ; for until and unless a liberal education broadened the minds of men and liberated them from bondage to custom, no real fructification of the movement could be expected, nor resistance from orthodoxy successfully combated. The journal, arguing from the logical structure of rationalism and individual freedom, advocated the widow's right to marry, and urged the English-educated class to create proper familial and social situation, which, with the individual's rights and privileges gladly sanctioned, might turn the rather gloomy Bengali homes into bright spots of happiness.

A hope well cherished, but yet to be fulfilled

Arabinda Podder

MARRIAGE OF HINDU WIDOWS

P R E F A C E

In January 1855, I published a small pamphlet in Bengali on the marriage of Hindu Widows, with the view to prove that it was sanctioned by the Sastras. To this pamphlet, replies were given by many of my countrymen. Instead of a rejoinder to each of them I published, in October last, a second pamphlet in the same language, in which I noticed the material objections of all my Replicants.

The subject under discussion being of a nature which concerned my countrymen only, I had, as stated, published my pamphlets in Bengali and had no intention to issue an English version of them. But I was obliged to change my mind. Because I found that since the publication of my pamphlets, several parties attempted to misrepresent thing to the English public in Reviews and Journals. To these I was pressed by my friends to reply, but as it appeared to me that my pamphlets met all the objections that might be urged against the legality of the marriage of Hindu widows, I thought it best to publish an English version of them, which I now lay respectfully before the English Public.

Other parties have again gone so far as to assert that in my treatment of the subject, I have been influenced more by compassion towards the unfortunate widows of my country than by a firm belief in their remarriage being consonant to the Sastras. They have also said that to prove such consonance is an impossibility. It is true that I do feel compassion for our miserable widows but at the same time I may be permitted to state, that I did not take up my pen before I was fully convinced that the Sastras explicitly sanction their remarriage. This con-

viction I have come to, after a diligent, dispassionate and careful examination of the subject and I can now safely affirm, that in the whole range of our original Smritis there is not one single Text which can establish any thing to the contrary.

The translation is neither entire nor literal. The original having been intended for the mass of the native population, was written in a manner which would best suit their understandings. But as the English version has been prepared for a different class of Readers, I have been obliged to omit several passages in the second pamphlet to avoid repetition and occasionally to add or alter other passages, to make the translation suitable to them. For the same reason, several Chapters which treat of comparatively unimportant points and may not be interesting to the English Public, have been altogether omitted.

MARRIAGE

OF

HINDU WIDOWS

Many Hindus are now thoroughly convinced of the pernicious consequences arising from the practice of prohibiting the Marriage of widows. Many are already prepared to give their widowed daughters, sisters, and other relations, in Marriage, and those, who dare not go so far, acknowledge it to be most desirable that this should be done.

Whether the marriage of widows is consonant to our Sastras, is a question which, a short while ago, was discussed by some of the principal Pandits of our country. But, unfortunately, our modern Pandits, carried away in the heat of controversy, by a passion for victory, become so eager to maintain their respective dogmas that they entirely lose sight of the subject they are investigating ; and hence there is no hope of arriving at that truth of any question by convening an assembly of Pandits and settling them to debate on it. At the discussion above alluded to, each party considered itself victorious and its antagonist foiled. It is easy, therefore, to conceive how the question was decided. In fact, nothing was settled as to the point at issue. One great object, however, has been gained, and that is that most people, since that period, have been extremely anxious to ascertain the truth of this matter. Perceiving this eagerness I have been led to enquire into the subject ; and, in order to lay before the public at large the result of my enquiries, I published this treatise in the vernacular language of the country : so that after an impartial examination the Hindu public may judge whether the marriage of widows ought to be practised or not.

In entering upon this enquiry we should, first of all, consider that, since the marriage of widows is a custom which has not prevailed among Hindus for many ages in seeking to give our widows in marriage we propose an innovation and are bound to show that the custom is a proper one ; for if it be otherwise. no man, having any regard for religion, would consent to its introduction. It is, therefore, highly necessary to establish first the propriety of this custom. But how is this to be done ? By reasoning along ? No. For it will not be admitted by our countrymen that MERE reasoning is applicable to such subjects. The custom must have the sanction of the Sastras ; for in matters like this, the Sastras are the paramount authority among Hindus, and such acts only as are conformable to them are deemed proper. It must, therefore, first be settled, whether the marriage of widows is a custom consonant or opposed to the Sastras.

At the very outset of the enquiry as to whether the marriage of widows is consonant or opposed to our Sastras. we find it necessary to decide what are those Sastras, the sanction or prohibition of which will determine the propriety or impropriety of the practice. Certainly, Vyakarana (Grammar), Kavya (Poetry). Alankara (Rhetoric), Darsana (Philosophy), and the like, are not Sastras of this kind. It is only the works known as Dharma Sastras, that is to say. the works comprising the whole body of ceremonial and religious observances, moral duties, and municipal law, that are every where regarded as the Sastras to be referred to in deciding such questions.

In the first chapter of the Yajnavalkya-Sanhita there is an enumeration of what are called the Dharma Sastras ; namely,

सन्वत्रिविष्णु हारीतयाज्ञवल्क्योशनोऽङ्गिराः ।

यमापस्तम्बसंवर्तः कात्यायनवृहस्पती ॥

पराशरव्यासशङ्ख लिखिता दक्षगोतमौ ।

शातातपो वशिष्ठश्च धर्मशास्त्रप्रयोजकाः ॥

.'Manu. Atri, Vishnu, Harita, Yajnavalkya, Usana, Angira, Yama,

Apastamba, Sambarta, Katyayana, Vrihaspati, Parasara, Vyasa, Sankha, Likhita, Daksha, Gotama, Satatapa, and Vasishtha, are the authors of the Dharma Sastras."

The Sastras Promulgated by these Rishis (Sages) are the Dharma Sastras.* The people of India (Hindus) observe those Dharmas (duties) which are enjoined in these Sastras ; and acts are considered proper or improper according as they are consonant or opposed to these Dharma Sastras. Hence the marriage of widows will be countenanced, if conformable, and repudiated if repugnant, to the Dharma Sastras.

Now it is to be considered whether all the Dharmas inculcated in all the Dharma Sastras are to be observed in all the Yugas (Ages). There is a solution of this question in the first chapter of the Dharma Sastra of Manu :

अन्ये कृतयुगे धर्मस्वेतोयां द्वापरेऽपरे ।

अन्ये कलियुगे नृणां युगह्वासानुरूपतः ॥

"Human power decreasing according to the Yugas, the Dharmas of the Satya Yuga are one thing, those of the Treta another ; the Dharmas of the Dvapara are one thing, those of the Kali another."

That is to say, the Dharmas, which the people of prior Yugas practised cannot now be observed by the people of the Kali Yuga, because human power decreases in every successive Yuga. Men of the Treta Yuga had not the power of observing the Dharmas of the Satya Yuga, those of the Dvapara could not observe the Dharmas of either the Satya or Treta Yuga, and those of the Kali Yuga lack strength to follow the Dharma of the Satya, Treta, or Dvapara Yuga.

It clearly appears, then that the people of Kali Yuga are unable to practise the Dharmas of the past Yugas ; and the question arises what are those Dharmas which the people of the Kali Yuga are to observe. In the Dharma Sastra of Manu it is

* Besides these, the Sastras Promulgated by Narada, Baudhayana, and fourteen other *Rishis*, are also reckoned as Dharma Sastras.

merely stated that there are different Dharmas for the different Yugas ; but the Dharmas peculiar to the different Yugas have not been specified. Neither in the Dharma Sastras of Atri, Vishnu, Harita, and others, mention is made of these different Dharmas. Certain Dharmas are indeed inculcated in these Dharma Sastras ; but it is difficult to determine the Dharmas which, owing to the decrease of human power in successive Yugas, are appropriate to each Yuga. It is in the Parasara Sanhita only that there is an assignment of the Dharmas peculiar to the different Yugas. Thus it is mentioned in the first chapter of the Parasara Sanhita :

कृते तु मानवा धर्मस्वेतायां गौतमाः स्मृताः ।

द्वापरे शाङ्खलिखिताः कलौ पाराशरः स्मृताः ॥

“The Dharmas enjoined by Manu are assigned to the Satya Yuga ; those by Gotama, to the Treta ; those by Sankha and Likhita to the Dvapara ; and those by Parasara, to the Kali Yuga.”

That is, the people of the Satya, Treta and Dvapara, practised the Dharmas prescribed by Manu, Gotama, and Sankha and Likhita, respectively ; and the people of the Kali Yuga are to observe the Dharmas Prescribed by Parasara*. It is clear, therefore, that as Parasara has prescribed the Dharmas of the Kali Yuga, the people of the Kali Yuga ought to follow the Dharmas prescribed by him.

On observing how Parasara Sanhita opens there will not

* It may be asked if the Dharma Sastras promulgated by Manu alone were to be followed in the Satya Yuga, that of Gotama alone in the Treta, that of Sankha and Likhita alone in the Dvapara, and that of Parasara alone in the Kali Yuga, when are the Dharma Sastras composed by the other sages to be observed ? But this question admits of an easy solution. The Dharma Sastras of Manu of Gotama of Sankha and Likhita, and of Parasara, are peculiar to the Satya, Treta, Dvapara, and Kali respectively ; and such parts of the other Dharma Sastras as are not at variance with these prominent Sastras are to be followed in those Yugas.

remain the shadow of a doubt that its sole object is to promulgate the Dharmas of the Kali Yuga.

अथातो हिमशंलाग्रे देवदारुवनालये ।
 व्यासमेकाग्रमासीनमपृच्छन्तृषयः पुरा ॥
 मानुषाणां हितं धर्मं वर्तमाने कलौ युगे ।
 शौचाचारं यथावच्च वद सत्यवतीसुत ॥
 तच्छ्रुत्वा ऋषिवाक्यन्तु समिद्धाग्नार्कसन्निभः ।
 प्रत्युवाच महातेजाः श्रुतिस्मृतिविशारदः ॥
 न चाहं सर्वतत्त्वज्ञः कथं धर्मं वदाम्यहम् ।
 अस्मत्पितृव प्रष्टव्य इति व्यासः सुतोऽवदत् ॥
 ततस्ते ऋषयः सर्वे धर्मतत्त्वार्थकाङ्क्षिणः ।
 ऋषिं व्यासं पुरस्कृत्य गता वदरिकाश्रमम् ॥
 नानावृक्षसमाकीर्णं फलपुष्पोपशोभितम् ।
 नदीप्रस्रवणाकीर्णं पुण्यतीथरलङ्कृतम् ॥
 मृगपक्षिगणाढ्यञ्च देवतायतनावृतम् ।
 यक्षगन्धर्वसिद्धे च नृत्यगीतसमाकुलम् ॥
 तस्मिन्नृषिसभामध्ये शक्तिपुत्रं पराशरम् ।
 सुखाशीनं महात्मानं मुनिमुख्यगणादृतम् ॥
 कृताञ्जलिपुटो भूत्वा व्यासस्तु ऋषिभिः सह ।
 प्रदक्षिणाभिवादैश्च स्तुतिभिः समपूजयत् ॥
 अथ सन्तुष्टमनसा पराशरमहामुनिः ।
 आह सुखागतं ब्रूहीत्वासीनो मुनिपुङ्गवः ॥
 व्यासः सुखागतं ये च ऋषयश्च समन्ततः ।
 कुशलं कुशलेत्युक्ता व्यासः पृच्छन्त्यतः परम् ॥

यदि जानासि मे भक्ति स्नेहाद्वा भक्तवत्सल ।
 धर्मं कथय मे तात अनुग्राहो ह्यहं तव ॥
 श्रुता मे मानवा धर्मा वाशिष्ठाः काश्यपास्तथा ।
 गार्गेया गौतमाश्चैव तथा चौशनसाः स्मृताः ॥
 अत्रे विष्णोश्च सांवर्त्ताः दाक्षा आङ्गिरसास्तथा
 शातातापश्च हारीता याज्ञवल्क्यकृताश्च ये ॥
 कात्यायनकृताश्चैव प्राचेतसकृताश्च ये
 आपस्तम्बकृता धर्माः शङ्खस्थ लिखितस्य च ॥
 श्रुता ह्येते भवत्प्रोक्ताः श्रुतार्थास्ते न विस्मृताः ।
 अस्मिन् मन्वन्तरे धर्माः कृतत्रेतादिके युगे ॥
 सर्वे धर्माः कृते जाताः सर्वे नष्टाः कलौ युगे ।
 चार्वाण्यसमाचारं किञ्चित् साधारणं वद ॥
 व्यासवाक्योवसाने तु मुनिमुख्यः पराशरः ।
 धर्मस्य निर्णयं प्राह सूक्ष्मं स्थूलञ्च विस्तरात् ॥

'In times of yore some Rishis thus addressed Vyasadeva : Declare to us oh son of Satyavati, what are the Dharmas and Acharas (practices) beneficial to men in the Kali Yuga. Vyasadeva, on hearing these words of the Rishis, said, as I know not the truth of all things, how shall I declare the Dharmas ? My father should be consulted on the subject. Then the Rishis, accompanying Vyasadeva, arrived at the retreat of Parasara, Vyasadeva and the Rishis, with joined palms, circumambulated saluted, and glorified Parasara, The great Rishi Parasara having welcomed them with a joyous heart and made enquiries, they informed him of their own welfare. After which Vyasadeva said Oh Sire ! I have heard from you, the Dharmas peculiar to the Satys, Treta, and Dvapara as prescribed by Manu and others ; what I have heard, I have not forgotten. All the Dharmas originated in the Satya Yuga, all of them have expired in the Kali Yuga. Declare, therefore, some of the common Dharmas of the four Varnas (castes), On the conclusion of Vyasa's speech, the great Rishi Parasara began to declare the Dharmas in detail,'

At the commencement of the 2nd chapter also of the Parasara Sanhita, there plainly appears a resolution to speak the Dharman peculiar to the Kali Yuga Thus :—

अतःपरं गृहस्थस्य धर्माचारं कलौ युगे ।
 धर्मं साधारणं शक्यं चातुर्वर्ण्याश्रमागतम् ॥
 संप्रवक्ष्याम्यहं पूर्वं पराशरवचो यथा ॥

“Now, I shall declare the Dharmas and Acharas to be practised by a Grihastha (Householder) in the Kali Yuga, I shall first declare the practicable Dharmas common to the four Varnas (castes) and Ashramas (orders) as taught by Parasara.”

After all this, it can neither be denied nor questioned that the Parasara Sanhita is the Dharma Sastra of the Kali Yuga.

Now, it should be enquired, what Dharmas have been enjoined in the Parasara Sanhita for widows. We find in the 4th chapter of this work the following passage :—

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।
 पञ्चस्वःपत्सु नारीणां पतिरन्यो विधीयते ॥
 मृते भर्तारि या नारी ब्रह्मचर्ये व्यवस्थिता ।
 सा मृता लभते स्वर्गं यथा ते ब्रह्मचारिणः ॥
 तिस्रः कोकयोऽर्ज्वकोटी च यानि लोमानि मानवे ।
 तावत् कालं वसेत् स्वर्गं भर्तारिं यातुगच्छति ॥

“On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent or on his degradation—under any one of these five calamities, it is canonical for women to take another husband. That woman, who on the decease of her husband observes the Brahmacharya (leads the life of austerities and privations), attains heaven after death. She, who bus herself with her deceased husband, resides in heaven for as many Kalas or thousands of years as there are hairs on the human body or thirty-five millions.”

Thus it appears that Parasara prescribes three rules for the

conduct of a widow ; marriage, the observance of the Brahmacharya and burning with the deceased husband. Among these, the custom of concretion has been abolished by order of the ruling authorities ; only two ways, therefore, have now been left for the widows ; they have the option of marrying or of observing the Brahmacharya. But in the Kali Yuga, it has become extremely difficult for widows to pass their lives in the observance of the Brahmacharya, and it is for this reason, that the Philanthropic Parasara has, in the first instance, prescribed marriage. Be that as it may, what I wish to be clearly understood is this—that as Parasara plainly prescribes marriage as one of the duties of women in the Kali Yuga under any one of the five above enumerated calamities, the marriage of widows in the Kali Yuga is consonant to the Sastras.

It being settled that the marriage of widows in the Kali Yuga is consonant to the Sastras we should now consider whether the son born of a widow on her remarriage, should be called a Paunarbhava*. There is a solution of this question in the Parasara Sanhita itself. Twelve different sorts of sons were sanctioned by the Sastras in the former Yugas, but Parasara has reduced their number to three for the Kali Yuga. Thus :—

औरसः क्षेत्रजश्चैव दत्तः कृत्रिमकः सुतः ।

'The Aurasa (son of the body or son by birth), the Dattaka (son adopted), and the Kṛtrima (son made)'†

Parasara, then, ordains three different sorts of sons in the Kali Yuga, the son by birth, the son adopted, and the son made ; and makes no mention of the Paunarbhava. But as he

* A son born of a woman married a second time. In the prior Yugas the Paunarbhava was considered as an inferior sort of son.

† In the Text there appears an enumeration of four different sorts of sons, but *Nanda Pandita* in his *Dattaka Mimamsa*, has, by his interpretation of this passage, established that there are only three different sorts of sons in the Kali Yuga, the son of the body, the son adopted, and the son made. I have followed his interpretation.

has prescribed the marriage of widows, he has, in effect, legalized the son born of a widow in lawful wedlock.

Now, the question to be decided is, whether this son should be called Aurasa (son of the body), Dattaka (son adopted), or Kritrima (son made). He can neither be called Dattaka nor Kritrima for the son of another man, adopted agreeably to the injunctions of the Sastras, is called Dattaka or Kritrima according to the difference of the ritual observed during the adoption. But since the son, begotten by a man himself on the widow to whom he is married is not another's son, he can be designated by neither of those appellations. The definitions of Dattaka (son adopted) and Kritrima (son made), as given in the Sastras, cannot be applied to the son begotten by a man himself on the widow married to him, but he falls under the description of the Aurasa (son by birth). Thus :—

माता पिता वा दद्यातां यमद्भिः पुत्रमापदि ।

सदृशं प्रीतिसंयुक्तं स ज्ञेयो दत्त्रिमः सुतः ॥*

“The son given, according to the injunctions of the Sastras, by either of his parents, with a contented mind, to a person of the same caste, who has no male issue, is the Dattaka (son adopted) of the donee ”

सदृशन्तु प्रकुर्याद् यं गुणदोषविचक्षणम् ।

पुत्रं पुत्रगुणैर्युक्तं स विज्ञेयस्तु कृत्रिमः ॥ *

“He, who is endowed with filial virtues and well acquainted with merits and demerits, when affiliated by a person of the same class, is called Kritrima (son made).

स्वे क्षेत्रे संस्कृतायान्तु स्वयमुत्पादयेद्भि यम् ।

तमौरहं विजानीयात् पुत्रं प्रथमकल्पितम् ॥ *

“Whom a man himself has begotten on a woman of the same class, to whom he is married know him to be the Aurasa (son of the body) and the first in rank.”

The INDICIA of an Aurasa (son by birth) as above set forth, apply therefore, with full force to the son begotten by a man himself on a widow of the same class to whom he is wedded.

Since the Parasara Sanhita prescribes the marriage of widows and out of twelve legalizes only three sorts of sons in the Kali Yuga ; since INDICIA of the Dattaka (son adopted), and of the Kritrima (son made), do not apply to the son born of a widow in lawful wedlock, while those of the Aurasa (son by birth), apply to him with full force, we are authorized to recognize him as the Aurasa or the son of the body. It can by no means be established that Parasara intended to reckon the son of a wedded widow in the Kali Yuga as a Paunarbhava by which name such a son was designated in the former Yugas and had it been necessary to give him the same designation in the Kali Yuga, Parasara would certainly have included the Paunarbhava in his enumeration of the different sorts of sons in the Kali Yuga. But far from this. The term Paunarbhava is not to be found in the Parasara Sanhita. There can be no doubt, therefore, that in the Kali Yuga, the son begotten by a person himself on the widow to whom he is wedded, instead of being called Paunarbhava, will be reskoned as the Aurasa.

It being settled by the arguments above cited, that the marriage of widows in the Kali Yuga is consonant to the Sastras, we should now enquire wheher in any Sastras, other than the Parasara Sanhita, there is a prohibition of this marriage in the Kali Yuga. For it is argued by many that the marriage of widows was in vogue in the former Yugas, but has been forbidden in the Kali Yuga. It should be remembered, however, that in the Parasara Sanhita the Dharmas appropriated to the Kali Yuga only, have been assigned ; and among those Dharmas the marriage of widows has been prescribed in the clearest manner. It can, therefore, never be maintained that widows have been forbidden to marry in the Kali Yuga. Under what authority this prohibitory dogma is upheld, is a secret known only to the prohibitionists.

Some people consider the texts of the Vrihannaradiya and Aditya Puranas, quoted by the Smarita Bhattaaharya Raghunandana in his article on marriage, as prohibitory of the marriage of widows in the Kali Yuga. Those texts are therefore cited here with an explanation of their meaning and purport.

Vrihannaradiya Purana.

समुद्रयात्रास्वीकारः वमण्डलुविधारणम् ।
 द्विजानामसवर्णासु कन्यासूपयमस्तथा ॥
 देवरेण सुतोत्पत्तिर्मधुपके पशोर्बधः ।
 मांसादनं तथा श्राद्धे वानप्रस्त्राश्रमस्तथा ॥
 दत्तायाश्चैव कन्यायाः पुनर्दानं वरस्य च ।
 दीर्घकालं ब्रह्मचर्यं नरमेधाश्वमेधकौ ॥
 महाप्रस्वानगमनं गोमेधञ्च तथा मखम् ।
 इमान् धर्मान् कलियुगे वर्च्यमानाहर्मेनापिणः ॥

'Sea-voyage ; turning an ascetic ; the marriage of twiceborn men with damsels not of the same class ; procreation on a brother's wife or widow ; the slaughter of cattle in the entertainment of a guest ; the repast on flesh-meat at funeral obsequies ; the entrance into the order of a Vansprastha (hermit) ; the giving away of a damsel, a second time, to a bridegroom, after she has been given to another ; Brahmacharya continued for a long time ; the sacrifice of a man, horse, or bull ; walking on a pilgrimage till the pilgrim die are the Dharmas the observance of which has been forbidden by the Munis (sages) in the Kali Yuga.

Now here in these texts can any passage be found forbidding the marriage of widows. Those, who try to establish this forbiddance on the strength of the prohibition of 'the giving away of a damsel, a second time, to a bridegroom, after she has been given to another' have misunderstood the real purport of this passage. In former times, there prevailed a custom of marrying a damsel, who has been betrothed to a suitor, to another bridegroom when found to be endued with superior qualities, Thus :—

सकृत् प्रदीयते कन्ता हरंस्तां चौरदयडमाक् ।
दत्तामपि हरेत् पूर्व्वत् श्रेयांश्चेहर आब्रजेत् ॥*

"A damsel can be given away but once ; and he, who takes her back after having given away, incurs the penalty of theft ; but even a damsel given may be taken back from the prior bridegroom, if a worthier suitor offer himself."

The Vrihannaradiya Purana alludes only to the prohibition of the custom, prevailing in the former Yugas and sanctioned by the Sastras of marrying a girl betrothed to one person, to a worthier suitor. It is absurd, therefore, to construe the prohibition into a forbiddance of the marriage of widows in the Kali Yuga. Nor is it reasonable to understand this text of the Vrihannaradiya Purana, by a forced construction, as prohibitory of such marriage, while the plainest and the most direct injunction for it is to be found in the Parasara Sanhita.

Aditya Purana.

दीर्घकालं ब्रह्मचर्य्यं धारणञ्च कमण्डलोः ।
देवरेण सुतोत्तमतिर्दत्ता कन्या प्रदीयते ॥
कन्यानामसवर्णानां विवाहश्च द्विजातिभिः ।
आततायिद्विजाग्रगणां धर्म्मययुद्धेन हिंसनम् ॥
वानप्रस्थाश्रमस्यापि प्रवेशो विधिदेशितः ।
वृत्तस्वाध्यायसापेक्षमघसङ्कोचनं तथा ॥
प्रायश्चित्तविधानञ्च विप्राणां मरणान्तिकम् ।
संसर्गदोषः पापेषु मधुपर्के पथोर्वधः ॥
दत्तौरसेतरेषाम्नु पुत्रत्वेन परिग्रहः ।
शूद्रेषु दासगोपा लकुलमित्रद्वंसोरिणाम् ।

भोजयान्नता गृहस्थस्य तीर्थसेवातिदूरतः ।

ब्राह्मणादीषु शुद्ध्य पक्तादिक्रियापि च ।

भृग्वग्दिपतदञ्चैव वृद्धादिमरणं तथा ॥

एतानि लोकश्रम्यर्थं कलेरादा महात्मभिः ।

निर्वर्तितानि कर्माणि व्यवस्थपूर्वकं बुधैः ॥

“Long continued Brahmacharya ; turning an ascetic ; procreation on a brother's wife or widow ; the gift of a girl already given ; the marriage of the twice-born men with damsels not of the same class ; the killing of Brahmanas, intent upon destruction, in a fair combat ; entrance into the order of a Vanaprastha (hermit) ; the diminution of the period of Asaucha (impurity), in proportion to the purity of character and the extent of erudition in the Vedas ; the rule of expiation for Brahmanas extending to death ; the sin of holding intercourse with sinners ; the slaughter of cattle in the entertainment of a guest ; the filiation of sons other than the Dattaka (son adopted) and the Aurasa (son by birth) ; the eating of edibles by a Grihastha (Householder) of the twiceborn class, offered to him by a Dasa, Gopala, Kulamitra, and Ardhasiri, of the Sudra caste ; the undertaking of a distant pilgrimage ; the cooking of a Brahmana's meat by a Sudra ; falling from a precipice ; entrance into fire ; the self dissolution of old and other men—these have been legally abrogated, in the beginning of the Kali Yuga, by the wise and magnanimous, for the protection of men.

Nowhere also in this texts can any passage be found prohibiting the marriage of widows. That the interdict of the “gift of a girl already given” cannot be construed into such a prohibition, has already been shewn in examining a similar interdictory passage in the Vrihannaradiya Purana.

Some people say, that the prohibition of the filiation of sons other than the Aurasa (son by birth) and the Dattaka (son adopted) in the Aditya Purana, leads to the forbiddance of the marriage of widows. They argue in the following manner,—In the former Yugas, the sons of widows, born in wedlock, were called Paunarbhavas ; now, as there is a prohibition to filiate any other sons in the Kali Yuga except the Aurasa (son by birth) and the Dattaka (son adopted) this prohibition extends

to the filiation of the Paunarbhava the object of marriage is to have male issue ; but if the filiation of the Paunarbhava begotten on a wedded widow be interdicted, the marriage of widows is necessarily interdicted—This objection appears at first sight, rather strong and in the absence of Parasara Sanhita would have succeeded in establishing the prohibition of a the marriage of widows. But they, who raise this objection, have not, I believe, seen the Parasara Sanhita. It is true, indeed that in the former Yugas, the son of a wedded widow was called Paunarbhava ; but from what I have argued above in respect of the application of the term Paunarbhava to the son of a wedded widow in the Kali Yuga, it has been already decided that the distinction between a Paunarbhava and an Aurasa has been done away with. If then the son, born of a widow in lawful wedlock instead of being called a Paunarbhava, be reckoned as Aurasa in the Kali Yuga, how can the prohibition, in the Kali Yuga, of the filiation of sons other than the Aurasa and Dattak lead to the interdiction of the marriage of widows in the Kali Yuga ?

It will now appear from the manner, in which I have expounded the spirit of the above quoted Texts of the Vrihannaradiya and Aditya Puranas, that they do not prohibit the marriage of widows in the Kali Yuga. But if the prohibitionists, not satisfied with the explanation, contend against the consonancy of this marriage to the Sastras, by citing the above Texts as prohibitory of the marriage of widows we have then to consider the following question : The marriage of widows is enforced in the Parasara Sanhita, but interdicted in Vrihannaradiya and Aditya Puranas ; which of them is the stronger authority ? That is, whether according to the injunction of Parasara, the marriage of widows is to be considered legal, or, according to the interdiction of the Vrihannaradiya and Aditya Puranas, it is to be held illegal.

To settle this point, we should enquire what decision the authors of our Sastras have come to in judging of the cogency

of two classes of authorities, when they differ from each other, The auspicious Vedavyasa has, in his own institutes, settled this point. Thus :—

श्रुतिस्मृतिपुराणानां विरोधो यत्र दृश्यते ।

तत्र श्रौतं प्रमाणन्तु तयोद्धै स्मृतिर्वरा ॥

“Where variance is observed between the Veda, the Smṛiti, and the Purana, there the Veda is the supreme authority : when the Smṛiti and the Purana contradict each other, the Smṛiti is the superior authority.

That is, when the Veda inculcates one thing, the Smṛiti another, and the Purana a third, what is then to be done ? Which Sastra is to be followed ? Men ought to regard all the three as Sastras, and if they follow only one of the they disregard the other two, and by a disrespect of the Sastras they incur sin. The auspicious Vedavyasa, therefore, has settled the point, by declaring that when the Veda, the Smṛiti, and the Purana, are at variance with one another, then we should, intead of following the injunctions of the latter two, act up to those of the former ; and in the event of a contradiction between the Smṛiti and the Purana, we should, instead of following the ordinances of the latter, act up to those of the former.

Mark now, in the first place, that from the above exposition of the Vrihannaradiya and Aditya Puranas, they do, by no means, appear to prohibit the marriage of widows ; Secondly, if by any forced construction, they can be made to imply such a prohibition, then there arises a palpable contradiction between the Vrihannaradiya and Aditya Puranas; and the Parasara Sanhita. The Parasara Sanhita prescribes, and the Vrihannaradiya and Aditya Puranas interdict, the marriage of widows in the Kali Yuga. The Parasara Sanhita is one of the smritis, while the Vrihannaradiya and Aditya Puranas are Puranas. The author of the Puranas himself ordians, that when the smṛiti and the Purana differ from each other, the former is to be followed in preference to the latter. Hence, even if the Texts of the Vrihannaradiya and Aditya Puranas

were made to imply a prohibition of the marriage of widows in the Kali Yuga, we should, in spite of it, follow the positive injunction for the marriage of widows in the Parasara Sanhita.

It can now be safely concluded that the consonancy of the marriage of widows to our Sastras has been indisputably settled. A fresh objection, however may now arise that though the marriage of widows be sanctioned by our Sastras, yet being opposed to approved custom, it should not be practised. To answer this objection, it should be enquired in what case is approved custom to be followed as an authority. The Auspicious Vasishtha has settled this point in his institutes. Thus :

लोके प्रेत्य वा विहितो धर्मः ।

तदनुमे शिष्टाचारः प्रमाणम् ॥

"Whether in matters connected with this or the next world, in both cases, the Dharmas inculcated by the Sastras are to be observed ; where there is an omission in the Sastras, *there* approved custom is the authority."

That is, men should observe those duties which have been inculcated by the Sastras ; and in cases where the Sastras prescribe no rule or make no prohibition, but at the same time a practice, followed by a succession of virtuous ancestors, prevails, then such practice is to be deemed equal in authority to an ordinance of the Sastras. Now, as there is in the Parasara Sanhita a plain injunction for the marriage of widows in the Kali Yuga, it is neither reasonable nor consonant to the Sastras to consider it an illicit act, merely because it is opposed to approved usage ; for it is ordained by Vasishtha that approved custom is to be followed only in cases where there is an omission in the Sastras. It is, therefore, indisputably proved that the marriage of widows in the Kali Yuga is, in all respects, a proper act.

An adequate idea of the intolerable hardships of early widowhood can be formed by those only whose daughters, sisters, daughters-in-law, and other female relatives, have been deprived of their husbands during their infancy. How many

hundreds of widows, unable to observe the austerities of a Brahmacharya life, betake themselves to prostitution and foeticide and thus bring disgrace upon the families of their fathers, mothers, and husbands. If the marriage of widows be allowed, it will remove the insupportable torments of life-long widowhood, diminish the crimes of prostitution and foeticide, and secure all families from disgrace and infamy. As long as this salutary practice will be deferred, so long will the crimes of prostitution adultery, incest, and foeticide, flow on in an ever-increasing current—so long will family stains be multiplied—so long will a widow's agony blaze on in fiercer flames.

In conclusion, I humbly beseech the public to attend to these circumstances, and after having duly weighed all that have been said respecting the consonancy of the marriage of widows to the Sastras, to decide whether the marriage of widows should or should not prevail.

MARRIAGE

OF

HINDU WIDOWS

THE REJOINDER

When the question of introducing the practice of the Marriage of Widows was first laid before the Community, I had strong apprehensions that it would be regarded with contempt ; that the very title and purport of the work, which I published on the subject, would be a drawback to its attentive perusal, and that consequently my labour would be thrown away. But I was agreeably disappointed to find the public so eager to obtain the work, that, shortly after its publication, and in less than a week, its first impression, consisting of two thousand copies, was entirely exhausted, I was encouraged to make a second impression of three thousand copies, which also was nearly exhausted in a very short time. I consider myself amply rewarded for all my labours and pains by this manifestation of eagerness on the part of the public.

It is a great satisfaction to me that many persons, both mere men of the world as well as professors of Sastras, have not only condescended to publish replies to my work, but have spared no labour and expense on a subject which, I feared, would meet with their contempt and derision. It adds no little to my satisfaction to find that, among the replicants there are many, who are distinguished in this country for their rank, fortune, and learning. What a piece of good fortune to me and to my little work, that such personages have deemed it worth their perusal, worth their discussion, and worth being replied to.

But it is much to be regretted that, most of my replicants are not well acquainted with the manner in which such questions should be discussed. Some have been so infuriated at the very sound of the marriage of Widows, that they have lost all control over themselves ; and their replies furnish instances of want of proper attention to the investigation of truth, arising from loss of temper during a controversy. Others, again, have wilfully avoided all discussion as to the merits of the question, and raised a number of false and futile objections. Their object, however, in so doing, has, in some measure, been gained. The generality of our countrymen, being ignorant of the Satras, are incapable of arriving at the truth in any subject by weighing the arguments and authorities adduced and cited by two parties engaged in a Sastric controversy. The appearance of any objection, however futile, is apt to cast them into doubt and uncertainty. Many, who on perusal of my work came to the conclusion that the question agitated by me was consonant to the Sastras, soon after, jumped to the opposite conclusion, on finding a few objections started against it. The great majority of my countrymen, moreover, being ignorant of the Sanskrit language, cannot of themselves understand the meaning and spirit of Sanskrit Texts, which can only be made intelligible to them by vernacular translations, upon which they entirely depend, in order to ascertain the truth in an enquiry of this nature. Many of the replicants have availed themselves of this circumstance to subserve their purpose, by distorting the meaning of the Texts, cited by them in their respective works, and such readers, as are ignorant of the Sanskrit, have taken their interpretation to be the genuine version. For this, however, the readers are not to blame ; for, no one can easily bring himself to believe, that any person, engaged in a religious controversy, would, by ingenious artifices and subterfuges, give wrong interpretation to the sayings of the sages, and, readily and without scruple or hesitation, publish them for the information of the public.

It is much more to be regretted that many among the replicants delight in ridicule and are fond of abuse. I was not

aware that, ridicule and abuse form the chief elements of a religious controversy in this country. Instead, however, of having recourse to abuse and ridicule, the replicants should have adopted the course which suits the importance of the subject. It is surprising that, with many, the reception of these antagonistic pamphlets has been in exact proportion to the railing, and personalities they contain. I was at first much aggrieved at the course, adopted by many of the replicants ; but the perusal of a certain pamphlet has relieved me from all painful sensations. The reply is an anonymous one, under the signature of Vara (Bridegroom) who, though stricken in years and everywhere reputed to be the wisest man in this part of the country, has in several parts of his work, betrayed a fondness for scoffing and scurrilous jests I have, therefore, come to the conclusion that, in a religious controversy, the use of ridicule and abusive language toward an adversary is the criterion of a wise man in this country. Had this been otherwise, the worthy and revered old man, whom the whole country unanimously pronounces to be the wisest, would not have adopted that course.

But whatever might be the character of the replies. I acknowledge my great obligations to their authors, and loudly offer them a thousand thanks. Had they not taken the trouble to reply to my work, it would have appeared that the learned and the influential portion of the community considered it beneath their notice. But it is, at least, clear from the replies that the subject, I have proposed, is not such as could be passed over with contempt and disregard. Their silence would, indeed, have been most mortifying to me. They have employed considerable labour and research in citing, in their respective works, all available arguments and authorities that would be adduced to prove, as they supposed, the nonconformity of the question to the Sastras. When, therefore, different persons have, in different ways, done their best to raise various objections against the marriage of widows, it may be inferred that all that could be said against it has been exhausted. When these objections are weighed and examined all doubts

as to the consonance or otherwise of the practice of the marriage of widows to the Sastras, in the Kali-yuga, might be removed.

My adversaries have, in their respective works, written a great many things, but all of them are not relevant to the question at issue. I have, therefore, engaged myself to answer such of them as have appeared to me to have any bearing on the subject. As I have spared no pains and care in the framing of this answer, I humbly beseech my readers, that they would condescend to peruse this work once at least, from the beginning to the end, and I would consider all my labours amply rewarded.

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**THE TEXT OF PARASARA APPLIES TO FEMALES
ACTUALLY MARRIED, NOT TO VIRGINS
MERELY BETROTHED.**

Some have decided that the Text of Parasara, relative to marriage, purports to enjoin the marriage of a betrothed girl and not of a wedded woman, in the event of "No tidings being received of her husband &c. &c." It is necessary to consider, whether the decision of my opponents is correct.

Parasara says,

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।

पञ्चस्वापत्सु नारीणां पतिरन्यो विधीयते ॥

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

The Text, understood according to the true meaning of the words used by Parasara, would naturally lead to the conclusion that a woman can remarry under any one of the five calamities enumerated. No other conclusion can be arrived at, except by a forced interpretation of those words. Such interpretation is not however admissible, unless there be strong reasons for it. But no such reasons exist in this case, and therefore Madhava-charya the Commentator, though antagonistic to the remarrying of females, has distinctly admitted that the Text of Parasara authorizes such remarriage, under the calamities aforesaid. Thus :—

परिवेदनपर्याधानयोरिव स्त्रीणां पुनरुद्वाहस्यापि
प्रसङ्गत् कचिदभ्यनुज्ञां दर्शयति

"Parasara, having treated of *Parivedana*,* and of *pariyadana*,† show that under certain circumstances the remarriage of women is lawful Thus :—

* If the younger brother marries before the elder brother is married, that marriage is called *Parivedana*.

† If the younger brother consecrates fire before the elder brother does so, that act is called *Pariyadhana*,

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।

पञ्चस्वपत्सु नारीणां पतिरन्यो विधोयते ॥

“On receiving no tidings of husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband.”

पुनरुद्धान्हमकृत्वा ब्रह्मचर्यव्रतानुष्ठाने श्रेयोऽतिशयं
दर्शयति

“He next shows that it is more meritorious for women to observe the Brahmacharya than to marry again.” Thus :—

मृते भर्तरि या नारी ब्रह्मचर्यं व्यवस्थिता ।

सा मृता लभते स्वर्गं यथा ते ब्रह्मचारिणः ॥

“That women, who, on the decease of her husband, observes the Brahmacharya, attains heaven after her death.”

ब्रह्मचर्यादप्याधिकं फलमनुगमने दर्शयति

“He then shows that concremation is attained with a greater degree of merit than that attained from the observance of the Brahmacharya,” Thus :—

तिस्रः कोथोऽर्द्धकोटी च यानि लोमानि मानवे ।

तावत् कालं वसेत् स्वर्गं भर्तारं यानुगच्छति ॥

“She, who burns herself with her deceased husband, resides in heaven for as many Kalas or thousands of years, as there are hairs on the human body, or thirty five millions of years.”

“On referring to the Narada Sanhita, it will be perfectly clear, that the injunction for remarriage as expressed in the Text, ‘On receiving no tidings of a husband, &c., &c., can by no means be applied to the case of a betrothed virgin. Thus :—

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।

पञ्चस्वापत्सु नारीणां पतिरन्यो विधोयते ॥

अष्टौ वर्षाण्यपेक्षेत ब्राह्मणी प्रोषितं पतिम् ।

अप्रसूता तु चत्वारि परतोऽन्यं समाश्रयेत् ॥

क्षत्त्या षट् समास्तिष्ठेदप्रमृता समाव्रयम् ।

वैश्या प्रसूता चत्वारि द्वे वर्षे त्वितरा वसेत् ॥

न शूद्रायाः स्मृतः काल एष प्रोषितयोषिताम् ।
 जीवति श्रूयमाणे सु स्यादेष द्विगुणो विधिः ॥
 अप्रवृत्तौ तु भूतानां दृष्टिरेषा प्रजापतेः ।
 अतोऽन्यगमने स्त्रीणामेष दोषो न विद्यते ॥ *

"On receiving no tidings of a husband, on his demise, on his turning ascetic, on his being found impotent, or his degradation, under any one of these five calamities, it is canonical for women to take another husband. A Brahmana woman should wait eight years for her absent lord, and four years only, if she be childless ; then let her marry again. A Kshatriya woman should wait six years, and, in case she has no issue, three years only. A Vaisya women, if she has borne a child, four years, otherwise only two. For a Sudra woman no period is mentioned for which she is to wait for her husband. If it be heard that he is living, the rule is the aforesaid periods are to be doubled when tidings are not received, forementioned periods are enjoined. Such is the opinion of Brahama, the lord of men. In such cases, therefore, there is no harm in women marrying again."

It will now appear that, the aforesaid nuptial text can, by no means, apply to a betrothed girl. In the case of an absent lord, different periods are assigned for which the wife is to wait for him, according as she has not any children. If this ordinance referred to a plighted virgin, the mention of the circumstance of her having or not having issue would be absurd. It may be urged that the Narada samhita was good only for the Satya-yuga, and therefore the Text quoted above cannot be construed to sanction the remarriage of women in the Kali-yuga, even if it were admitted that it enjoined such remarriage. It is true that the Narada-sanhita was good for the Satya-yuga, but the Text alluded to is indetical with that of Parasara, both being composed of the same word. When both the Texts are indetical, the meaning they convey cannot but be identical also. It would be absurd to assume that a particular set of words would mean one thing in one Yuga, and another thing in another Yuga. It is clear, therefore, that the Text can, on no account, have reference to the case of betrothed girls.

* Narada Sāhita Ch. XII.

Those, who attempt to interpret the above Text of Parasara, as applying to the case of a betrothed girl and not to a married woman, do so for the following reason : There are some Texts which prohibit the marriage of wedded women, and if Parasara's Text be admitted to apply to married women, a discrepancy arises between the Texts. There are other Texts again which prescribe marriage for betrothed virgins, and if Parasara's Text be interpreted to apply to them, no discrepancy would occur. They therefore contend that Parasara's Text should be interpreted as having reference to betrothed girls only. But I must remark, that as there are Texts prohibitory of the marriage of wedded women, so the Text of Kasyapa prohibits the nuptials of a betrothed girl. Thus :—

सप्त पौनर्भवाः कन्या वर्जनीयाः कुलाधमाः ।
 वाचा दत्ता मनोदत्ता कृतकौतुकमङ्गला ।
 उदकस्पर्शिता या च या च पाणिगृहीतिका ।
 अग्नि परिगता या च पुनर्भू'प्रभता च या
 इत्येताः काव्यपेनोक्ता इहन्ति कुलमश्रिवत् ॥

"In forming a matrimonial connexion, seven Paunarbhava damsels, despised of their families, are to be shunned. The Vagdatta, she who has been plighted by words of troth ; the Manodatta, she whom her parent or guardian has disposed of in his mind ; the Krita-kautuka-mangala, she on whose hand the nuptial string has been tied ; the Udaka-sparshita, she who has been given away by the sprinkling of water ; the Panigrihita, she in respect of whom the ceremony of taking the hand has been performed ; the Agnim-parigata, she in respect of whom the marriage ceremonies have been completed ; the Punarbhu-prabhava, she who is born of a Punarbhu ; these seven damsels, described by Kasyapa, when married, consume, like fire, the family of their husbands."

Mark now, as Kasyapa includes the betrothed girl among those, who are to be shunned in marriage, and gives her the designation of Punarbhu (remarried), her marriage is necessarily interdicted. Kasyapa enjoins, that the betrothed girl and

the married woman are equally to be rejected. If, therefore, the circumstance of some Texts prohibiting the marriage of a wedded woman be made to operate against the interpretation of the aforesaid Text of Parasara, as enjoining her remarriage ; then, by parity of reasoning that Text cannot be interpreted to apply to the case of a betrothed girl, when there is a prohibition in the Text of Kasyapa against it. Hence, the construction of the Texts of Parasara, as applying to the case of a betrothed girl, does not establish its consonancy with all the Texts of our Sastras on the subject. This is not, however, the way to reconcile all the Texts. If such reconciliation be necessary it can be done in the following manner :

There is no mention in the Texts of Kasyapa and others, containing prohibition or injunction regarding the marriage of wedded women, of the specific Yugas to which they refer ; hence, they should be considered applicable to all the Yugas. But when, in respect of the present question, there are certain ordinances or interdictions expressly laid down for the Kali-yuga, they may be said to be special rules appropriate to that Yuga only. And as distinct specific rules for the Kali-yuga, touching the present subject, are found, it is quite unnecessary to attempt to reconcile them with general rules regarding it. For, it is patent to all understandings, that a specific rule supersedes a general rule. It is therefore necessary that, all special rules relative to the Kali-yuga should be reconciled with each other, and upon such reconciliation depends the legality or otherwise of the marriage of widows in that Yuga. With this view, I here quote first such Texts, as prohibit the remarriage of women in the Kali-yuga :

Adi Purana.

उदायाः पुनरुद्वाहं ज्येष्ठश्च गौबर्धनं तथा ।

कलौ पञ्च न कुर्वीत भ्रातृजायां कमण्डलुम् ॥*

* Quoted by Madhavacharya in his commentary on the Parasara Samhita.

“The remarriage of a married woman, the giving of the best share to the eldest brother, the slaughter of a cow, procreation on a brother's wife, turning an ascetic, these five acts are not to be performed in the Kali-Yuga.”

Kratu.

देवरात्र सुतोत्पत्तिर्दत्ता कन्या न दीयते ।
न यज्ञे गोबधः कार्यः कलो न च कमण्डलुः ॥

“In the Kali-yuga, the brother is not to beget a child on a brother's wife, a girl already given is not to be given away, a cow is not to be slaughtered in religious ceremonies, and no one is to turn an ascetic.

Vrihannaradiya Purana.

दत्तायच्चैव कन्यायाः पुनर्हानं परस्य च ॥

“In the Kali-yuga, a damsel is not to be given to a bridegroom a second time—”

Aditya Purana.

दत्ता कन्या प्रदीयते ।

“In the Kali-yuga, the gift of a girl already given is forbidden.”

Thus there is, in general terms, a prohibition of the remarriage of women in the Adi Purana, the Kratu Sanhita, and the Aditya and Vrihannaradiya Puranas. But in the Parasara Sanhita we find,

नष्टे मृते प्रव्रजिते क्लृप्ते च पतिते पतौ ।
पञ्चस्वापत्सु नारीणां पतिरन्यो विधीयते ॥

“On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation under any one of these five calamities, it is canonical for women to take another husband.”

That is, under any of these five contingencies, the remarriage of a woman is permitted.

Thus, we have now before us Texts both for and against the remarriage of women in the Kali-yuga. If we attempt to reconcile these apparently contradictory Texts, we should do so in the following manner :

In the Adi Purana and the other works, quoted above, the prohibition against the marriage of wedded women in the Kali-yuga is a general one ; but Parasara makes special cases under five different contingencies, in which such marriage is Permitted. Where there are both a general and special rule regarding a particular subject, the usual course is to apply the latter to the exceptional cases, and to adopt the former in all other cases. Hence it follows that the precept of Parasara should be observed in the five special contingencies mentioned, the prohibition in the Abi Purana, &c., being strictly adhered to in all other cases. This interpretation reconciles the two apparently contradictory classes of Texts, and affords room for the application of both the precept and the prohibition. Let us enter into a detailed examination of the subject.

Katyayana says—

स तु यद्यन्यजातीयः पतितः क्लीव एव वा ।
विकर्मस्यः सगोत्रो वा दासो दीर्घामयोऽपि वा ।
ऊङ्गापि देया सान्यस्मै सहाभरणभूषणा ॥ *

"If after wedding, the husband be found to be of a different caste degraded, impotent, unprincipled, of the same Gotra or family, a slave, or a valitudinarian, then a married woman should be bestowed upon another decked with proper apparel and ornaments,"

Vasishtha Says—

कुलशीलविहीनस्य पण्डादिपतितस्य च ।
अपस्मारिविधर्मस्य रोगिणां वेशधारिणाम् ॥
दत्तामपि हरेत् कन्यां सगोत्रोङ्गां तथैव च ॥ †

* Katyayana, quoted in the parasara Bhashya and Nirnaya Sindhu.

† Vasishtha quoted in the Udvahatattwa.

"A girl, married to a person who is of a low family and conduct, impotent, degraded, epileptic, unprincipled, sickly, a devotee, or of the same family, is to be taken away from him, that is, married to another."

Narada Says—

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।
पञ्चस्वापत्सु नारीणां पतिरन्यो विधीयते ॥

"On receiving no tidings of a husband, on his demise, on his turning as ascetic, his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

Thus Katyayana, Vasishtha, and Narada, without alluding to any particular Yuga, have generally enjoined the remarriage of a women when her husband is unprincipled, degraded, impotent, sickly, epileptic, of low family and conduct, an ascetic, a slave, of the same family of a different caste, when no tidings are received of him, or when dead.

Adi Purana Says —

उद्धायाः पुनरुद्धाहं ज्येष्ठानां गोवधं तथा ।
कलौ पञ्च न कुर्वीत भ्रातृजायां कमण्डलुम् ॥

"The remarriage of a married woman, the giving of the best share to the eldest brother, the slaughter of a cow, procreation on a brother's wife, or turning an ascetic, these five acts are not to be performed in the Kali-yuga."

Kratu Says—

देवरान्न सुतोत्पत्तिर्दत्ता कन्या न दीयते ।
न यज्ञे गोवधः कार्यः कलौ न च कमण्डलुः ॥

"In the Kali-yuga, the brother is not to beget a child on a brother's wife, a girl already given is not to be given away, a cow is not to be slaughtered in religious ceremonies, and no one is to turn an ascetic."

Vrihannaradiya Purana Says—

दत्तायाच्चैव कन्यायाः पुनर्दानं परस्य च ।

"In the Kali-yuga, a damsel is to be given to a bridegroom a second time."

Aditya Purana Says—

दत्ता कन्या प्रदीयते ।

"In the Kali-yuga, the gift of a girl already given a forbidden."

But the Parasara Sanhita Says—

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।

पञ्चस्वापत्सु नारीणां पतिरन्धो विधीयते ॥

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities is canonical for women to take another husband."

Thus, the Adi Purana and other works, in general terms, prohibit the remarriage of wedded women in the Kali-yuga, while Parasara specially enjoins such marriage in the Kali-yuga ; under the five circumstance specified by him.

Now, let my readers consider that Katyayana and other Sages, without alluding to any particular Yuga, enumerate certain cases, in which they enjoin the remarriage of a wedded woman. Such a rule would have answered for all the Yugas : but as in the Adi Purana and other works such marriage has been forbidden in the Kali-yuga, the prohibition is special to that Yuga : hence the ordinances of Katyayana and others apply to the three Yugas other than Kali.

Again, in the Adi Purana and other works, the remarriage of women in the Kali-Yuga has been generally prohibited, without the specification of any exceptional cases ; but Parasara points out particular conditions under which he declares such marriage in that Yuga to be canonical. The injunction of Parasara, therefore, is special rule ; and the

and the general prohibition in the *Adi Purana* and other works applies to all but the five cases specified by *Parasara*.

Such is always the case, when there are both general and special injunctions or prohibitions on the same subject. Thus :—

अहरहः सन्ध्यामुपासीत ।

“Day by day the *Sandhya* (a ceremony) is to be performed.”

This is a clear general rule for the performance of the *Sandhya* laid down in the *Vedas*. But,

सन्ध्यां पञ्च महायज्ञान् नैत्यकं स्मृतिकर्म च ।

तन्मध्ये हापयेत्तेषां दशाहान्ते पुनः क्रिया ॥*

“The *Sandhya*, the five great sacrifices, and the daily necessary rites, enjoined by the *Smritis*, are not to be performed during the period of *Asaucha* (impurity) ; after the expiration of that period, they are to be performed again.”

Here, *Javali* prohibits the performance of the *Sandhya*, during the period of *Asaucha*. Now mark, though there is a general ordinance in the *Vedas* for the daily performance of the *Sandhya*, yet it is not performed during the period of *Asaucha*, by the special prohibition of *Javali*. Again.

पूर्वा सन्ध्यां जपं स्पष्टेत् सावित्रीमार्कदर्शनात् ।

पञ्चिमान्तु समासीनः सम्यगृक्षविभावनात् ॥ 101.

न तिष्ठति तु यः पूर्वा नीपास्ते यञ्च पञ्चिमाम् ।

स श्रूद्रवद्वहिष्कार्यः सर्वस्माद्दिहजकर्मणाः ॥ 103. †

“At the morning twilight, let him (a twice-born) stand repeating the *Gayatri*, until he sees the sun ; and the evening twilight, let him repeat it sitting, until the stars distinctly appear. But he, who stands not repeating in the morning twilight, and sits not repeating in the evening, must be precluded, like a *Sudra*, from every sacred observance of the twice-born classes,” But,

* *Javali*, quoted in the *Suddhitattwa*.

† *Manu*, Ch. II.

संक्रान्त्यां पञ्चयोरन्ते द्वादश्यां श्राद्धवासरे ।
सायं सन्ध्यां न कुर्वीत च पितृहा भवेत् ॥ *

"On the day of the passage of the sun to a new zodiacal sign, on the last day of either half of the lunar month, on the twelfth as well as twenty-seventh day of the moon, and on the day of the celebration of a Shraddha, the Sandhya is not to be performed in the evening ; by doing so the sin of parricide is incurred."

Observe now, in spite of the general injunction in the institutes of Manu for the performance of the Sandhya in the morning and evening and the penalty attached to its violation, it is not performed on certain specified days by the special prohibition of Vyasa ; that is, the general injunction for the performance of the Sandhya obtains on days other than those specified by that Sage. In the Vedas is the following prohibition—

मा हिंस्यात् सर्वा भूतानि ॥

' Kill no living thing.'

But in other places of the Vedas there are such injunctions as the following—

अश्वमेधेन यजेत ।

"This sacrifice is to be performed by the slaughter of a horse."

पशुना रुद्रं यजेत ।

"The sacrifice, called the Rudra-yaga, is to be performed by the slaughter of cattle."

अग्नीषोमीयं पशुमाजभेत ।

"The sacrifice in honor of Agni and Shoma is to be performed by the slaughter of cattle."

* Vyasa, quoted in the Tithitattwa.

वायव्यं श्वेतमालभेत ।

“The sacrifice in honor of Vayu is to be performed by the slaughter of a white goat”.

Now mark, despite the most clear and positive general prohibition in one part of the Vedas, against killing animals, their slaughter, in certain sacrifices, is considered a meritorious act by the special injunctions in other parts of the Vedas ; that is, owing to the special injunction, the general prohibition against the slaughter of animals, is applicable to all cases except those of the equine sacrifice, the Rudra-yaga, and like. On this account the illustrious Manu has said—

मधुपर्के च यज्ञे च पितृदैवतकर्मणि ।

अत्रैव पशवी हिंस्या नान्यत्रेत्यब्रवीन्मनुः ॥ 5. 41.

“On a solemn offering to a guest, at a sacrifice, and in holy rites to the manes or to the gods, on these occasions only and not in others, may cattle be slain ; this law Manu has enacted.”

It should be observed, that in the above cited cases, our acts are guided by special rules in spite of general ones to the contrary ; the latter obtaining force only in cases not comprehended in the former. In spite, then, of the general prohibition against the remarriage of women in the Kali-yuga, the special ordinance of Parasara, directing their remarriage under the five conditions specified by him, is to be observed ; the general prohibition in the Adi Purana and other works obtaining force in all cases except those five. This I consider to be the plain and rational way of reconciling apparently contradictory Texts on the subject under.

THE MARITAL TEXT OF PARASARA
REFERS TO THE KALI-YUGA,
NOT TO THE OTHER YUGAS.

Madhavacharya, after giving an interpretation of the Text of Parasara respecting the remarriage of females, thus concludes, —

अयञ्च पुनरुद्वाही युगान्तरविषयः । तथाचाहिपुराणम्
उद्वायाः पुनरुद्वाहं ज्येष्ठांशं गोबधं तथा ।
कलौ पञ्च न कुर्वीत भ्रातृजायां कमण्डलुम् ॥

“This injunction of Parasara, for the remarriage of females, is to be understood to apply to Yugas other than the Kali ; because it is declared, in the Adi Purana, that the remarriage of a female once wedded, the allotment of the best share to the eldest brother, the Bovine sacrifice, procreation on a brother's wife, and turning and ascetic, are the five acts not to be practised in the Kali-yuga.”

It should now be considered, whether this remark of Madhavacharya is correct and reasonable. It is necessary, in the first place, to ascertain the object of Parasara from the spirit his Sanhita and its interpretation by Madhavacharya himself.

The Text of the Sanhita.

अथाती हिमशैलाग्रे देवदारुवनालये ।
व्यासमेकाग्रभासीनमपृच्छन्तृषयः पुरा ॥
मानुषाणां हितं धर्मं वर्त्तमाने कलौ युगे ।
शौचाचारं यथावच्च वह सस्यवतीसुत ॥

“Therefore, in times of yore, the Rishis, *thereafter*, addressed Vyasa—who was seated, with his attention fixed on one object, in his retreat in the pine forests on the top of the Himalayas.—Declare to us, Oh son of Satyavati, 'what are the Dharmas (duties) and Acharas (practices) beneficial to men in this Kali-yuga.”

Commentary of Madhavacharya.

वर्तमाने कत्माविति विशेषणात् युगान्तरधर्मज्ञाननन्तर्यम् ।

Thereafter, that is, the Rishis, after having been informed of the Dharmas of the Satya, Treta, and Dwapara Yugas, enquired about the Dharmas of the Kali-yuga."

अतःशब्दो हेत्वर्थः यस्मादेकदेशाध्यायिनी नाशेषधर्मज्ञानं
यस्माच्च युगान्तरधर्मभवगत्य न कलिधर्मावगतिस्तस्मादिति ।

Therefore, that is, whereas the study of a part cannot make one acquainted with the whole of the Dharmas, and whereas the Kali Dharmas cannot be known from an acquaintance with the Dharmas of other Yugas, therefore the Rishis enquired."

From this it clearly appears, that at the commencement of the Kali-yuga, the Rishis, who knew the Dharmas of the Satya, Treta, and Dwapara Yugas, wishing to obtain a knowledge of those for the Kali-yuga, repaired to Vyasa and questioned him on the subject.

Text.

तच्छ्रुत्वा ऋषिवाक्यन्तु सशिष्योऽग्नार्कमन्त्रिभः ।
प्रत्युवाच महातेजाः श्रुतिस्मृतिविशारदः ॥
नचाहं सर्वतत्त्वज्ञः कथं धर्मं वदाम्यहम् ।
अस्मत्पितैव प्रष्टव्य इति व्यासः स्मृतोऽवदत् ॥

"Hearing these words of the Rishis, he (the great Vyasa), surrounded by his pupils, radiant as the sun and fire, and versed in the Vedas and the Smritis, replied, I do not know the truth of all things, how shall I declare the Dharmas? My father only should be consulted on the subject. This was said by the son of Parasara."

Commentary.

नचाहमिति वदती व्यासस्यायमाशयः सम्प्रति कलिधर्माः पृच्छान्ते
तत्र न तावदहं स्वतः कलिधर्मतत्त्वं जानामि अस्मत् पितुरेव तत्र

प्रावीण्यात् अतएव कलौ पराशराः स्मृता इति वक्ष्यते । यदि पितृ-
प्रसादान्मम तदभिज्ञानं तर्हि स एव पिता प्रष्टव्यः नहि मूलवक्तरि विद्यमाने
प्रणाडिका युज्यत इति ।

"*I do not know, &c., by this, Vyasa means to say that you are now enquiring of me the Kali Dharmas ; but I have learnt them from my father ; he only is master of them ; and as I have obtained a knowledge of them through my father's favour, he should be consulted on the subject ; when the original instructor is living, it is not meet to receive knowledge at second hand,*"

एवकारेणान्यस्मर्तारो व्यावर्त्यन्ते । यद्यपि मन्दादयः कलिधर्माभि-
ज्ञास्सथोपि पराशरस्यास्मिन् विषये तपोविशेषबलात् असाधारणः कश्चिद-
तिशयो द्रष्टव्यः । यथा काण्वमाध्यन्दिनकाठक कौथुमतैत्तिरीयादिशाखासु
काण्वादीनामसाधारणत्वं तद्वदत्राव गन्तव्यम् । कलिधर्मसम्प्रदायोपेतस्यापि
पराशरसुतस्य यदा तद्वर्म्मरहस्वाभिवदने राज्ञीचः तदा किमु वक्तव्य-
मन्येषामिति ।

"From the expression *my father only should be consulted on the subject* it is to be inferred, that the authors of the other Smritis are excluded (as referees on this subject). Although Manu and others, are versed in the Kali Dharmas, yet Parasara, by virtue of particular penances, has become the supreme authority as regards the Kali Dharmas. As among the Kanwa, Madhyandina, Kathaka, Kauthuma, Taittiriya, and other Sakhas or branches of the Vedas the Kanwa and some others are distinguished, so, in respect of the Kali Dharmas, Parasara stands pre-eminent among all the authors of the Smritis. When Vyasa, who is himself admitted to be the instructor of the Kali Dharmas, hesitates to declare them while Parasara is living what shall we say of the other Rishis."

We thus see that as regards the Kali Dharmas, the authority of Parasara weighs more than that of Manu and other writers of Smritis and that his Text is supreme on the subject of the Kali Dharmas.

Text.

यदि जानात्मि मे भक्तिं स्नेहाद्वा भक्तवत्स्मल ।
धर्मं कथय मे तात अनुग्राह्ये ह्यहं तव ॥

"Oh Sir ! affectionate to thy votaries, if thou knowest me to be thy votary and bearest any affection towards me, instruct me in the Dharma. I am an object of thy favour."

Vyasa thus addressed his father.

Commentary.

ननु सन्ति बहवो मन्वादिभिः प्रोक्ता धर्माः तत्र को धर्मो भवता
बुभुत्सित इत्याशङ्क्य बुभुत्सितं परिशेषयितुमुपन्यस्यति ।

"There are various Dharmas promulgated by Manu and others, and Vyasa, fearing as if Parasara asked him which of them he wished to learn first, mentions the Dharmas in which he has been already edified, that he may conclude with specifying the Dharmas, he wishes to learn."

Text.

श्रुता मे मानवा धर्मा वाशिष्ठाः काश्यपास्तथा ।
गार्गेया गौतमीयाश्च तथाचौशनसाः स्मृताः ॥
अत्रेर्विष्णाश्च संवत्सहिक्षादाङ्गिरसास्तथा ।
शातातपाश्च हारीता याक्षवल्क्यस्तधैव च ॥
आपस्तम्बकृता धर्माः शङ्गस्य लिखितस्य च ।
कात्यायनकृताश्चैव प्राचेतसकृताश्च ये ॥
श्रुता ह्येते भवत्प्राक्ताः श्रुतार्था मेन विस्मृताः ।
अस्मिन् मन्ववतदे धर्माः कृतत्रेतादिके युगे ॥

"I have heard from you the Dharmas declared by Manu, Vasishtha, Kasyapa, Garga, Gotoma, Ushana, Atri, Vishnu, Sanvartta, Daksha, Angira, Satatapa, Harita, Yajnavalkya, Apastamba, Sankha, Likhita, Katyayana, and Prachetasa. I have not forgotten what I learnt ; they were the Dharmas of the Satya, Treta, and Dwapara Yugas."

Commentary.

इदानीं परिशिष्टं बुभुत्सितं मृच्छति ।

"And now he enquires about the Dharmas he wishes to learn."

Text.

सर्वे धर्माः कृते जाताः सर्वे नष्टाः कलौ युगे ।
चातुर्वर्ण्यसमाचारं किञ्चित् साधारणं वद ॥

"All the Dharmas originated in the Satya-yuga, all of them have expired in the Ka'i-yuga : declare therefore some of the common Dharmas of the four Varnas (castes)."

Commentary.

विष्णुपुराणे

वर्णाश्रमाचारवती प्रवृत्तिर्न कलौ नृणाम् ।

आदिपुराणेषुपि

यस्तु कार्त्युगे धर्मो न कर्तव्यः कलौ युगे ।

चापप्रसक्तास्तु यतः कलौ नायुर्यो नरास्तथा ॥

अतः कलौ प्राणिनां प्रयासज्ञाद्ये धर्मो प्रवृत्त्यसम्भवात् सुकरा
धर्मोऽत्र बुभुत्सितः ।

"It is said in the Vishnu Purana that 'the specified Dharmas of the four Varnas (castes) and of the four Asramas (orders), are not observed in the Kali-yuga. It is also declared in the Adi Purana that 'the Dharmas of the Satya-Yuga cannot be practised in the Kali-yuga, because both men and women, all, are addicted to sin.' Men in the Kali-yuga cannot be expected to have any predilection for Dharmas, which are difficult to be practised: the inculcation of the easily practicable Dharmas, therefore, is the object of the Parasara Sanhita."

By all this it is manifest that the Dharmas, inculcated by Manu and others, are appropriate to the Satya, Treta, and Dwapara Yugas. and that the observance of all of them in the

Kali-yuga is impracticable. Vyasa, therefore, asks of Parasara for such Dharmas as are easily performable in the Kali-yuga.

Text.

व्यासवाक्यावसाने तु मुनिमुख्यः पराशरः ।

धर्मस्य निर्णयि प्राह सूक्ष्मं स्थूलञ्च विस्तरात् ॥

"On the conclusion of Vyasa's speech, Parasara, the chief of Sages, began to propound, in detail, the general principles and subtle points of the Dharmas."

Thus it appears, that, at the request of Vyasa, Parasara, who tenderly loved his son, began to declare the Dharmas of the Kali-yuga.

Now let my readers calmly think, whether or not, the above citations of the Texts of Parasara and of the commentary of Madhavacharya himself clearly and unquestionably prove that the sole object of the Parasara Sanhita is the inculcation of the Dharmas of the Kali-yuga. When it is understood that such is the object of the work, it must be acknowledged that the whole work, from beginning to end, has reference to the Kali-yuga only. It would, therefore, be absurd to suppose that the Text relative to the marriage of widows and other women applies to the other Yugas. How can it be reasonably supposed that when Vyasa and other Sages, at the commencement of the Kali-yuga, distinctly declare their having acquired a knowledge of the Dharmas of the preceding Yugas, and therefore ask Parasara to edify them in the Dharmas of the Kali-yuga, he would, in inculcating the Dharmas of that Yuga throughout his work, prescribe only a single Dharma which applies to Yugas other than the Kali. There can be no doubt, therefore, that Parasara has prescribed the remarriage of women as a Dharma appropriate to the Kali-yuga.

It has been shewn above that Madhavacharya has, in his own interpretation, decided that the object of the Parasara Sanhita is the propounding of the Kali Dharmas. Any conclu-

sion therefore arrived at by the commentator, which is contrary to the scope of the Sanhita and opposed to his own interpretation, can never be accepted as rational.

Madhavacharya's gloss, to the following effect, on the three Texts of Parasara relative to remarriage, Brahmacharya, and concremation, becomes incoherent, if the Text relative to remarriage be supposed to refer to Yugas other than the Kali :

"Under certain contingencies the remarriage of a woman is legal."

"It is more meritorious for a woman who, instead of marrying again, observes the Brahmacharya."

"Concremation is attended with a greater degree of merit than what is attained from the observance of Brahmacharya."

In the opinion of Madhavacharya, remarriage refers to the prior Yugas : Brahmacharya and concremation to the Kali-yuga. There can be therefore no connexion between the Text which speaks of remarriage and those which direct Brahmacharya and concremation. Now, when Madhavacharya, by deciding that the marital Text refers to the former Yuga, leaves not to the widows of the Kali-yuga, any right to remarriage, the idea of comparison, expressed in the Text which promises higher rewards to the widow of the Kali-yuga who, instead of marrying, observes the Brahmacharya, would be quite absurd. The obvious connexion subsisting between the three Texts which declare in the first place, remarriage of women to be canonical : secondly, the observances of the Brahmacharya to be instrumental in procuring greater merit ; and thirdly, concremation to be the passport to still higher rewards ; inevitably leads to the conclusion that these three injunctions apply to one and the same Yuga ; If remarriage be considered to refer to the preceding Yugas. Brahmacharya and concremation must necessarily be deemed appropriate to those Yugas : and if the latter two be viewed as assigned for the Kali yuga, the former must also apply to this Yuga. Want of mutual connexion would destroy the sense. It must be confessed, in short, that Madhavacharya, in his zeal to reckon the marriage of widows among the Dharmas of the former

Yugas has not only strayed from the obvious purport of the author of the Sanhita, but has neglected to see, whether this dictum would tally with his own interpretation of the passage.

Madhavacharya has himself declared that as it is not expected that men in the Kali-Yuga would have any predilection for the Dharmas which are difficult to be observed it is the object of Parasara to assign such Dharmas for the Kali-yuga as are easily practicable. Considering remarriage to be a Dharma easily practicable. Parasara has, in the first place, laid it down as a Dharma for the widows in general. Secondly, the observance of the Brahmacharya being a difficult task, he has enjoined it for those women who feel their strength equal to it, declaring that its observance would be a passport to heaven. Thirdly, concremation being the severest duty, he has ordained it for those women whose courage is commensurate with the task, by encouraging them with the hope of eternal residence in heaven. Madhavacharya has however reckoned the easily practicable duty of remarriage as a Dharma of the past Yugas, and assigned the remaining two most arduous duties only (Brahmacharya and concremation) as appropriate to the Kali-Yuga. Now, let my readers consider, whether this allotment of Madhavacharya squares with his former exposition that men in the Kali yuga not being disposed to observe the Dharmas which are difficult of performance, the avowed object of Parasara is the assignment of the easily practicable Dharmas for men of the Kali yuga. It is certainly a strange hypothesis that a most easily practicable Dharma, which the strong minded men of the bygone ages were privileged to perform, should have been interdicted to a feeble and degenerate race. In fact when it is considered that the people of the Kali-yuga have immeasurably fallen off, in their physical and moral strength, from their ancestors of the prior, Yugas, and are therefore incapable of practising the difficult Dharmas ; when Parasara, having commenced declaring the Dharmas of the Kali-yuga has, in respect of widows in general, ordained, in the first instance, remarriage, the most easily practicable

Dharma, we come to the irresistible conclusion that Madhavacharya's supposition of remarriage not being intended for the widows of the Kali-yuga can never be reconciled with reason or the avowed object of the author of the Sanhita.

That the above interpretation of Madhavacharya is opposed to the intention of Parasara is clearly evident also from the writings of Bhattojidikshita, who thus declares his opinion :—

न च कलिनिषिड्वस्यापि युगान्तरीयधर्मस्यैव नष्टे मृते इत्यादिपरा-
शरवाक्यं प्रतिपादकमिति वाच्यं बलावनुष्ठेयान् धर्मःनेव वक्ष्यामीति
प्रतिज्ञाय तद्ग्रन्थप्रणयणात् ।*

"It can not be contended that the Marital Text of Parasara applies to Yugas other than the Kali, for Parasara has compiled his Sanhita, with the avowed object of declaring the Dharmas to be observed in the Kali-yuga alone."

From the arguments and citations above set forth, the non-consonancy of the interpretation of Madhavacharya to the scope of the Parasara-sanhita and to his own exposition of three Texts relating to remarriage, Brahmacharya, and concremation, has been sufficiently established. We should now examine the weight of the authority, on the strength of which he founds his supposition that remarriage was not intended for the Kali-yuga.

Madhavacharya, in attempting to refer the remarriage of females to Yugas other than the Kali, has not been able to derive any support either from the general scope of the Sanhita or from the obvious meaning and construction of the Text in question but has suffered himself to be guided by a single Text of the Adi Purana. His meaning seems to be this : although the Parasara Sanhita is appropriate to the Kali-yuga only and although it enjoins the remarriage of females, yet as there appears a prohibition in the Adi Purana against the

* Chaturvinsati Smriti Vyakhya. Section on marriage.

remarriage of women once wedded, in the Kali-yuga, the injunction of Parasara should be considered not to refer to the Kali-Yuga but to the preceding Yugas.

Three strong objections may be raised against this reasoning—1st, The Text, which Madhavacharya declares to have cited from the Adi Purana, is not to be found in that Purana ; moreover, when regard is had to the scheme of the work, the improbability of any such Text being found in it would be manifest : the citation of Madhavacharya, therefore, appears to be unfounded, and any conclusion, which it supports, should be considered as unauthorized. Secondly, should the Text in question be admitted to be genuine, it is not reasonable ; to qualify, on its strength, the Text of Parasara ; for Parasara Sanhita is one of the Smritis and the Adi Purana is a Puranic work ; and it has been clearly shewn* that in the event of a contradiction between the Smriti and the purana, the former would be the stronger authority ; that is, we should, in that case instead of following the injunctions of the Purana, act up to those of the Smriti. By this rule therefore no Text of a Smriti can be qualified by any puranic Text, when they seem to jar with each other. In the third place, from what has been said in the preceding chapter respecting the cogency of special rules, we should, instead of suffering the Text of the Adi Purana to qualify that of the Parasara Sanhita, rather reverse the process : The prohibition in the Adi Purana is a general rule, while Parasara's ordinance is a special one : the general rule, instead of barring the operation of a special rule, should be superseded by the latter. Mark now, the interpretation of Madhavacharya referring the injunction of Parasara for remarriage of females to Yugas other than the Kali, is—Firstly, opposed to the spirit and scope of the Sanhita ; secondly, inconsistent with his own expositions ; thirdly, founded on an authority, the genuineness of which is questionable ; fourthly, (the genuineness of the authority being granted) contrary to the rule laid down by Vyasa which

* See page 15.

declares the authority of the Smṛiti to be superior to that of the Purāṇa, when they are at variance with each other ; and fifthly, contradictive to the universal doctrine that a special rule supersedes a general one. In fact the supposition that the marital Text of Parasara refers to Yugas other than the Kali is untenable.

A fresh objection may start up Madhavacharya was a great scholar ; we should accept his doctrine without questioning its reasonableness. To this, I have only to observe, that Madhavacharya was a great scholar ; we should accept his doctrine without questioning its reasonableness. To this, I have only to observe, that Madhavacharya was, Indeed, a learned man and, in all respects, highly venerated ; but he was not infallible nor are his opinions always accepted as infallible. Whenever his conclusions were unsound, succeeding writers have not scrupled to refute and criticize them. Thus :—

यत्तु माधवः यस्तु वाजसनेयी स्यात् तस्व न सन्धिदिनात्पुरा ।
न काप्यन्वाहितिः किन्तु सदा सन्धिदिने हि सा नुत्याह तत्
कर्कभाष्यदेवजानीश्रीअनन्तभाष्यादिसकलतच्छास्त्रीयग्रन्थविरोधाद्बहनादरा
च्चोपेक्ष्यम् । *

“What Madhavacharya has said here cannot be accepted as authoritative, because it is opposed to the Karkabhashya, Devajani, Sri Anantabhashya and all other writers on the Vajasaneya Sakha, and disregarded by many.”

माधवस्तु सामान्यधाक्यान्विर्णयं कुर्वन् भ्रान्त एव । †

“Madhavacharya in attempting to settle the point, according to the common acceptance of the form, has entangled himself in the meshes of fallacy.”

कृष्णा भूर्वोत्तरा शुक्ला दशम्येवं व्यवस्थितेति माधवः । कस्तुतस्तु

* Nirṇayasindhu. Ch. I.

† Nirṇayasindhu. Ch. II.

मुखा नवमीयुतैव ग्राह्या । दशमी तु प्रकर्त्तव्या सदुर्गा द्विजसत्तमे-
त्यापस्तम्बोक्तेः । *

"Madhavacharya lays down this rule, but we must follow a different course."

मासि चाश्वयुजे शुक्ले नवरात्रे विशेषतः ।
सम्यूज्य नवदुर्गाञ्च नच्चं कुर्यात् समाहितः ।
नवरात्राभिधं कर्म नक्तव्रतमिदं स्मृतम् ॥

आरम्भे नवरात्रखेत्यादिस्कान्दात् माधवोक्तेञ्च नक्तमेव प्रधानमिति
चेत् न नवरात्रापवासतः इत्यादेरनुपपत्तेः । †

"If you say that the rule is valid, because it has been declared by Madhavacharya and is to be found in the Skanda Purana, then the other Sastras are falsified,"

अत्र यामत्रयादवार्त्ता चतुर्दशीसमाप्तौ तदन्ते तदूर्ध्वगामिन्यान्तु
प्रातस्तिथिमध्य एवेति हेमाद्रिमाधवादयो व्यवस्थार्माहुः तन्न तिथ्यन्ते
तिथिमान्ते वा पारणं तत्र चोदितम् । यामत्रयोर्द्ध्वगामिन्थां प्रातरेव
हि पारणेत्यादिसामान्यवचनैरेव व्यवस्थसिद्धे रुभयविधवाक्यवैयर्थ्यस्य
दुष्परिहरत्वात् । ‡

"Hemadri, Madhavacharya, and others, have settled this rule, but it should not be received ; for then the conclusion would be irresistible, that both the dicta are useless."

नच यदि प्रथमनिशायामेकतरवियोगस्तदापि ब्रह्मवैवर्त्तादिवचना-
द्विपारणमनन्तभट्टमाधवाचार्योक्तं युक्तमिति वाच्यं न रात्रौ पारणं
कुर्याद्वेति वै राहिशोब्रतात् । निशायां पारं कुर्यात् वर्जयित्वा महानिशामिति
संवत्सरप्रदीपष्टतस्य न रात्रौ पारणं कुर्वीद्वेति वै रोहिणोब्रतात् ।

* Nirayasindhu, Ch. I

† Nirayasindhu, Ch. II.

‡ Nirayasindhu, Ch. II.

अत्र निश्चयि तत् काव्वं वर्जयित्वा महानिशाभिति ब्रह्माण्डोक्तस्य
च निर्विषयत्वापत्तेः । *

"If you say that the conclusion arrived at by Ananta Bhatta and Madhavacharya are valid, then the quotation in the Snnvatsara Pradipa, and the Text of the Brahmanda Purana will have no sphere of application."

Thus Kamalakarabhatta and Rughunandana have not failed to refute his doctrines when they appeared open to objection wherefore it clearly appears, that the dictum of Madhavacharya right or wrong, is not to be received as an infallible authority..

THE MARITAL INJUNCTION OF PARASARA IS NOT OPPOSED TO MANU

Almost all the oppositionists have come to the conclusion. that the marriage of widows is against the law of Manu ; whereby they mean to establish that the Text of Parasara though it authorizes the marriage of widows in the Kali-yuga. being opposed to Manu. should be rejected on the strength of the following Text of Vrihaspati.

वेदार्योपनिबन्धृत्वात् प्राधान्यं हि मनोः स्मृतम् ।
मन्वथविपरोता या सा स्मृतिर्न प्रशस्यते ॥ *

“Manu has, in his own Sanhita compiled the spirit of the Vedas he is, therefore, the chief authority ; and Smritis at variance with him are not proper guides.”

This conclusion does not appear to be rational. Vrihaspati directs that the Manu Sanhita is the chief authority, and the Smritis at variance with it are to be rejected ; but he does not specify any particular Yuga or Yugas in which that Sanhita is to be so regarded On the other hand, Parasara, an equally wise and infallible Sage, distinctly affirms that the Sanhita of Manu was appropriate for the Satya-yuga only and not for all the Yugas. The directions of Vrihaspati, in general terms, might have applied to all the Yugas as advanced by the oppositionists, if Parasara did not particularize the Satya-yuga. It must accordingly be admitted that the Sanhita of Manu was supreme authority in that Yuga only, and not in any other yuga. That it is not so in the Kali-yuga, is also evident from the fact that, in many instances, the prevailing practices are founded on Smritis plainly at variance with that Sanhita. Thus :—

Manu has said—

त्रिंशद्वर्षो बहेत् कन्यां हृद्या द्वादशवर्षिकीम् ।
त्र्यष्टवर्षोऽष्टवर्षा वा धर्मे सीदति सत्वरः ॥ 9. 94.

* Quoted by Kulluka Bhatta,

"A man, aged thirty years, is to marry a girl of twelve ; or a man of twenty-four years, a damsel of eight; a breach of this rule makes a man sinful."

But Angira declares—

अष्टवर्षा भवेद्गौरी नववर्षा तु रोहिणी ।
 दशमे कन्यका प्रोक्ता अत ऊर्ध्वं रजखला ॥
 तस्मात् संवत्सरे प्राप्ते दशमे कन्यका बुधैः ।
 प्रदातव्या प्रयत्नेन न दोषः कालदोषतः ॥ *

"Damsels of eight, nine, and ten years are respectively named Gauri, Rohini, and Kanya ; and all girls above ten are called Rajaswala or women in their catamenia : when therefore a girl has reached her tenth year, she is to be immediately disposed of in marriage, and such marriage, even though celebrated in an interdicted nuptial season, will not be held culpable,"

It thus appears, that Angira has fixed the eighth, ninth, and tenth years as the proper marriageable age of a girl ; and so great is his apprehension, lest she should continue unmarried after her tenth year, that he enjoins the marriage of a decennarian damsel even in times when weddings are forbidden : but with respect to males, he assigns neither twenty-four nor thirty years, nor any period for their marriageable age. Now it should be observed, whether or not, the above Texts of Manu and Angira contradict each other : Manu fixes either the eighth or twelfth year as the marriageable age of a girl, any deviation from which is declared by him to be sinful ; while Angira directs that a damsel should be married in her eighth, ninth, or tenth year, the last of which is declared to be the farthest limit, at which her marriage is indispensable and not to be deferred : hence, according to his opinion the twelfth year is by no means the proper marriageable age. The actual practice now a-days is founded on the ordinance of Angira and opposed to the law of Manu. If the injunction of Manu in this respect were to be followed, girls of eight and twelve years would be bestowed upon suitors aged twenty-four and

* Quoted in the Udvahatattawa.

thirty years respectively ; otherwise the sacred law is violated. We nowhere see, in the present age, the operation of such a rule. The ordinance of Angira, on the contrary, that the eighth, ninth, and tenth years are the proper wedding periods of a damsel, is almost universally observed. Hence then, as regards the determination of the marriageable age, the rule of Manu is at present discountenanced, while that of Angira, which is opposed to it, is respected.

Again, Manu has declared—

एक एवौरसः पुत्रः पित्रास्य वसुनः प्रभुः ।
 शेषाणामानृशं स्यार्थं प्रदद्यात् प्रजीवनम् ॥ 9. 163.
 षष्ठन्तु क्षेत्रजस्यांशं प्रदद्यात् पैतृकाडवनात् ।
 औरसो विभक्त्यं दायं पित्रां पञ्चममेव वा ॥ 9. 164.
 औरसक्षेत्रणौ पुत्रौ पितृरिक्थस्य भागिनौ ।
 दशापरे तु क्रमशो गोत्ररिक्थांशभागिनः ॥ 9. 165.

“The son of his own body is the sole heir to a man's estate. He is to allow a maintenance to the rest, out of kindness only.”

“But when the son of the body divides the paternal inheritance, he is to give a sixth or fifth part of it to the son, of the wife begotten by a kinsman.”

“The son of the body, and son of the wife should succeed to the paternal estate but the ten other kinds of sons succeed, in order, to the family duties and to their share of inheritance.”

Thus, according to Manu, if a man have many kinds of sons, a son of the body, a son of the wife, an adopted son, and the like, then the son of the body shall inherit his paternal property, after having allotted to the son of the wife a fifth or sixth part of it ; and shall allow a maintenance to the adopted and other sons as a mere act of kindness ; on failure of a son of the body, the son of the wife shall succeed to the whole property, and failing him, the adopted son and so on ; the last named succeeding in default of the preceding.

But Katyayana says—

उसन्ने त्वौरसे पुत्रे तृतीयाशंहराः सुताः ।
सवर्णा असवर्णास्तु ग्रासाच्छादनभागिनः ॥ *

“On the birth of a son of the body, the other sons of the same caste with the father, take a third of his heritage ; but if they be of a different caste, they are entitled only to maintenance,”

According to Katyayana, therefore, the son of the wife, the adopted and other sons, of the same caste with the father, succeed to a third of their paternal estate, and if of a different caste, can claim a mere maintenance. Mark now whether or not Manu and Katyayana are at variance with each other. Manu allows a sixth or a fifth of the heritage to son of the wife and mere maintenance to the other kinds of sons ; while Katyayana enjoins the allotment of a third part of the estate to the son of the wife as well as to all the rest, who are of the same class with the father. According to Manu when there is a son of the body, the Dattaka (adopted son) is entitled only to maintenance ; † but according to Katyayana, he has a claim to a third of the heritage. If we observe the actual Practice, we shall find, that in this case, the injunction of Manu is disregarded, while that of Katyayana, who holds a contrary opinion, is followed : that is, in the present age when a son of the body is living, an adopted son, instead of getting mere maintenance, partakes of a third of the heritage. Had Vrihaspati meant to say that all Smritis, opposed to Manu,

* Quoted in the Dayabhaga.

† “But if the Dattaka be endued with excellent qualities, he inherits the property with the son of the body. Thus :—

उपपन्नो गुणैः सर्वैः पुत्रो यस्य स दत्त्रिमः ।
स हरेतैव तद्विक्थं सम्प्रप्तोऽप्यन्यगोत्रतः ॥

“Of the man who has adopted a son adorned with every virtue, that son shall take the heritage though from a different family,”

are to be rejected even in the Kali-yuga, how comes it that Katyayana's rule, in the case above cited, is now held valid in practice ?

A third instance :

Manu says—

यस्या म्रियेत कन्याया वाचा सत्ये कृते पतिः ।

तामनेन विधातेन निजो विन्देत देवरः ॥ 9. 69.

यथाविध्यधिगग्यैनां शुक्लवस्त्रां शुचिब्रताम् ।

मिथो भजेदाप्रसवात् सकृत् सकृद्दत्तावृतौ ॥ 9. 70.

न दत्त्वा कस्यचित् कन्यां पुनर्द्द्याद्विचक्षणाः ।

दत्त्वा पुनः प्रयच्छन् हि प्राप्नोति पुरुषानृतम् ॥ 9. 71.

"The damsel, whose husband dies after troth verbally plighted but before consummation, his brother shall take for the purpose of begetting a son on her according to this rule."

"Having taken such a girl for the above purpose in due form of law, she being clad in a white robe and pure in her moral conduct, let him approach her once in due season, and until issue be had."

"Let no sensible man, who has once given his daughter to a suitor, give her again (in the event of his death before consummation) to another ; for he who gives away his daughter, whom he had before given, incurs the guilt of stealing a girl."

We thus find that Manu prohibits the marriage of a betrothed girl, on the death of the suitor to whom she had been plighted, directs the procreation of a son on her by his brother in due form of law, and, after the birth of such issue, enjoins the life-long observance of the rules of widowhood. According to his opinion, therefore, a betrothed girl is unmarriageable after the death of her suitor, and for the perpetuation of his line, she, having, by his brother given birth to a son, must continue a widow through her whole life.

But Vasishtha pronounces—

अङ्घ्रिर्वाचा च दत्तायां म्रियेताथो वरो यदि ।

न च मन्त्रोपनीता स्यात् कुमारी पितुरेव सा ॥

यावन्नेदाहता कन्या मन्त्रैर्यदि न संस्कृता ।

अन्यस्मै विधिवद्देया यथा कन्या तथैव सा ॥ Ch. 17.

“The damsel, whose suitor happens to die after she had been given to him by the sprinkling of water, or by troth verbally plighted; but before the utterance of the nuptial Texts, continues her father’s.”

“If a damsel has been given only by pledge of words without the consummation of the marital act by the utterance of the nuptial Texts, she should be bestowed upon another in due form; her state of celibacy is not destroyed by mere verbal plight.”

Thus Vasishtha, considering the virgin state of a betrothed girl unaffected by the death of the suitor before consummation, enjoins the bestowal of her to another in due form of law.

Observe now whether or not there is a broad contradiction between Manu and Vasishtha. Manu prohibits the marriage of a betrothed damsel after the death of the suitor before consummation, and directs her to bear a single son by her late suitor’s brother, and then to continue a widow for life; while Vasishtha plainly enjoins her wedding under the same predicament. On turning to the custom now prevailing in our country, we see it founded on the ordinance of Vasishtha; that is, on the death of the suitor before consummation, a damsel is bestowed upon another according to the injunction of Vasishtha, but she is not, in conformity with the law of Manu, obliged to continue a widow for life.

When therefore, on referring to practice we find, that in many particulars, Smritis opposed to Manu are everywhere respected and followed in the Kali-yuga, and when Parasara assigns the Dharmas propounded by Manu to be appropriate only to the Satya-yuga, the superiority of the authority of Manu, and the invalidity of Smritis opposed to him as declared by Vrihaspati, must necessarily be considered to allude to the Satya-yuga. Otherwise the Text of Vrihaspati, that Manu has complied the spirit of the Vedas, and therefore Manu is preeminent, becomes incongruous :—Has Manu alone digested in his Sanhita the purport of the Vedas, and have Yajnavalkya and Parasara and the other Rishis failed to do so? Have they, in their respective institutes, delivered their self-invented

ordinances opposed to the Vedas ? Certainly, it cannot be supposed that they know not the Vedas, or that they did not propound, in their respective works, the spirit of the Vedas : the fact is, they have, in their respective Smritis, exhibited the scope of the Vedas in the same manner, as Manu has done in his own Sanhita.

If, then what Vrihaspati has predicated of the institutes of Manu with a view to the establishment of his preeminence can be equally predicated of the other institutes, how can the conclusion be rational that Manu is the supreme authority and the other Smriti writers are inferior to him. The same cause, which operates to render one work pre-eminent, must, while it exists in another, serve to render it equally excellent. In fact, when people regard all the Rishis equally wise and infallible, and when all of them have, in their respective works, propounded the spirit of the Vedas, all of them must, no doubt, be equally esteemed.

That are to accord equal respect to all the Rishis is a conclusion arrived at not by myself alone ; Madhavacharya, in his commentary on the Parasara Sanhita comes to the same decision.

Thus—

अस्तु वा कथञ्चिन्मनुस्मृतेः प्रामाण्यं तथापि प्रकृतयाः पराशरस्मृतेः
किमायातं तेन न हि मनोरिव पराशरस्य महिमानं क्वचिद्वेदः प्रख्यापयति
तस्मात्तदीयस्मृतेर्द्वै निरूपं प्रामाण्यम् ।

“Well : if the pre-eminence of the institutes of Manu be, in some such manner, established, what does it matter with reference to the Parasara Sanhita ? Nowhere the Vedas chant the greatness of Parasara as of Manu. It would therefore be difficult to determine the authoritativeness of the institutes of Parasara.”

Madhavacharya, having proposed this question, proceeds to solve it :

Thus—

न च पराशरमहिम्नोऽश्रौतत्वं सहोवाच व्यासः पश्यत्यं दुति श्रुतौ
पराशरपुत्रत्वमुपजीव्य व्यासस्य स्तुतत्वात् । यदा सर्व्वसम्प्रतिपन्न-

महिम्नो वेदव्यासस्यापि स्तुतये परशपुत्रत्वमुपजोव्यते तदा किमुवक्तव्य—
मच्चिन्त्यमहिमा पराशर इति । तस्मान् परशरोऽपि मनुमान एव । एष
एव न्ययो वशिष्ठात्रियाज्ञवल्क्यादिषु योजनीयः ।

"It is not true that Parasara's greatness has not been chanted in the Vedas ; by the expression in the Vedas "Vyasa, the son of Parasara, has said, "Vyasa has been extolled as the son of Parasara. The eminence of Vyasa is universally admitted : when, therefore, he has been complimented in the Vedas for his being the son of Parasara. It needs no mention, that Parasara's greatness is beyonded all question. Now, there remains no doubt, that Parasara is, equally illustrious with Manu. Similar reasoning should be applied to Vasishtha, Atri, Yajnavalkya, and others ; that is their greatness also being sung in the Vedas, they are as exalted as Manu."

It is therefore indubitably established, that when all the sage authors of the Sanhitas are acknowledged to be equally wise and infallible ; when all of them have, in their respective works, given an exposition of the spirit of the Vedas ; and when they are all unlogized in the Vedas ; all of them ought to receive from us an equal tribute of respect. The only distinction consists in this, that one special Text of Smriti obtains precedence in a particular Yuga ; the institutes of Manu was the paramount authority in the Satya-yuga, those of Gotama in the Treta, those of Sankha and Likhita in the Dwapara, and those of Parasara is the cardinal Smriti in the Kali-yuga. Thus, the Smritis of Manu and Parasara being appropriate to two different Yugas, there is not such relation between them that any contradiction could be possible.

Form all that have been urged above, we come to the following conclusions—

The institutes of Manu and Parasara, being the leading Sastras of two different Yugas, can never be at variance with each other ; the superiority of Manu and the invalidity of Smritis opposed to him, as advanced by Vrihaspati, refer to the Satya-yuga ; in the Kali-yuga, the Smritis, which are even at variance with Manu, are received as authorities. Hence, there can be no objection to the validity of the marriage of widows in the Kali-yuga as ordained by Parasara, even though it were opposed to the institutes of Manu.

Let us now inquire whether the nuptial ordinance of Parasara, in respect of widows and other women, is at all at variance with Manu or other Smritis.

Manu says—

या पत्या वा परित्याक्ता विधवा वा स्वयेच्छया ।
उत्पादयेत् पुनर्मूत्वा स पौनर्मव उच्यते ॥ 9. 175.

"If a woman, after becoming a widow, or being divorced by her husband, marries again, the son born of her of this marriage is called a Paunarbhava."

Vishnu says—

अक्षता भूयः संस्कृता पुनर्भूः । Ch. 15.

"She, who continues a virgin and undergoes the ceremony of marriage for a second time, is called a Punarbhu."

Yajnavalkya declares—

अक्षता च क्षता चव पुनर्भूः संस्कृतो पुनः । 1. 67.

"She, who continues a virgin or otherwise, is called a Punarbhu, if she undergoes the ceremony of marriage for a second time."

Vasishtha pronounce—

या च क्लोवं पतितमुन्मत्रं वा पतिमुत्सृज्य अन्यं पतिं विन्दते मृते वा
सा पुनर्भू भवति । Ch. 17.

"She, who having forsaken her lord for his impotence, degradation, or insanity, or on his death, takes another husband, is called a Punarbhu."

Thus, it appears, that Manu, Vishnu, Yajnavalkya, and Vasishtha, have admitted the remarriage of a woman, on the degradation, impotence, insanity, or the death, of her husband.

Some of the oppositionists have asserted that Manu and other lawgivers, in making mention of the Paunarbhava (son born in the second wedlock of woman), did not mean to

legalize them, but only wanted to give a designation to such sons, should they happen to be born, This assumption, however, is gratuitous. No authorities warrant such a conclusion. For, those authors, who have declared the law with respect to sons, have one and all, regarded the Paunarbhava as a legal son.

Manu, after having defined the son of the body and the rest of the twelve kinds of sons, concludes with saying.

क्षेत्रजादीन् सुतानेतानेकादश यथोदितान् ।

पुत्रप्रतिनिधीनाद्भ्यः क्रियालोपान्मनोषिणः ॥ 9. 80.

"These eleven kinds of sons, the son of the wife and the rest as enumerated, are allowed by Rishis to be substitutes, in order, for a son of the body, for the sake of preventing the failure of obsequise."

And,

श्रेयसः श्रेयसोऽभावे पापीतानृक्थमर्हति । 9. 185.

"On failure of the superior classes of sons, in succession, let the inferior in order take the heritage."

Yajnavalkya, also, after describing the son of the body and the other kinds of sons, says,

पिण्डदोऽं शहरश्चैषां पूर्वमावे परः परः । 2. 102.

"Among these twelve kinds of sons, when there is a failure of those named first they, who are named next in order, become the heir and the offerer of the funeral cake."

Thus, when Manu and Yajnavalkya have declared the Paunarbhava to have legal right to the heritage and to the performance of the Sraddha, the assertion of such son's being illegal should be utterly disregarded.

When, therefore, Manu, Yajnavalkya, Vishnu, and Vasishtha, admit the remarriage of women under certain contingencies, the conclusion that the marriage of widows is against the opinion of Manu and other Smriti writers must be quite unfounded. It would seem that this conclusion has been advanced by persons, who have not thoroughly studied Manu.

and other Jurists. It would be uncharitable to suppose, that with a full knowledge of the subject they have brought forward such an unfounded and a false statement.

The fact is, that the marriage of widows is not contrary to the opinion of Manu and other Jurists. The only thing to be marked is, that they designated the remarried females Punarbhus, and the sons, born in such second wedlock, Paunarbhavas : while, according to Parasara, such females and such sons are not to bear those designations in the Kali-yuga. This much is the extent of the difference of opinion between Parasara and the other Smriti writers. Had Parasara intended to continue those designations in the Kali-yuga, he would certainly have assigned the term Punarbhu to such females and reckoned the Paunarbhava in his enumeration of the several kinds of sons, That, in the Kali-yuga, such females are not to be called Punarbhus and such sons, instead of being designated Paunarbhavas, are to be reckoned sons of the body, is borne out by the prevailing practice. Mark, if after troth verbally plighted, the suitor happens to die, or the match is broken by some cause or other, before consummation of the marital rite, the marriage of the damsel takes place with another person. In the proceeding ages, such females were called Punarbhus and their issues Paunarbhavas.

Thus—

सप्त पौनर्भवाः कन्या वर्जनीयाः कुलाधमाः ।

वाचा दत्रा मनोदत्रा कृतकौतुकमङ्गला ।

उदकस्पर्शिता या च या च पाणिगृहीतिका ।

अग्निं परिगता या च पुनर्भु प्रभवा च या ।

इत्येताः काश्यपेनोक्ता दहन्ति कुलमग्निवत् ॥

“Seven Punarbhu (remarried) damsels, who are the despised of their families, are to be shunned ; the Vagdatta, she who has been plighted by word of troth ; the Manodatta, she whom one has disposed of in his mind ; the Krita-kautuka-mangala, she on whose hand the nuptial string has been tied ; the udaka-sparsita, she who has been

given away by the sprinkling of water ; the Panigrihita; she in respect of who the ceremony of taking the hand has been performed ; Agnim-parigata, she in respect of who the marriage ceremonies have been completed ; and the Punarbhu-prabhava she who is born of a Punarbhu ; these seven kinds of damsels described by Kasyapa, when married, consume like fire the family of their husbands."

Now-a-days the marriage of four kinds of Punarbhus, out of the seven enumerated above, namely the Vagdatta, the Manodatta, the Krita-kautuka-mangala, and the Punarbhu-prabhava, has become current. Such females have no distinctive appellation, and are regarded, in all respects, equal to the wives married for the first time, though in former Yugas were designated Punarbhus, and the sons born of them, instead of being called Paunarbhas, are to all intents and purposes, considered the same as the sons of the body. They offer funeral cakes to their parents, succeed to their estate, and perform all other stated duties just like a son of the body ; never even by mistake, are they called Paunarbhas.

It should now be observed, that, as the marriage of four out of the seven kinds of Punarbhus of bygone ages, is now current, and they are deemed as reputable as women married for the first time, bearing even no distinctive appellation, and their issues undistinguished from the Aurasa putra (son of the body) ; if the second wedding of the remaining three Punarbhus were to come in vogue, by parity of reasoning, there would be no bar to their being regarded in the same light as wives married for the first time, and their sons being acknowledged as Aurasa putras (sons of the body).

Hence, then, as Parasara accords to the Punarbhu of the former ages the same right which is assigned to a once married woman, and to the paunarbhas of the past Yugas the same claims which are inherent in the Aurasa putra (son of the body), and as the prevailing custom upholds this opinion as regards the four kinds of Paunarbhus and Paunarbhas of the prior Yugas, there can be no doubt that remarried widows and their issue, though they might have been named Punarbhus and Paunarbhas in the former Yugas, would now, in the Kali-yuga, be undistinguished from the first married wives and Aurasa putras (sons of the body) respectively.

The conclusion that sons of remarried widows are to be regarded as Aurasa putras (sons of the body) in the Kali-yuga, is also fully supported by the authority of the Mahabharata wherein it is related, that there was a king of the Nagas, named Airavata, who married his widowed daughter to Arjuna, and the son born unto her by Arjuna, named Iravan, was reckoned as the Aurasa putra (son of the body) of Arjuna.

अर्जुनस्यात्मजः श्रीमानिखान्नाम वीर्यवान् ।

सुतायां नागराजस्य जातः पार्शेन घोमता ।

ऐरावतेन सा दत्ता ह्यनपत्या महात्मना ।

पत्यौ हते सुपर्शेन कृपणा दीनचेतना ॥ *

"By Arjuna was begotten on the daughter of the king of the Nagas, a handsome and powerful son named Iravan: when her husband was killed by Suparna, Airavata, the magnanimous king of the Nagas, gave that dejected sorrowstricken childless daughter in marriage to Arjuna, the third pandava."

अजानन्नर्जुनश्चापि निहतं पुत्रमौरसम् ।

जघान समरे शूरान् राज्ञस्तान् भीष्मरक्षिणः ॥

"Arjuna, not knowing this his Aurasa putra (son of the body) to have been killed, continued smiting the mighty kings who defended Bhishma."

Thus it appears that with the setting in of the Kali-yuga,† the Paunarbhya of the former Yugas, began to be reckoned and accepted as Aurasa putra (the son of the body).

We should now examine the spirit and real import of the Texts quoted by the oppositionists from Manu with the view of

* Bhishma Parva, Ch. 91.

† शतेषु षट्सु साद्वैषु त्रपधिकेषु च भूतल ।

कल्मेर्गतेषु वर्षाणामभवन् कुरुपाण्डवाः ॥

† Six hundred and fifty three years after the Kali-yuga had commenced, the Kurus and Pandavas flourished—Rajatarangini by Kalhana, Taranga 1.

shewing that his opinion is adverse to the marriage of widows. The following half of one of the Texts of Manu has been cited by them to gain their object.

न द्वितीयश्च साध्वीनां कृचिद्भर्तापदिश्यते । 5. 162.

"And a stranger has not, in respect of a virtuous woman, been ever called her husband in any Sastras."

But when its meaning and the purport of the context is considered, my adversaries will fail to attain their end.

Thus—

मृते भर्तारि साध्वी स्त्री ब्रह्मचर्ये व्यवस्थिता ।

स्वर्गं गच्छत्यपुत्रपि यथा ते ब्रह्मचारिणः ॥ 5. 160.

अपत्यलोभाद्या तु स्त्री भर्तारमतिवर्त्तते ।

सेह निन्दामवाप्नोति पतिलोकाच्च हीयते ॥ 5. 161.

नान्द्योत्पन्ना प्रजास्तोह न चाप्यन्यपरिग्रहे ।

न द्वितीयश्च साध्वीनां कृचिद्भर्तापदिश्यते ॥ 5. 162.

"That virtuous woman, who after the decease of her husband, observes the Brahmacharya, ascends to heaven though she have no child ; like those Brahmacharis (abstemious men) who had no issue"

"That woman who from a wish to bear children prostitutes herself, incurs opprobrium, and shall be excluded from the seat of her husband (in another world)."

"Issue begotten on a woman by a stranger, is no progeny of hers, and the child begotten on the wife of another man is no offspring of the begetter ; and a stranger has not, in respect of a virtuous woman, been ever called her husband in Sastras,"

Vasistha says—

अनन्ताः पुत्रिणां लोकाः नापुत्रस्य लोकोऽस्तीति श्रूयते । Ch. 17.

"Men having sons enjoy heaven to eternity ; it is declared in the Vedas, that heaven is not decreed for him, who has no son."

If a childless widow, keeping this authority in view, fears her exclusion from heaven and longing to gain it, receives the embraces of a stranger with the view of bearing a son, she brings disgrace upon herself and finds no place in heaven ; for issue illegally begotten by a stranger, is not to be reckoned her rightful child. If it be questioned, why not regard the begetter as her husband, Manu answers no, "such a stranger has not, in respect of a virtuous woman, been ever called her husband in any Sastras ; that is, he, whom a woman, solely guided by her will, and in the hope of heaven, illegally betakes herself to, with the view of having a son procreated on her, can, according to no Sastras, be regarded her husband. Since all the Sastras have applied the term husband to that man only, with whom a woman has been married in due form established by law.

The proper import, therefore, of half the Text, quoted by the replicants, is that if a widow, yearning for a son in the hope of heaven, PROSTITUTES herself by receiving the embraces of a stranger, that stranger cannot be called her HUSBAND ; otherwise, if it imply, that a woman can have no SECOND HUSBAND even though she MARRIES him in due legal form, it would jar with the injunction of Manu himself in respect of the Paunarbhavas, whom he allows to offer funeral cakes to their parents and succeed to their property.

The replicants have made a second attempt to establish the discordance of the marriage of widows with Manu, by accepting an absolutely verbal import of another half of a Text of Manu, without examining its bearing with the context.

Thus—

न विवाहविधावुक्तं विधवावेदनं पुनः ।

"In the nuptial ordinances there is no mention of the remarriage of widows."

But they have failed to see that if this Text were to be considered positively prohibitory of the marriage of widows, it would be at variance with Manu's own legalization of pau

narbhava The half of the Text, cited above, taken by itself, may somehow be construed in the spirit in which they have interpreted it ; but when viewed in its relation with the context and the end and scope of the author, this interpretation can never be maintained.

Thus—

देवराद्वा सपिण्डाद्वा स्त्रिया सम्यङ्नियुक्तया ।
 प्रजेप्सिताधिगन्तव्या सन्तानस्य परिक्षये ॥ 9. 59.
 विधवायां नियुक्तस्य घृताक्तो वाग्यतो निशि ।
 एकमुत्पादयेत् पुत्रं न द्वितीयं कथञ्चन ॥ 9. 60.
 द्वितीयमेके प्रजनं मन्वन्ते स्त्रोषु तद्विदः ।
 अनिवृत्तं नियोगार्थं पश्यन्ता धर्म्मतस्तयोः ॥ 9. 61.
 विधवायां नियोगार्थे निवृत्ते तु यथाविधि ।
 गुरुवच्च स्नुषावच्च वर्त्तयातां परस्परम् ॥ 9. 62.
 नियुक्तौ यौ विधिं हित्वा वर्त्तयान्तु कामतः ।
 ताबुभौ पतितौ स्यातां स्नुषावगुरुतल्पगौ ॥ 9. 63.
 नान्यस्मिन् विधवा नारी नियोक्तव्या द्विजातिभिः ।
 अन्यस्मिन् हि नियुञ्जाना धर्म्मं हन्युः सनातनम् ॥ 9. 64.
 नोद्वाहिष्वेषु मन्त्रेषु नियोगः कीर्त्यते कृचित् ।
 न विवाहविधावुक्तं विधवावेदनं पुनः ॥ 9. 65.
 अयं द्विर्जहि विद्वद्भिः पशुधर्म्मो दिगर्हितः ।
 मनुष्याणामपि प्रोक्तो वेणो राज्यं प्रशासति ॥ 9. 66.
 स महीमखिला भुञ्जन् राजषिप्रवरः पुरा ।
 वर्णानां सङ्करं चक्रे कामोपह्वचेतनः ॥ 9. 67.
 ततः प्रभृति यो मोहात् प्रमीतपतिकां स्त्रियम् ।
 नियोजयत्यपत्यार्थे तं विगद्दन्ति साधवः ॥ 9. 68.

"On failure of issue, a wife, duly authorized, may have the desired son begotten on her by the husband's brother or by some other kinsman."

"Sprinkled with clarified butter and silent, in the night, let the man thus appointed beget one son. but a second by no means, on that widow."

"Some sages, versed in the rules of appointment, thinking that the legal object of the appointment may not be answered, by the birth of a single son, enjoin the procreation of a second son on the widow."

"The object of the appointment having, in respect of the widow, been legally accomplished, they both (the widow and the man appointed) are to live like a daughter-in-law and a father-in-law."

"They two, who being appointed for the above purpose, deviate from the strict rule and act from carnal desire, shall be degraded and deemed, the one as having defiled the bed of his daughter-in-law, and the other as having criminally lived with her father-in-law."

"By men of twice-born classes no widow must be authorized to conceive by a stranger ; by such an authorization to conceive by a stranger, chastity is ruined."

"Nowhere in the nuptial Text, has Niyoga (appointment) been mentioned, and in marital ordinances, the Vedana (acceptance for the purpose of procreating) of a widow is not alluded to."

"This practice, fit only for cattle, is reprehended by the learned twice-born ; it is said to have been the custom even amongst men, while Vena had sovereign power."

"That great monarch, having grasped the whole earth, and having lost sense through lust, gave rise to the Varna-sankara (mixed classes)."

"Since that time, the virtuous condemn that man who, through delusion of mind, appoints a widow to have a son procreated on her."

Now, on duly considering these Texts, would it appear that they treat of the marriage of widows or of Kshetraja putras (sons born on the wife by another) ? The first Text introduces and the last concludes the subject of kshetraja putra. When, therefore, the proem and the sequel relate to injunctions and prohibitions respecting the Kshetraja putra and all the intermediate Texts allude to the same subject, there can be no doubt that this section treats of the procreation of a son on another's wife. As regards the Text (included in the above cited ones), on the strength of which the oppositionists urge that the marriage of widows is against the opinion

of Manu, I have to say that, as in the first half of it the word Niyoga has been used, which clearly and indisputably signifies direction for the procreation of a son on another's wife, the ambiguous term Vedana in the second half must also be taken, regard being had to the context, in the sense of acceptance of another's wife for the procreation of a son. The verbal radix Vid (to accept), from which the word Vedana is derived, means to ACCEPT the hand of a woman, either in marriage or for the purpose of procreating on her a Kshetraraja son ; Vedana, therefore, signifies marriage or taking for the above purpose according as it is used in a passage relating to nuptial matters or to the practice of Niyoga or appointment.

Thus—

न सगोत्रां न समानप्रवरां भाय्यां विन्देत ।*

"A damsel of the same kin *Na vindeta*, that is, one should not take as a wife."

Here, the passage relates to nuptial matters, and the derivative Vindeta from the verb Vid necessarily signifies taking the hand in marriage.

Again —

यस्या म्रियेत कन्याया वाचा सत्ये कृते पतिः ।

तामनेन विधानेन निजो विन्देत देवरः ॥

यथाविध्यधिगम्यैनां शुक्लवस्त्रां शुचित्रताम् ।

मिथो भजेदाप्रसवात् सकृत् सकृहतावृतौ ॥

"Thus damsel, whose suitor dies after troth verbally plighted, but before consummation, his brother, according to this rule, *Vindeta*, that is, shall take for purpose of begetting a son on her."

"Having taken in due form such a girl, bearing all the marks of widowhood, for the above purpose, let him approach her once in due season and until issue be had."

* Vishnu Sanhita, Ch, XXIV.

Here the Texts obviously treat of Niyoga or direction for the procreation of a son on another's wife ; hence, the verb Vid, through its derivative Vindeta, is accepted in the sense of taking for the procreation of a son, &c. It is conclusive, therefore, that, in the following Text—

न विवाहविधावुक्तं विधवावेदनं पुनः ।

"In the matrimonial ordinances the Vedana of a woman is not alluded to."

The word Vedana, derived from the verb Vid, being used in the passage relating to Niyoga, must necessarily mean acceptance for the procreation of a son ; otherwise, all sense and consistency would be destroyed. The two interpretations of the Text in question are here placed in juxta position, to enable the reader to judge of their respective correctness and appositeness.

"Nowhere in the nuptial Mantras (specific Texts) has Niyoga (direction for the procreation of a son, &c.,) been mentioned, nor in the matrimonial ordinances "HAS THE TAKING OF A WIDOW FOR THE PROCREATIONS OF A SON ON HER BEEN ALLUDED TO."

"Nowhere in the nuptial Mantras (specifice Texts) has Niyoga (direction for the procreation of a son, &c.,) been mentioned, nor in the matrimonial ordinances, HAS THE MARRIAGE OF A WIDOW BEEN ALLUDED TO."

Manu, in this passage, wishes to interdict Niyoga Dharma (practice of appintment) and, therefore, distinctly prohibits it by saying that among all the Mantras (specific Texts) relating to marriage, there are none, which make mention of Niyoga, nor is there in the injunction relating to marriage any allusion to Vedana, (accepting of a woman for the purpose of procreating a child on her): that is, as Niyoga (direction for son &c.,) is a means for the generation of progeny, and as

the great object of marriage is the begetting of a son, Manu reckons Niyoga and Vedana as a sort of marriage, and from the circumstance of their not being mentioned in the nuptial Mantras or marital ordinances, concludes Niyoga to be illegal. It is hard to conceive that having, in the first half of a Text in the section on Niyoga, prohibited the procreation of a Kshetraraja son. he would, in the second half of it, introduce, the irrelevant and impertinent prohibition of the marriage of widows. It is quite in keeping with the section on Niyoga to say, that the Niyoga Dharma is not mentioned in the nuptial mantras, but it does not accord with the spirit of that section to say that the marriage of widows is not alluded to, in the marital ordinances. Why would the question of the marriage of widows be suddenly started, while the author is discussing the Niyoga Dharma ? In fact, in the Text in question, the term Vedana has been used and not the term Vivaha (marriage). The Vedana has the double import of taking the hand in marriage and acceptance for the procreation of a child according to the Niyoga Dharma. Here it unquestionably means, from the context, accepting a woman for the procreation of a child on her. They, who attempt to make it here signify formal marriage and thereby to establish the prohibition of the marriage of widows, betray only their ignorance of the spirit of the passage.

That this section treats of Niyoga only, and not the marriage of widows, would be further corroborated by what Vrihaspati, the preceptor of the Gods has said in reference to these Texts of Manu.

Thus—

उक्तो नियोगो मनुना निषिद्धः स्वयमेव तु ।
युगद्धासादशक्योऽयं कर्तुमन्यैर्विधानतः ॥
तपोज्ञानसमायुक्ताः कृतत्रेतादिके नराः ।
द्वापरे च कलौ नराणां शक्तिहानिर्हि निम्मिता ॥

अनेकधा कृताः पुत्रा ऋषिभिये पुरातनैः ।

न श कयास्तेऽधुना कर्तुं शक्तिहीनैरिदन्तने ॥*

“Manu himself has enjoined Niyoga (direction for &c.,) and has himself interdicted it. Human power decreasing according to the Yugas, people are not able strictly to follow the Niyoga rules ; men in Satya, Treta, and Dwapara Yugas were given to devotion and austerities and blessed with higher intellectual power, but in the Kali-yuga, the human race has degenerated ; the various kinds of sons which were created by the sages of old, cannot now be created by the weak mortals of the present age.”

That is, in the section on Niyoga Manu has, in the first five Texts, clearly ordained the Niyoga, while in the remaining five, he has as clearly interdicted it. It would be certainly absurd for the same person enjoining and prohibiting the same thing in the same breath. The auspicious Vrihaspati has solved this difficulty, by declaring that Manu intended to refer the injunction for Niyoga to the Satya, Treta and Dwapara Yugas, and its prohibition to the Kali yuga : hence it appears undeniable, from Vrihaspati's exposition of the section on Niyoga in the institutes of Manu that it treats only of that subject.

It should also be observed here, that the institutes of Narada are a portion of the institutes of Manu. Narada having abridged the larger work of Manu, his compilation has been styled the Narada Sanhita, just as the work which now passes under the name of Manu Sanhita, is sometimes called the Bhrigu Sanhita, because it has been compiled by Bhrigu. We find in the beginning of the Narada Sanhita the following passage.

भगवान् मनुः प्रजापतिः सर्वभूतानुग्रहार्थमाचारस्थितिहेतुं पूतं शास्त्रं चकार । तदेतत् श्लोकशतसहस्रमासीत् । तेनाध्यायसहस्रेण मनुः प्रजापतिरुपनिबध्य देवर्षये नारदाय प्रायच्छत् । स च तस्मादधीत्य महत्त्वान्नयं ग्रन्थः सुकरो मनुष्याणां धारयितुमिति द्वादशभिः सहस्रैः

* Quoted by Kulluka Bhatta.

सञ्चिक्षेप तच्च सुमतये भार्गवाय प्रायच्छत् । स च तस्मादधीत्य तथैवायु-
र्ह्रासादल्पीयसी मनुष्याणां शक्तिरिति ज्ञात्वा चतुर्भिः सहस्रैः सञ्चिक्षेप ।
तदेतत् सुमतिकृतं मनुष्या अधीयते । विस्तरेण शतसाहस्रं देवगन्ध-
र्वादयः । यत्रायमाद्यः श्लोको भवति

आसीदिदं तमोभूतं न प्रज्ञायत किञ्चन ।
ततः स्वयम्भूर्भगवान् प्रादुरासीच्चतुर्मुखः ॥

इत्येवमधिकृत्य क्रमात् प्रकरणात् प्रकरणमनुक्रान्तम् । तत्र तु
नवमं प्रकरणं व्यवहारो नाम यस्येमां देवर्षिनारदः सूत्रस्थानीयां माट्टकां
चकार ।

“The auspicious Manu has prepared his Sastra as a means for preserving the purity of the Acharas (practices) of mortals. Manu having written that work in a hundred thousand couplets, arranged in a thousand chapters, delivered the work to Narada, the divine sage, who studied it under Manu himself, and thinking it difficult for men to be edified in the Sastra, comprised in a work of so great a magnitude, abridged it into twelve thousand verses, in order to render it easy of acquisition. The Epitome he gave to a descendant of Bhrigu, named Sumati, who having received instructions in it from him, and observing the decrease of human power owing to the diminution of the period of human life, further reduced it into four thousand verses. Mortals read only this abridgment by Sumuti, while Devas (gods) and gandharvas (heavenly choristers) study the primary great work consisting of hundred thousand verses, which commences with the following couplet. ‘This universe was involved in darkness, nothing was perceptible : then appeared the auspicious and q adru- visaged Brahma the uncreated Being.’ After this commencement, the various sections follow each other in regular succession ; among them the ninth is on the adminstration of justice : thus the divine Narada has introduced the subject.”

It is manifest, therefore, that the institutes of Narada are but the essence of the larger edition of the institutes of Manu, Narada having epitomized the great work of Manu, comprised in a hundred thousand couplets. Now, as has been shown elsewhere, that in Narada’s abridgment of the institutes of

Manu, there is an injunction for the remarriage of women under five predicaments, namely, when tidings are not received of a husband and the like, such an injunction is to be considered not only as delivered by Parasara but also by Manu himself ; for this reason, in Madhavacharya's commentary on Parasara, the Text beginning with "On receiving no tidings of a husband &c." has been quoted as the Text of Manu."

Thus—

मनुरपि

नष्टे मृते प्रव्रजिते क्लीबे च पतिते पतौ ।

पञ्जस्वापत्सु नारीणां पतिरन्यो विधीयते ॥

Manu also has said,

"On receiving no tidings of a husband, on his demise, on his turning an ascetic, on his being found impotent, or on his degradation, under any one of these five calamities, it is canonical for women to take another husband."

We are thus warranted in concluding that the marriage of widows instead of being opposed to, is perfectly in accordance with, the opinion of Manu, and when Parasara cites the above Text of Manu verbatim and literatim, it is a vain to attempt to prove that the marriage of widows is against the law of Manu.

THE MARITAL TEXT OF PARASARA IS NOT OPPOSED TO THE VEDAS.

Some of the replicants have attempted to prove, that the injunction of Parasara for the remarriage of females is contrary to the spirit of the Vedas. Their object in so doing is, that as the Vedas are the paramount authority in this country, the ordinance of Parasara, if opposed to them, cannot be accepted as a rule of conduct, inasmuch as it has been settled by Vedavyasa, that

श्रुतिस्मृतिपुराणानां विरोधो यत्र दृश्यते ।
तत्र श्रौतं प्रमाणान्तु तयोर्द्वैधे स्मृतिर्वरा ॥

“Where variance is observed between the Veda, the Smṛiti, and the Purāṇa, there the Veda is the supreme authority ; where the Smṛiti and Purāṇa contradict each other, Smṛiti is the supreme authority,”

The following is the Vaidic Text cited by the oppositionists :

यदेकस्मिन् यूपे द्वे रशने परिव्ययति तस्मादेको द्वे जाये विन्देत ।
यन्मैकां रशनां द्वयोर्यूपयोः परिव्ययति तस्मान्नैका द्वौ पती विन्देत ॥

“As round a single Yupa (sacrificial post) two tethers can be tied, so a man can marry two wives. As one tether cannot be tied round two Yupas, so a woman cannot marry two husbands.”

Their assumption, that the marriage of widows is an anti-vaidic doctrine, rests on this Text alone. My adversaries on meeting with the passage “a woman cannot marry two husbands,” have jumped to the conclusion that the marriage of widows is opposed to the Vedas. This is not, however, the real purport of this Text of the Vedas. The meaning of the above cited passage is, that as round a single Yupa two tethers can AT THE SAME TIME be fastened, so one man can AT THE SAME TIME have two wives ; and as one tether cannot AT THE SAME TIME be tied round two Yupas, so one woman cannot AT THE SAME TIME have two husbands ; not that, on the death of the first husband, she cannot have a second. The interpretation is not merely the result of my individual cogitation ;

it is corroborated by a Text of the Vedas themselves, quoted by Nilakantha, one of the Commentators of the Mahabharata, and by his exposition of that Text.

Text—

नैकस्या वहवः सह पतय । *

"A woman cannot have many husbands *together*."

Commentary—

सहेति युगपद्वहपतित्वनिषेधो विहितो न तु समयभेदेन । †

"The word Saha (*together*) in this Vedic Text means that a woman is prohibited from having many husbands *at the same time*; but her having many husbands *at different times* is not reprehensible."

Thus, the attempt of my adversaries to prove the marriage of widows as opposed to the Vedas has failed. They ought to have considered that the Rishis, who are admitted to have compiled in their Sanhitas the spirit of the Vedas, would never have permitted such marriage, nor could the practice have prevailed in ancient times, had it been interdicted in the Vedas.

* This Text has also been quoted by Madhavacharya in his commentary on the Parasara Sanhita.

† Adi Parva Ch. 195.

RESTRICTIONS OF DIRGHATAMA ARE NOT PROHIBITORY OF THE MARRIAGE OF WIDOWS.

Some of the replicants have asserted upon the authority of the following Text, quoted from the Adi Parva of the Mahabharata, that a woman should have only one husband in this world :

दीर्घतमा उवाच ।

अद्यप्रभृति मर्यादा मया लोके प्रतिष्ठिता ।

एक एव पतिर्नार्य्या यावज्जीवं परायणम् ॥

मृते जीवति वा तस्मिन्नापरं प्राप्नुयान्नरम् ।

अभिगम्य परं नारी पतिष्यति न संशयः ॥

They have interpreted the Text thus—"Dirghatama says : that a woman shall adhere to ONE husband only during her life. Neither after his death nor during his lifetime, shall she have intercourse with another man. If she have such intercourse, she shall surely be degraded." If this interpretation were correct, their objection to the marriage of widows would certainly be valid. But the Text has a different signification altogether. It means that a woman should adhere to her husband ALONE as long as she lives ; neither after his death nor during his lifetime, shall she have intercourse with another man &c. The passage appears to have reference to criminal connection which was prevalent in early ages, and not to marriage.

That adultery did prevail in early ages, is observed in another part of the Mahabharata.

Thus—

ऋतावृतौ राजपुत्त्रि स्विद्या भर्ता पतिव्रते ।

नातिवर्त्तय्य इत्येवं धर्मं धर्मविदो विदुः ॥

शेषेऽप्यन्येषु कालेषु स्वातन्त्र्यं स्त्री किञ्चिहति ।

धर्ममेवं जनाः सन्तः पुराणं परिचक्षते ॥ *

* Mahabharata, Adi Parva. Ch. 122.

Pandu Says to Kunti—"O Chaste Princess ! persons learned in religion admit it to be the religious duty of woman not to neglect their husbands during the menses : at other times, women may; gratify their own inclinations, and pious men have sung of this ancient Dharma (practice)."

That is, during the menses, women, for the sake of the genuineness of the offspring, should attend their husbands only, and not have intercourse with other men ; but at other times, they might live with other men. This practice was sanctioned in early ages by pious men. Dirghatama issues his injunction to put a stop to this long prevailing practice of women indulging themselves according to their inclinations, and his prohibition of intercourse with other men evidently refers to ADULTERY, not to SECOND MARRIAGE contracted agreeably to the Sastras. The same will appear from the context :

पुत्त्रलाभाच्च सा पत्नी न तुतोष पतिं तदा ।
प्रद्विषन्तीं पतिर्भाष्यी किं मां द्वे हीति चाब्रवीत् ॥

प्रद्वेष्युवाच ।

भाष्यया भरणाद्भर्ता पालनाच्च पतिः स्मृतः ।
अहं त्वां भरणं कृत्वा जात्यन्धं ससुतं सदा ।
नित्यकालं श्रमेणार्ता न भरेयं महातपः ॥
तस्यास्तद्वचनं श्रुत्वा ऋषिः कोपसमन्वितः ।
प्रत्युवाच ततः पत्नीं प्रद्वेषीं ससुतां तदा ।
नीयतां क्षत्त्रियकुलं धनार्थश्च भविष्यति ॥

प्रद्वेष्युवाच ।

त्वया दत्तं धनं विप्र नेच्छेयं दुःखकारणम् ।
यथेष्टं कुरु विप्रेन्द्र न भरेयं यथा पुरा ॥

दीर्घतमा उवाच ।

अद्यप्रभृति मय्यादा मया लोके प्रतिष्ठिता ।
एक एव पतिर्भाष्यी यावज्जीवं परायणम् ॥

मृते जीवति वा तस्मिन्नापरं प्राप्नुयन्नरम् ।
 अभिगम्य परं नारी पतिष्यति न संशयः ॥
 अपतीनान्तु नारीणामद्यप्रभृति पातकम् ।
 यद्यस्ति चेद्धनं सर्व्वं वृत्राभोगा भवन्तु ताः ।
 अकीर्त्तिः परिवादाश्च नित्यं तासां भवन्तु वै ॥
 इति तद्वचनं श्रुत्वा ब्राह्मणी भृशकोपिता ।
 गङ्गायां नीयतामेष पुत्रा इत्येवमब्रवीत् ॥
 लोममोहाभिभूतास्ते पुत्राश्च गौतमादयः ।
 वद्धीडुपे परिक्षिप्य गङ्गायां समवासृजन् ॥
 कस्मादन्धश्च वृद्धश्च भर्त्तव्योऽयमिति स्म ह ।
 चिन्तयित्वा ततः क्रूराः प्रतिजग्मुखो गृहान् ॥

"Dirghatama's wife, who had already offspring, no longer gratifying him, Dirghatama asked her the reason why she slighted him. She replied 'a husband maintains his wife and is therefore called Bharta, (supporter). He takes care of her and is therefore called her pati (lord); but you are born blind, and I have been always put to as much trouble as possible to support you and your children. I will do so on more.' Hearing this from his wife the Rishi, full of anger, asked his wife and children to take him to the king whereby they would gain wealth. His wife rejoined; 'I do not want wealth acquired by you; you can do what you like; I will no longer maintain you.' Dirghatama said, 'from this day I ordain for this world, that a woman shall adhere to her husband alone as long as she lives. Neither after his death nor during his lifetime, shall she have intercourse with another man. She who does so shall be surely degraded. From this day, women, neglecting their husbands and having intercourse with other men, shall be sinful, shall not be able to enjoy riches if they are possessed of any, and shall always be infamous.' Dirghatama's wife, hearing this, asked her sons to throw him into the Ganges. Gotama and other sons, blinded by avarice, and thinking it useless to support a blind and an old father, tied him to a float and left him floating on the river."

It is evident from the above, that Dirghatama resenting his wife's refusal to support him any longer, enjoined that a woman shall adhere to her husband alone, and that women neglecting their husbands shall be sinful. Seeing himself

slighted by his wife, he imagined she was thinking of abandoning him, to have intercourse with another man ; and being wrathful at this, he issued his injunction to put a stop to the long prevailing practice of women indulging themselves according to their inclinations. This practice was regarded as a Dharma by pious men in early ages, and they imputed no guilt to it. Consequently, Dirghatama's wife would not have been culpable or sinful by adopting it ; and hence Dirghatama ordained, that a woman committing adultery shall be degraded and culpable. If Dirghatama's injunction be interpreted to imply that a woman shall not have intercourse with another man or marry him under any circumstances, even in accordance to the injunctions of Sastras, how could Dirghatama himself immediately after procreate a Kshetraja son on Sudeshna the queen of King Vali.

सोऽनुस्रोतस्तदा विप्रः प्लवमानो यदृच्छया ।
जगाम सुवङ्खन् देशनन्धस्तेनोडुपेन ह ॥
तन्तु राजा वलिर्नाम सर्व्वधर्म्मविदां वरः ।
व्यपश्यन्मज्जनगतः स्रोतसाम्यासमागतम् ॥
जग्राह चैनं धर्म्मात्मा वलिः सत्यपराक्रमः ।
ज्ञात्वैवं स च वब्रूथ पुत्त्रार्थे भरतर्षभ ॥
सन्तानार्थं महाभाग भार्य्यासु मम मानद ।
पुत्त्रान् धर्म्मोर्धकुशलानुत्पादयितुमर्हसि ॥
एवमुक्तः स तेजस्वी तं तथेत्युक्तवानृषिः ।
तस्मै स राजा स्वां भार्य्या सुदेष्णां प्राहिणोत्तदा ॥

"The blind Brahmana, floating at random in the stream, passed through many countries. King Vali, superior to all in the knowledge of religion, was bathing in the Ganges, when he saw the old Brahmana floating close to him on the stream. The king immediately seized him, and learning all the particulars, requested him to procreate a virtuous and able son on his queen. Dirghatama accepted the offer, and the king sent Sudeshna to him."

Hence if Dirghatama's injunction had condemned as sinful a women's intercourse with another man than the

husband even according to the rules prescribed by the Sastras, he himself would not have agreed to violate his own injunction, by undertaking to procreate a son on the queen of king vali. He would have certainly prevented the king from giving his queen to another man for the procreation of a son. Again, in another part of the Mahabharata, it will be found that Arjuna married the widowed daughter of the Naga-*raja* Airavata. If Dirghatama's injunction had been prohibitory of the marriage of widows, then Naga-*raja* Airavata, after the issuing of the injunction, would not have offered his widowed daughter in marriage, and Arjuna also would not have married the widow. In fact, the procreation of sons by another man, and remarriage after the death of the husband, are consonant to the Sastras : and Dirghatama's condemnation of the long prevailing practice of adultery, not sanctioned by Sastras, cannot interfere with these. Hence, it is evident that Dirghatama has prescribed his rule only to prohibit the long existing evil practice of adultery.

Let us examine the passage in another way. Even admitting that it has reference to the remarriage of women, it cannot by any means be said to support the oppositionists in their assertion that the injunction of Dirghatama is prohibitory of such marriage. for, as the Text does not mention any particular Yuga, it is to be considered as a general rule applicable to all the Yugas. The Text of Parasara applies, as has already been stated, to the Kali-yuga only, and is therefore, a special rule on the subject. As in cases where there are both general and special rules, the latter always supercede the former, so in the present instance. Parasara's rule must supercede that of Dirghatama. Should Dirghatama's rule be admitted to apply to the Kali-yuga only, even then, it cannot be understood to prohibit the remarriage of women altogether. For, this rule enjoins general prohibition while Parasara makes five exceptions in which remarriage is allowable. The special rule must supercede the general one.

**THE PARASARA SANHITA TEACHES THE DHARMAS
OF THE KALI-YUGA ALONE AND
NOT OF OTHER YUGAS.**

Some have raised an objection, that it is not only the Dharmas of the Kali-yuga that have been set down in the Parasara Sanhita, but the Dharmas of the other Yugas have been set down also. The purport of this objection seems to be, that if it is proved that the Dharmas of the other Yugas, besides those of the Kali, had been declared in the Parasara sanhita, then the rule, which parasara has laid down for the marriage of widows and other wedded women, would apply to those Yugas and not to Kali ; and thus the marriage of widows would not be consonant to the Sastras in the Kali-yuga. In the Parasara Sanhita, the sacrifice of the horse ; the eating of the rise of a Dasa, Napita, Gopala, and some others of the Sudra caste ; the shortening of the period of Asaucha (impurity) of a twice-born in case he is a student of the Vedas &c., are enjoined. The opponents, supposing these to be the Dharmas of Satya, Treta, and Dwapara, and not of Kali have raised the objection under review. But, from what has been proved before, it is clear that the sole object of the Parasara sanhita is to enjoin the Dharmas of the Kali-yuga alone. So, there is not a shade of plausibility to suppose, that the Dharmas of the other Yugas should be enjoined in that Sanhita. The sacrifice of horse &c., therefore, from the purport and aim of the Sanhita, cannot be proved to be the Dharmas of the Yugas alone. The opponents, finding in the Adi, Vrihannaradiya, and Aditya Puranas the sacrifice of the horse &c., interdicted in the Kali-yuga, have concluded them to be the Dharmas of the other Yugas. The line of argument they seem to have adopted in their minds is this : "In the preceding Yugas the sacrifice of the horse &c., were permitted and performed. But it is found that in some Sastras they are prohibited in the Kali-yuga. They, therefore, cannot be the Dharmas of that Yuga. Hence, when they are enjoined in the Parasara Sanhita, it is evident that in that Sanhita the Dharmas of the Yugas other than the Kali are set down also."

In order to meet this objection, we should see, in the first

instance, whether the interdiction of the *Adi*, *Vrihannaradiya*, and *Aditya Puranas* have, all along in the *Kali-yuga*, been observed as such. We have no history of the manners and customs of our country. Complete success, therefore, in the inquiry is impossible. But, from as much as can be learned by a careful investigation it is clearly demonstrated that the interdiction of the *Puranas* mentioned above, has not been observed as such. We have distinct evidence of some of those *Dharmas* having been performed in the *Kali-yuga* which are interdicted in those three works. When, therefore, in the face of the interdiction, those *Dharmas* have been performed, how can it be maintained that the interdiction has been properly observed as such ? The marriage of a wedded woman ; the allotment of the best share to the eldest brother ; sea-voyage ; turning an ascetic ; the marriage of the twice-born men with damsels not of the same caste ; procreation on a brother's widow or wife ; the slaughter of cattle in the entertainment of a guest ; repast on flesh meat at sacrifices for the satisfaction of departed ancestors ; entrance into the order of *Vanaprastha* (hermit) ; the giving of a damsel to bridegroom a second time, after she has been given to another ; *Brahmacharya* continued for a long time ; the sacrifice of a man, horse, or bull : walking on a pilgrimage till the pilgrim die ; entrance into fire ; the rule of expiation for *Brahmanas* extending to death ; the filiation of no other sons than the *Dattaka* (son given) and *Aurasa* (son by birth) ; the diminution of the period of *Asaucha*, (impurity) in proportion to the purity of character and the extent of erudition in the *Vedas* ; the eating of edibles offered by a *Dasa*, *Napita*, *Gopala* &c., of the *Sudra* caste ; these *Dharmas* and some others are stated in the *Adi*, *Vrihannaradiya*, and *Aditya Puanas* as those, the observance of which is interdicted in the *Kali-yuga*. Of these the sacrifice of horse, entrance into fire, turning an ascetic, *Brahmacharya* for a long time, sea voyage, distant pilgrimage, and the marriage of widows, are the *Dharmas*, of the observance of which in the *Kali-yuga* we have clear evidence.

a distant pilgrimage. These are facts so well and universally known, that to adduce proofs there of is superfluous. It has also been stated before (P. 72) that Arjuna married the widowed daughter of the Naga-*raja* Airavata.

A king of the name of Sudraka flourished a few centuries before the birth of Vikramaditya. We have clear evidence of his having performed the sacrifice of horse and of entering fire.

Thus :—

ऋग्वेदं सामवेदं गणितमय कला वैशिकीं हरितशिक्षां
ह्यावा सर्वप्रसादाह्यपगततिमिरे चक्षुषी चोपलभ्य ।
राजानं वीक्ष्य पुत्तं परमसमुदयेनाश्वमेधेन चेष्टवा
लभ्वा चायुः शताब्दं दशदिनसहितं श्रूद्रकोऽग्निं प्रविष्टाः ॥*

“He (Sudraka) was well versed in the Rik and Sama Vedas, in the Mathematical Science, in the sixty-four elegant arts, and the management of elephants : by the favor of Siva he enjoyed eyes uninvaded by darkness, and beheld his son seated on the throne : after performing the exalted Aswamedha (the sacrifice of horse) and having attained the age of an hundred years and ten days, he entered the fatal fire.” †

* Mrichchhakati, Prelude.

† In the chapter of prophecies in the Skanda Purana we find a mention of this Sudraka.

Thus :—

त्रिषु वर्षसहस्रेषु कलेयतिषु पार्थिव ।
त्रिशते च दशन्यूने ह्यस्यां भुवि भविष्यति ।
श्रूद्रको नाम वीराणामधिपः सिद्धसत्तमः ॥
नृपान् सर्वान् पापरूपान् वद्वितान् यो हनिष्यति ॥
चर्व्वितायां समाराध्य लस्यते भूमरापहः ॥
ततस्त्रिषु सहस्रेषु दशाधिकशतत्रये ।
भविष्यं नन्दराज्यञ्च चाणक्यो यान् हनिष्यति ।
शुक्रतीर्थे सर्वपापनिर्मुक्तिं योऽमिलस्यते ॥
ततस्त्रिषु सहस्रेषु सहस्राभ्यधिकेषु च ।
भविष्यो विक्रमादित्यो राज्यं सोऽत्र प्रलस्यते ॥

We have clear evidence of a king of the name of Pravara-sena having four times performed the sacrifice of Aswamedha. Distinct mention of this is made in the title deed of the gift of land, which he made to a Brahmana of the name of Deva-sarmacharya.

Thus :—

चतुस्वमेधयाजिनः विष्णुरुद्रसगोत्रस्य सम्राजः काहिचानां महाराज-
श्रीप्रवरसेनस्य इत्यादि । *

"King Pravarasena the performer of four sacrifices of horse, descended from king Visnu-rudra, the sovereign of Kataka &c.,"

It is also mentioned in this title deed that the ancestors of Pravarasena ten times performed the sacrifice of horse.

Thus :—

दशाश्वमेधावभृथस्नातानाम् । *

"Performed ten times the sacrifice of horse."

We have also evidence of Mihirakula, a king of Kasmira having entered fire.

Thus :—

स वर्षसप्तति भुक्ता भुवं भूलोकभैरवः ।

भूरिरोगाद्वितवपुः प्राविशज्जातवेदसम् ॥ †

"3290 years after the Kali-yuga has commenced there will be a King on this earth of the name of Sudraka. He will be a great hero and one of the principal devotees. He will destroy all the sinful and potent sovereigns; and contemplating and worshipping the Divinity at Charvita he will acquire success in Yoga (devotion). Twenty years after that, the descendants of the Nanda family will become sovereigns. Chanakya will destroy this Nanda family; and contemplating and worshipping the Divinity at Suklatirtha will expiate his sins. 690 years after that, Vikramaditya will become king."

* See P. 723 Asiatic Society's Journal, Nov. 1836.

† Rajatarangini by Kahlana, Taranga I.

"Of fiery disposition, King Mihirakula, after enjoining sovereignty for seventy years and being attacked with many diseases, entered fire."

King Mihirakula led his army to Singhala (Ceylon) and deposed the sovereign of the Island from his throne. From this, it is evident, that at his time sea-voyage was not considered as a prohibition.

Thus :—

स जातु देवीं संवीतसिंहलांशुककञ्चुकाम् ।
 हेमपादङ्कितकुचां दृष्ट्वा जज्वाल मन्युना ॥ 296.
 सिंहलेषु नरेन्द्राङ्गिमुद्राङ्कः क्रियते पठः ।
 इति कञ्चुकिना पृष्टे नोक्तो यात्रां व्यधात्ततः ॥ 297.
 स सिंहलेन्द्रेण समं संरम्मादुदपात्स्यत् ।
 चिरेण चरणास्पृष्टप्रियालोकनजां रषम् ॥ 298. *

"The Queen had worn a bodice manufactured at Singhala. King Mihirakula, seeing foot marks in gold upon her breast, was all inflamed with ire. On enquiring, the eunuch of the female apartments replied—'On clothes manufactured in Singhala they imprint the foot marks of their sovereign.' On hearing this, the king marched to invade Singhala. King Mihirakula fought a battle with the king of Singhala and thus appeased the anger, which he felt from the circumstance of the foot marks of the latter having touched the breast of his queen."

There is clear evidence of king Jayapira having sent his ambassador to Singhala. This, therefore, is an additional proof, that it was usual then to undertake sea-voyages.

Thus :—

सान्धिविग्रहिकः सोऽथ गच्छन् पोतच्युतोऽम्बूधौ ।
 प्राप पारं तिमिरासात्तिमिमृत्पाव्य निर्गतः ॥ 503. †

"The ambassador fell into the sea from the vessel. A whale swallowed him up. He burst assunder its stomach and came out."

We find that Matrigupta, a king of Kasmira, adopted the Dharma of an ascetic.

* Rajatarangini by Kahlana, Taranga, I.

† Rajatarangini by Kahlana, Taranga, IV.

Thus :—

अथ वाराणसीं गत्वा कृतकाषायसंग्रहः ।

सर्वं सन्यस्य सुकृतो मातृगुप्तोऽभवद्यतिः ॥ 322. *

“Afterwards the pious and virtuous Matrigupta, giving up every thing worldly, went to Benares and wearing red clothes adopted the Dharma of an ascetic.”†

King Suvastu in the year 1018 of the Samvat, that era of Vikramaditya, erected a temple to Siva of the name of Harshadeva. In the tablet, which was attached to the temple, distinct mention is made of his having observed a life-long Brahmacharya.

Thus :—

आजन्मब्रह्मचारी दिगमलवसनः संयतात्मा तपस्वी

श्रीहर्षाराधनैकव्यसनशुभमतिस्त्यक्तसंसारमोहः ।

आसद्यो लव्वजन्मा नवतरवपुषां सत्तमः श्रीसुवस्तु-

स्तेनेन धर्म्मवित्तेः सुघटितविकटं कारितं हर्षहर्म्यम् ॥ ‡

“That Suvastu, who observed a life-long Brahmacharya, remained naked, restrained his passions, led the life of a hermit, was devoted to the worship of Harshadeva, was devoid of all attachment to the infatuations of the world, had accomplished the object of human existence, and was a handsome person, has for pious purposes erected the well constructed and the vast temple of Harshadeva.”

आसीन्नैष्ठिकरूपो यो दीप्तपाशुपतव्रतः । ‡

“He observed a life-long Brahmacharya and was a devoted Sivite.”

From all this, it clearly appears that the sacrifice of horse distant pilgrimage, entrance into fire, the adoption of the life of an ascetic, Sea-voyage, Brahmacharya of long duration, and the marriage of wedded women, are the Dharmas which have been observed in the Kali-yuga. There is not the least doubt

* Rajatarangini by Kahlana, Taranga, III.

† Even in the present age, it is usual for persons, in all parts of India, to become ascetic.

‡ See P. 378 Asiatic Society's Journal, July 1835.

that the Hindus of the olden times had greater knowledge of Sastras and had entertained a greater veneration for them than those of the Kali-yuga. They, however without observing the prohibition of the Adi Purana, &c., used to perform the sacrifice of horse, entered the fire, and so on. From this, it is clearly proved, that the Hindus of those ages did not desist from the exercise of the actions which had the sanction of the Smritis, from the mere circumstance of their performance being prohibited in the Puranas. It is stated in the Aditya Purana, that

एतानि जाकगुप्तयर्थं कलेरादौ महात्मभिः ।

दिवर्तितानि कर्माणि व्यवस्थापूर्वकं बुधैः ॥

"These (that is Aswamedha, &c..) have been legally abrogated, in the beginning of the Kali-yuga, by the wise and magnanimous, for the protection of men."

and for confirming what the wise and magnanimous have said, it is stated at last, that

समयच्चापि साधूनां प्रमाणं वेदवद्भवेत् ।

"The decision of the virtuous is authority like the Vedas."

When in the face of this dictum, the Hindus of olden times used to perform the Asvamedha, without minding the prohibitions of the Puranas, there is not the least doubt, that these prohibitions were niether considered nor respected as such. Besides, there is a prohibition in the Aditya Purana of the filiation of any other sons than the Dattaka (son given) and the Aurasa (son of the body). But the inhabitants of Benares and the neighbouring districts are in the practice of taking Kritrima sons. It is for this, that Nanda Pandita, in his Dattaka Mimansa, has decided, that

दत्तपदं कृत्रिमस्थाप्युपलक्षणम् औरसः क्षेत्रजश्चैव दत्तः कृत्रिमः

सुत इति कलिधर्मप्रस्तावे पराशरस्मरणात् ।

"On the failure of the son of the body, like Dattaka we can take also, a Kritrima son ; because, Parasara has ordained that in the Kali-yuga, there should be three sorts of sons, the Aurasa, the Dattaka, and Kritrima."

That is, though according to the prohibition of the Aditya Purana, there could, in the Kali-yuga, be but two classes of sons, the Dattaka and the Aurasa, yet when Parasara, in declaring the Dharmas of Kali, has sanctioned the filiation of the Kritrima, this latter also becomes canonical. Distant pilgrimage, we find, is mentioned as a prohibition in the Aditya Purana. But it is unknown to none that even now many persons go on distant pilgrimages. The prohibition of the rule of expiation for Brahmanas extending to death is a prohibition without having ever been observed ; for the celebrated Udayanacharya, who defeated (in controversy) the Buddhists and established on a firm basis the Vaidic religion, ended his life by burning himself to death. Very lately, a distinguished personage* with the view of expiating his sins, observed the rule of expiation extending to death and starved himself till his life ended, with the sanction of all the pandits of Benares.

When, therefore, Parasara has given his sanction to the performance of the sacrifice of horse with reference to the Kali-yuga, and when clear evidence is found of kings at different periods of the Kali-yuga having performed the sacrifice, it becomes a Dharma which may be observed in the Kali in common with the other Yugas. The shortening of the period of Asoucha (impurity) similarly, when mentioned in the Parasara-sanhita as a Dharma of the Kali, becomes such without a shadow of doubt. The reason, however, why we do not see the Barhmanas of the modern times shorten their periods of impurity, is that Parasara has given his precept for the shortening of this impurity with reference to them alone, who perform every day sacrifices at the alter and who every day study the Vedas.

Thus :—

एकाहात् शुध्यते विप्रो योऽग्निवेदसमन्वितः ॥

त्र्यहात् केवलवेदस्तु द्विहीनो दशभिर्दिनैः ॥

* The late Samachurn Banerjee.

“The Brahmana, who, performs every day sacrifices at the altar and every day studies the Vedas, shall be cleared of impurity in one day, and he, who simply studies the Vedas, in three days. He, who neither performs the one nor studies the other, shall be cleared of impurity in ten days.”

Since, now-a-days, every-day sacrifice and the study of the Vedas have fallen into disuse, the shortening of the period of impurity has in consequence been disused. And when in the Parasara Sanhita the eating of the ANNA (edibles), offered by a Dasa, Napita, and Gopala, &c., of the Sudra caste, has been mentioned as a Dharma of the Kali-yuga, that it is such there cannot be the least doubt. It might be urged, that if according to Parasara, the eating of the edibles, of a Dasa, &c., in the Kali-yuga be allowable, are the three superior castes (the Brahmanas, Kshatriyas, and Vaisyas) then allowed to eat the ANNA of those Sudras ? I think they are allowed to eat and they do generally eat. A careful consideration of the purport of the Text in which Parasara gives this permission and of the two Texts that precede, shall make even my opponents agree to this.

Thus :—

शुष्कान्नं गोरसं स्रद्धं शूद्रवेणुन आगतम् ।
पक्वं विप्रगृहे पूतं भोज्यं तन्मनुरब्रवीत् ॥

“Dried edibles, that is unboiled rice ; cowjuice, that is milk ; and oil, when brought from the house of a Sudra and cooked at the house of a Brahmana, becomes purified and Manu has declared that *anna* (edibles) to be acceptable as food.”

This Text states that a Brahmana may, without incurring guilt, bring to his home unboiled rice, &c., given to him by a Sudra, and eat them after having them cooked at his own house. It is inferentially to be understood, therefore, that he incurs guilt by he sating them, after having them cooked at a Sudra's house.

आपत्काले तु विप्रेण भुक्तं शूद्रगृहे यदि ।
मनस्तापेन शुद्ध्येत दुपदां का शत जपेत् ॥

“At the time of danger, if a Brahmana eats at the house of a Sudra, he will be cleared of all impurity by repentance, or by repeating the Drupada Mantra a hundred times.”

That eating at the time of danger at a Sudra's house, after cooking the edibles there, is not reprehensible, clearly appears from this Text. It is inferentially evident, therefore, that eating at a Sudra's house after cooking the edibles there, at other times than those of danger, is reprehensible.

दासनापितगोपालकुलमित्राद्वर्सीरिणः ।

एते शूद्रेषु भोज्यान्न यश्चात्मनं निवेदयेत् ॥

“Of the Sudra caste, Dasa, Napita, Gopala, Kulamitra, and Ardhasiri, are the classes, and those that come for help are the individuals, whose *Anna* may be eaten ; that is the unboiled rice, &c., which they might offer, may be eaten, after being boiled or cooked at their houses,”

By these three Texts it is clear, that if a Brahmana eats even the unboiled rice, &c., offered by a Sudra, after cooking them at his (the Sudra's) house, he eats the ANNA of a Sudra ; the unboiled rice, &c., given by a Sudra, do not become the ANNA of a Sudra, when brought home and eaten after being cooked. At times of danger however, these edibles might be eaten at a Sudra's house after cooking them there. But the unboiled rice given by a Dasa, Napita, or a Gopala, and so forth may, without incurring guilt, be eaten after cooking or boiling it at his house, whether at times of danger or at other times.

Now let my readers judge what harm is there in accepting this sort of ANNA of a Sudra. Some have understood the words Sudranna (Anna of a Sudra) to mean the boiled rice of a Sudra. This, however, cannot be meaning of the word here. Had it been so, there would not have been in the Aditya Purana the prohibition of the cooking of the ANNA of a twiceborn by any one of the Sudra caste, immediately after the prohibition of the eating of the ANNA of Dasa,

Napita, &c., of Sudra's.* When of the two prohibition, one after the other, in the one that comes last, the cooking of the ANNA is distinctly mentioned, the first prohibition, as a matter of course, must refer to uncooked ANNA. It must be considered also that even unboiled rice of the Sudras is treated in the Sastras as Sudranna.

Thus :—

आमे शूद्रस्य पक्वान्नं पक्मुच्छिरमुच्यते । †

"The unboiled *Anna* of a Sudra is to be considered as boiled ; the boiled *Anna* of a Sudra as an offal."

The explanation that has been given above of the word Sudranna is corroborated by a discussion on the subject by the Smarta Bhattacharya Raghunandana.

Thus :—

आममन्नं दत्तमपि भोजनकाले तद्गृहावस्थितं शूद्रान्नम् । तथाचाङ्गिराः

शूद्रवेश्मनि विप्रेण क्षीरं वा यदि वा दधि ।

निवृत्तेन न भोक्तव्यं शूद्रन्नं तदपि स्मृतम् ॥

निवृत्तेन शूद्रान्नान्निवृत्तेन । अपि शब्दात् साक्षात् घृततण्डुलादि ।
स्वगृहागते पुनरङ्गिराः

यथा यतस्ततो ह्यापः शुद्धिं यान्ति नदी गताः ।

शूद्राद्विप्रगृहेष्वन्नं प्रतिष्ठन्तु सदा शुचि ॥

* शूद्रेषु दासगोपालकुलमित्राद्वंसीरिणाम् ।

भ्योज्यान्नता गृहस्थस्य तीर्थसेवातिदूरतः ॥

ब्राह्मणादिषु शूद्रस्य पक्तादिक्रियापि च ।

"The eating of the *Anna* by a grihastha, (householder) of the twice born classes offered to him by a Dasa, Gopala, Kulamitra, and Ardhasiri of the Sudra caste ; distant pilgrimage ; the cooking of a Brahmana's *Anna* by a Sudra (are prohibited in the Kali-yuga)."

† Tithitattwa Durgapujatattwa.

प्रविष्टे ऽपि स्वोकारापेक्षामाह पराशरः

तावद्भवति शूद्रान्नं यावन्न स्पृशति द्विजः ।

द्विजातिकरसंस्पृष्टं सर्वं तद्विविच्यते ॥

स्पृशति गृह्णातीति कल्पतरुः । तच्च सम्प्रोक्ष्य ग्राह्यामाह विशुपुराणम्

सम्प्रोक्षयित्वा गृह्णीयात् शूद्रान्नं गृहमागतम् ।

तच्च पात्रान्तरेण ग्राह्यमाहाङ्गिराः

स्वपात्रे यच्च विन्यस्तं दुग्धं यच्छति नित्यशः ।

पात्रान्तरगतं ग्राह्यं दुग्धं स्वगृहे आगतम् ॥

एतेषु स्वगृहे आगतस्यैव शुद्धं तद्गृहगतस्य शूद्रान्तदोषभागित्वं प्रतीयते ।

"Even unboiled rice offered by a Sudra and eaten at his house becomes Sudranna ; for Angira has said, that 'A Brahmana, who has ceased eating Sudranna, should not drink even milk or curd at a Sudra's house, for that also is Sudranna.' On the subject of unboiled rice, &c., Angira has said again, that 'As water, coming from any part, becomes purified the moment it has fallen into the river, so unboiled rice &c., on their very entrance from a Sudra's house to a Brahmana's becomes purified.' Parasara has said that Sudranna, even after it has entered a Brahmana's house, in order to be purified, requires his acceptance : thus—'So long as a Brahmana does not accept it, it remains Sudranna ; a touch of his hand purifies it.' In the Vishnu Purana, it has been stated that Sudranna should be accepted after being washed or sprinkled with water : thus—'When Sudranna comes to one's own house, it should be accepted after being sprinkled.' Angira has stated that Sudranna is to be received on a different plate from that on which it is brought : thus—'The milk or curd which a Sudra makes a gift of, on his own plate, when brought to one's own house, should be accepted after being placed on a different plate.' From these, it is demonstrated that unboiled rice, &c., given by a Sudra, lose all impurity when brought to one's own house ; when they remain at a Sudra's, they have the impurity of Sudranna."

From all these considerations, therefore, it is evident that

starting from the preconceived notion that the sacrifice of horse, &c., are not the Dharmas of the Kali-yuga, it is no way consistent with reason to come to the conclusion, that because these Dharmas are sanctioned in the Parasara Sanhita, Parasara has not only declared the Dharmas of the Kali-yuga, but has also declared those of others, and that consequently Parasara Sanhita does not teach the Dharmas of the Kali-yuga alone.

THE FATHER CAN MAKE A GIFT OF HIS WIDOWED DAUGHTER.

Many have stated the question, in the form of an objection, "that in marriage, who is to make the gift of a widow ? When the father has once given her away, his right in her has ceased. When he has no right in her, how can he dispose of her by giving her again to another in marriage ?"

We have at present in our country two sorts of marriage—"the Brahma" and "Asura" that is by a gift or sale of the daughter. Here the words "gift" and "sale" do not exactly mean what they mean elsewhere. In ordinary cases, a man can make a gift or sale of a thing, if he has a right in it. He loses his right in that thing, if he once makes a sale or gift of it, and consequently cannot make a sale or gift of it again. From time immemorial, this law prevails with reference to the gift or sale of land, house, garden, cattle, &c. There seems, however, to be no analogy between such sale or gift and sale or gift of a daughter. In the case of land, cattle &c., no one can make a gift or sale, if he has no right therein. Should he happen to make such a gift or sale, it becomes null and void. But this rule does not hold with reference to the gift of a daughter. Gift in marriage is not actual but merely nominal. The framers of our Sastras have enjoined the disposal of the daughter in marriage under the designation of gift. The marriage is consummated on any one's making this gift. The marriage is valid and complete by the gift of the bride by a person who could have no right whatsoever in her, equally with her gift by him who may have an actual right in her. In the case of ordinary things, no person can make over by gift a thing to another when he has no right in that thing, while a bride can be made over in gift by any person of the same caste.

Thus :—

पिता दद्यात् स्वयं कन्यां भ्राता वानुमताः पितुः ।

मातामहो मातुलश्च सकुल्यो वान्धवस्तथा ॥

माता त्वभावे सव्योषां प्रकृतौ यदि वत्तेते ।

तस्यामप्रकृतिस्थायां कन्या दधुः स्वजातयः ॥ *

"The father should himself make the gift of the daughter, or the brother should do so with the permission of the father. The maternal, grand-father, the maternal uncle, Persons descended from the same paternal ancestor, and persons with whom there are ties of consanguinity shall make the gift of the bride. In the absence of all these, the mother, if she is in her sanestate, shall make the gift, if she is not the gift shall be made by persons of the same caste."

Mark now, if it had been the intention of the framers of our Sastras, that the same rule shall hold with reference to the gift of a bride as with reference to the gift of land, cattle, &c., that is, he alone who has a right in her shall be entitled to make the gift, then how could persons of the same caste be entitled, to make the gift? If any one has a right in her, it is her father and mother alone. The others can have a right in her by no possibility. If the rule had been, that like the gift of land, cattle, &c, the gift of a bride shall be made by him alone who has a right in her, then the framers of the Sastras would not have stated the maternal grand-father, &c., as persons entitled to make the gift, or why would they make the mother the person last entitled to make the gift? She should have been in that case, held second to the father only. In fact there cannot be the same right in a daughter as there is in land, cattle, &c, if there had been the giving away of a bride in marriage without the knowledge and consent of the father, by any other person, would have been considered null and void, being a gift by a person who had no right whatsoever. But it is not a rare occurrence, that sometimes persons give away females in marriage, under such circumstances. Why are such marriages valid? Why cannot the father lay complaints before a court of justice, and make void the gift of his daughter by a person who had no right whatsoever in her? The gift of another's land, cattle is never valid. It becomes void when a complaint is lodged

* Narada-sanhita, quoted in the Udvahatattwa.

before a court of justice. From all these considerations, therefore, the gift of a bride is merely nominal and is founded on right whatsoever. If then the gift of a daughter is founded on no right whatsoever in her, and if it is a gift merely nominal and is enjoined by the Sastras as only a part of the marriage ceremony, there is nothing to prevent the father to give her away in marriage again, if her husband is dead, or in any other contingencies specified in the Sastras. As in the Text quoted above, sanction is given to the gift of a female, on her first marriage, so in other Texts like sanction is given in certain contingencies, to the gift of her on her remarriage.

Thus :—

स तु यघन्यजातीयः पतितः क्लीव एव च ।

विकर्मस्थः सगोत्रो वा दासो दोर्धामयोऽपि वा ।

ऊढापि देया साव्यस्मै सहावरणभूषणा ॥

"If after wedding, the husband be found to be of a different caste, degraded, impotent, unprincipled, of the same Gotra or family, a slave, or a valetudinarian, then a married woman should be bestowed upon another decked with proper apparel and ornaments."

Mark ! sanction is here given to GIVE away AGAIN a wedded female in marriage in due form. If the circumstance of having given away a daughter once in marriage were a bar to her being made a gift of on the occasion of remarriages, then the great sage Katyayana would not have given clear sanction to her being made over to another as a gift, on her husband being found to be degraded, impotent, valetudinarian, &c.. Moreover, it is not only that we find a mere sanction, but clear evidence is found that a father DID MAKE the gift of a widowed daughter on the occasion of her remarriage.

Thus :—

अर्जुनस्यात्मजः श्रीमानिरावान्ताम वीर्यवान् ।

सुतायां नागराजस्य जातः पाथन धीमता ।

ऐरावतेन सा दत्ता ह्यवपत्या सहात्मना ।

पत्यौ हते सुपण न कृपणा दीनचेतना ॥

"By Arjuna was begotten on the daughter of the Nag-*raja*, a handsome and powerful son named *Ira*van. When her husband was killed by *Suparna*, *Airavata*, the magnanimous king of the *Nagas*, made a gift of that dejected, sorrow-stricken, childless daughter to Arjuna."

When, therefore, the gift of a daughter is, as proved above, not founded on right, but only forms a part of the marriage ceremony, when there is clear sanction in the *Sastras* to make the gift of a daughter on the occasion of her remarriage with all the rites and ceremonies of marriage, and when we have clear evidence of a widowed daughter having been made over as a gift on the occasion of her remarriage; the objection that, after the gift of the daughter, the father has lost all his right in her and therefore cannot give her away a second time in marriage is altogether unreasonable. The fact is, those parties, who are entitled, according to the *Sastras*, to make gift of a female on the occasion of her first marriage, can also do so on the occasion of her remarriage.

**THE MANTRAS (NUPTIAL TEXTS) TO BE USED ON
THE OCCASION OF A SECOND MARRIAGE ARE
THE SAME, AS THOSE THAT ARE USED ON
THE OCCASION OF A FIRST MARRIAGE.**

Some of the Replicants object to the remarriage of widows on the ground, that there are no Mantras for such marriage, and that therefore it cannot be contracted. This seems to be a futile objection. There is nothing in the Mantras used on occasion of a first marriage to make it valid, which would prevent their being used on the occasion of a second. Those Mantras, that sanctify the first matrimonial connexion, shall also sanctify the second.

It has already been indisputable established that Manu, Vishnu, Vasistha, Yajnavalkya, Narada, and Katyayana, have enjoined the remarriage of women under certain contingencies. But if the Mantras, prescribed for the first marriage, had not been applicable to remarriages those Rishis would certainly have prescribed other Mantras for them, as no marriage is valid without Mantras. When, however, there are no such separate Mantras, the sanction of the Rishis for remarriage would be absurd, if the Mantras for the first marriage were not applicable to the second. The MERE INTERCOURSE of the sexes can never be called the SANSKARA (rite) OF MARRIAGE, which requires the application of proper Mantras in due form. If the REMARRIAGE of women were MERE INTERCOURSE with men, not duly sanctified by proper Mantras, the authors of our sanstras aforesaid would not have applied the word SANSKARA to it also. Thus,

Manu says :—

या पत्या वा परित्यक्ता विधवा वा स्वयेच्छया ।

उत्पादयेत् पुनर्भूत्वा स पौनर्भव उच्यते ॥ 9.175.

सा चेदक्षतयोनिः स्याद्गतप्रत्यागतापि वा ।

पौनर्भवेण भर्ता सा पुनः सं स्कारमईति ॥ 9.176.

“If a woman after becoming a widow, or being divorced by her husband, marriage again ; the son born of her of this marriage,-

is called a Paunarbhava. If she be a virgin, or if she leave her husband and return to him, she is again entitled to the *Sanskara* or ceremony of marriage."

Vasishtha says :—

पाणिग्राहे मृते बाला केवल मन्त्रसंस्कृता ।

सा चेदक्षतयोनिः स्यात् पुनः संस्कारमईति ॥ Ch. 17.

"She, who is married but continues a virgin, is again entitled to the *Sanskara*, if her husband dies."

Vishnu says :—

अक्षता भुयः संस्कृता पुनर्भूः । Ch. 15.

"She, who, though married, continues a virgin and undergoes the *Sanskara* for a second time, is called Punarbhu."

Yajnavalkya says :—

अक्षता च क्षता चैव पुनर्भूः संस्कृता पुनः । 1.67.

"She, who continues a virgin, or otherwise, is called Punarbhu, if she undergoes the *Sanskara* for a second time."

When, therefore, Manu, Vishnu, Vasishtha, Yajnavalkya, Parasara, and other writers of our Sastras, have enjoined the remarriage of women under certain contingencies ; when they have denominated such marriage "the *Sanskara* of marriage" ; when the word "*Sanskara*" can by no means be applied to a MERE INTERCOURSE of the sexes, not sanctified by Mantras ; when they have legalized the issue of such marriages ; and when, at the same time, they have not prescribed a different set of Mantras for them, the Mantras, now used in first marriages, should certainly be used in the second, especially as there is nothing in those Mantras which would make them inapplicable to remarriage of females.

Some of the oppositionists contend for the inapplicability of the existing Mantras to remarriage of women on the strength of the following Text of Manu :—

पाणिग्रहणिका मन्त्राः कन्याखेव प्रतिष्ठिताः ।

नाकन्यासु कचिवशां लुप्तघर्मक्रिया हि ताः ॥ 8.226.

"The nuptial Texts are applied solely to *Kanyas* or virgins, and now here to *Akanyas* or girls who have lost their virginity ; since they are excluded from the performance of religious duties."

Here I have to observe that in the Text, above cited, Manu, by the word AKANYA, does not mean WIDOWS but girls who have lost their virginity before marriage by illicit intercourse with men, as is evident from the last part of the clause "SINCE THEY ARE EXCLUDED FROM THE PERFORMANCE OF RELIGIOUS DUTIES." No Hindu can assert that widows are excluded from those duties. On the contrary, such widows, who would prefer widowhood to remarriage, are enjoined by the Sastras to pass their lives in the performance of such duties.

IN MATRIMONIAL ALLIANCES UNMARRIED
DAMSELS ARE PREFERABLE TO MARRIED
ONES IN THE SAME WAY AS UNMARRIED
MEN ARE TO MARRIED ONES.

While dwelling upon the subject of the remarriage of widows, it should be considered that the following Text of Yajnavalkya enjoins marriage with an unmarried girl :

अविच्छ्रुतब्रह्मचर्यो लक्षण्यां खियमुद्गहेत् ।

अनन्यपूर्विकां कान्तामसपिण्डां यवोयसीम् ॥ *

“After leading the life of a student in the Vedas, a person should marry an unmarried, amiable damsel, inferior in age, with auspicious physical signs, and without the pale of consanguinity.”

From this as well as other Texts upon the subject, the oppositionists try to establish that a married damsel should not be married again.

This conclusion is no way consistent with the precept of Manu, Yajnavalkya, Vasisththa, Vishnu, and others sages, who have in their Sanhitas given sanction, in certain contingencies, to the remarriage of married women. For, if the conclusion of my adversaries be admitted, the sanction of the sages alluded to becomes absurd. In fact the true purport of the Text is, that when a person is entering into matrimonial alliance, he should prefer an unmarried bride to a married one, just as in the bestowal of a daughter, an unmarried person should be preferred to a married one. As in the Text of Yajnavalkya a man is enjoined to marry an unmarried damsel, so in the following Text of Baudhayana it is laid down that a daughter should be bestowed on an unmarried man :

श्रुतशोभिने विज्ञाय ब्रह्मचारिणेऽथिने देया ॥ †

“A daughter should be bestowed on a suitor studied in the Vedas, virtuous, wise, and *unmarried*.”

If from this we infer that the bestowal of a daughter on a person once married is altogether prohibited, the inference

* Yajnavalkya-sanhita, 1.52.

† Quoted in the Udvahatattwa and Yajnavalkya Dipakalika.

would jar with other Texts in which we find, that on the demise of a wife, on her barrenness, or under other contingencies, male persons are permitted to marry again. To reconcile this apparent discrepancy, we must conclude that the Texts refer to different degrees of preference. A similar conclusion must be arrived at with regard to marrying a virgin or a married damsel. In fact marrying a damsel once married is as much a case of second preference on the part of a man, as marrying a male person once married is on the part of woman.

This is a conclusion which has been arrived at by the smarta Bhattacharya Raghunandana also.

Thus :—

बौधायनः श्रुतशीलिने विक्षाय ब्रह्मचारिणोऽग्निने देया । ब्रह्मचारिणः
अजातस्त्रीसम्पर्कयिति कल्पतरुयाज्ञवल्क्यदोषकलिके । जातस्त्रीसम्पर्कस्य
द्वितीयदिवहे विवाहः एकवहिर्भाक्पुत्रेस्तदुपादानं प्राशस्त्यार्थमिति तच्चम् ।*

“Baudhayana has said that a daughter should be bestowed on a suitor studied in the Vedas, virtuous, wise, and *unmarried*. From a too literal interpretation of this, it would appear that daughters should be bestowed on *unmarried persons only*, and that the remarriage of a man once married does not fall within any of the eight classes of marriage. We are to understand, therefore, that by the use of the adjective '*unmarried*,' Baudhayana has meant that the bestowal of a daughter on an *unmarried* person is a case of *first preference*.”

In fact, a little observation would show, that the framers of the Sastras have on such matters laid down equal rules for both the sexes. They have ordained that, before betrothment, inquiry as to the family and character of the bridegroom is as much necessary as that of the bride. After the marriage is

* Udvaahatatta.

† अविप्लु तब्रह्मचर्य्यो लक्षर्यां स्वयमुद्वहेत् ।

अनव्यपुर्व्विकां कान्ताससपिरडां यवीयसाम् ॥ 1.62.

अरोगिणीं आतृमतीमसमानार्षगोत्रजाम् ।

पञ्चमात् सप्तमाद्वद्धं मातृतः पितृतस्तथा ॥ 1.63.

contracted, they make it as much a duty of the husband to please the wife, as that of the wife to please him.* Want of chastity they make as sinful on the part of man as on that of woman.† As they have ordained man to marry again on the demise of his wife or on her proving barren &c., so they have ordained woman to marry again on the demise of her husband

दशपुरुषविख्याताम् श्रोत्रियाणां महाकुलात् ।

स्फोतादपि न सञ्चारिरोगदोषसमन्वितात् ॥ 1.54.

एतैरेव गुणैर्युक्तः सवर्णः श्रोत्रियो वरः ।

यत्रात् परिक्षितः पुंल्वे युवा धर्मान् जगप्रियः ॥ 1.55.

"After leading the life of a student in the Vedas, a person should marry a damsel, unmarried, amiable, with auspicious physical signs, inferior in age, without the pale of consanguinity, having no incurable disease, having a brother, not descended from the same line of ancestors, and five degrees without the mother's side and seven without the father's. A bride should not be selected from the family which has a blemish or is subject to contagious disease notwithstanding it be very distinguished, celebrated for ten generations, possessed of riches, corn, &c., and one in which the Vedas are every day studied. The bridegroom also should be possessed of these attributes, should belong to the same caste and should be an every-day student of the Vedas. Moreover every care should be taken to ascertain whether the bridegroom possessed of *Potency*. It is necessary also that he should be youthful, intelligent, and amiable." *Yajnavalkya*.

* सन्तुष्टो भार्यया भर्ता भर्ता भार्या तशैव च ।

यस्मिन्नेव कुलेनित्यं कल्याणं तत्र वै ध्रुवम् ॥ 3.60.

"Constant prosperity attends the family in which the wife pleases the husband and the husband pleases the wife." *Manu*.

यत्रानुकुल्यं दम्पन्योस्त्रिवर्गस्तत्र वर्द्धते ॥ 1.74.

"The family in which the wife and the husband keep each other pleased, and behave well towards each other, is one in which virtue, riches, and enjoyment increase." *Yajnavalkya*.

† व्युच्चरत्र्याः पतिं नाय्या अद्यप्रभृति पातकम् ।

अ गहत्यायमं घोरं भविष्यत्यसुखावहम् ॥

or on his proving impotent &c. Marrying a woman once married they have made as much a case of second preference on the part of man, as marrying a man once married on the part of woman.—But unfortunately man, the stronger sex, arrogates to himself rights which he is not willing to accede to weak woman. He has taken the Sastras into his own hands and interprets and moulds them in a way which best suits his convenience ; perfectly regardless of the degraded condition to which woman has been reduced through his selfishness and injustice. A sight of the wrongs of the women of modern India is really heart-rending. To respect the female sex and to make them happy are things almost unknown in this country. Nay men, who consider themselves wise and are esteemed as such by others, take a pleasure in the degraded state of the females

Manu has declared :—

पितृभिर्भ्रातृभिश्चैताः पतिभिर्देवैस्तथा ।

पूज्या भूषयितव्याश्च वह कल्याणमीप्सुभिः ॥ 3.55.

यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः ।

यत्रेतास्तु न पूज्यन्ते सवत्स्वित्राफलाः क्रिया ॥ 3.56.

शोचन्ति जामयो यत्र विनश्यत्याशु तत् कुलम् ।

न शोचन्ति तु यत्रेता वद्धंते तद्धि सर्वदा ॥ 3.57.

जामयो यानि गेहानि शपथ्यप्रतिपूजिताः ।

तानि कृत्याहतानीव विनश्यन्ति समन्ततः ॥ 3.58.

भार्या तथा व्युच्चरतः कीमारब्रह्मचारिणीम् ।

पतिव्रतामेतदेव भविता पातक भुवि ॥

"Henceforward, a woman that will transgress her husband shall incur the deep guilt of foeticide, And the husband that will transgress a wife well-behaved and chaste shall incur the same guilt." Mahabharata, Adi Parva, Ch. cxxil.

"Fathers, brothers, husbands, brothers of husband, &c., who wish for happiness and prosperity, should respect women and keep them adorned in clothes and ornaments. The gods remain propitious to

the family, in which the females are respected. Sacrifices and gifts are productive of no fruits in the family, in which women are not respected. The family soon goes to destruction, in which the females are not respected. The family, in which the females are happy, always rises in happiness and wealth. When, not being properly treated and respected, women curse families, the latter utterly perish, as if destroyed by *Kritya*."*

Unfortunately this salutary rule regarding the treatment of women is scarcely followed; and the evil consequences usually attendant upon a transgression of such a golden rule, are everywhere visible.

* A female Deity, to whom sacrifices are offered for the destruction of an enemy.

THE CUSTOM OF THE COUNTRY IS NOT A STRONGER AUTHORITY THAN THE SASTRAS.

I have, to the best of my ability, explained the true meaning and purport of the Texts quoted by the Replicants with the object to prove the nonconformity of the marriage of widows to the Sastras. I will now endeavour to meet another objection which they have made with regard to the introduction of the practice. The opponents have urged that even if the remarriage of widows be consonant to the Sastras, it should not prevail, being opposed to the custom of the country. Anticipating such an objection, I pointed out in my first pamphlet a Text from Vasishtha, to shew that the Sastra is a stronger authority than custom. But as I imagine that only one Text has not been considered sufficient by my opponents, I will cite other authorities on the subject.

Thus :—

धर्मं जिज्ञासमानानां प्रमाणं परमं श्रुतिः ।

द्वितीयं धर्मशास्त्रं तृतीयं लोकसंग्रहः ॥ *

“Those that wish to know what Dharmas are, for them the Veda is the highest authority, the Smriti the second, and Custom the third.”

Here we see that custom is held as the weakest authority ; and the Veda and the Smriti are stronger authorities :

Again :

न यत्र साक्षाद्विधयो न निषेधाः श्रुतौ स्मृतौ ।

देशाचारकुलाचारैस्तत्र धर्मो निरुध्यते ॥ †

“When there are no direct sanctions or prohibitions laid down in the Veda or the Smriti, the Dharmas are to be ascertained from an observation of the custom of the country and of the family.”

Thus it is distinctly stated that custom is to be followed on those matters only on which there are no precepts in the Sastras.

* Mahabharata, Anusasana Parva.

† Skanda Purana.

Further :

स्मृतेर्वेदविरोधे तु परित्यागो यथा भवेत् ।
तयैव लौकिकं वाक्यं स्मृतिवाधे परित्यजेत् ॥ *

"As Smriti is not to be accepted when it is opposed to the Vedas, so custom is not to be respected when it is at variance with Smriti."

So when Smriti and custom are opposed to each other, custom is not to be followed.

When we see, therefore, that there is distinct sanction in the Sastras for the marriage of widows, to attempt to establish that it should not prevail, because it is opposed to the custom of the country, is acting in direct opposition to the opinion and precept of the framers of our Sastras.

* A Smriti quoted in the Prayogaparilajata.

CONCLUSION.

Every one, having the senses of sight and hearing, must acknowledge how intolerable are the hardships of our widows, especially of those who have the misfortune to lose their husbands at an early age ; and how baneful to society are the effects of the custom which excludes them from the privilege of marrying again. Reader ! I beseech you to think seriously for a while upon the subject, and then to say whether we should continue slaves to such a custom, regardless of the precepts of our Sastras or should we throw off the yoke, and resting on those holy sanctions, introduce among ourselves the marriage of widows, and thus relieve those unfortunate creatures from their miseries. While forming your decision, you should bear in mind that the customs of our country are not immutable in their nature. No one can assert that they have never undergone any change. On the contrary, the present inhabitants of India would appear to be altogether a different race, were you to compare their customs with those that prevailed in the days of old amongst their ancestors. One instance will suffice to illustrate the truth of this statement. It was considered a heinous offence in a Sudra, if, in ancient times, he durst be seated on the same carpet or mat with a Brahmana ; but the Brahmanas of these days, like menial servants, content themselves with sitting on the carpet or mat, while the Sudra occupies a raised seat upon the same.*

Changes in our customs have taken place even within a recent period. The Vaidyas, from the time of Rajah Raj-

* This custom is opposed to the Sastras. It is not only the Sudras and Brahmanas ignorant of the Sastras that follow this custom ; but those Brahmanas and Sudras who are reputed as versed in them, act in accordance with it without compunction.

Manu has said :—

सहासनमभिप्रेत्सुस्तृष्टस्यापकृष्टजः ।

कन्यां कृताङ्कोनिर्वस्यिः स्फिचं वास्यावकर्त्रयेत ॥ 8.28.

“If a Sudra seats himself on the same seat with a Brahmana, his loins should be branded with heated iron and he should be banished or his loins cut asunder.”

ballabha, have commenced to reduce the period of their Asaucha (impurity) to fifteen days, and to wear the sacred thread. Before his time, the period of their Asaucha was a month, and they did not wear the sacred thread. Even now, there are families among the Viadyas who stick to the old custom. Have these innovators and their descendants ever been treated as men degraded and having no claim to the privileges of their caste? Again, before the appearance of the Dattakachandrika, all Hindus in adopting sons were obliged, in order to make the adoption valid, to take them before the age of five, and to perform the rite of Churakarana (ceremony of Tensure) on them. Since the publication of that work, if a son is adopted, in the case of a Brahmana, before the ceremony of the sacred thread, and in the case of a Sudra, before the marriageable age, he is still admitted to be within the proper limits of age, and his adoption considered as valid.

In these cases, new customs were adopted according to a new interpretation of the Sastras, not because they were absolutely needed by the society at large, but merely because they suited the convenience or caprice of certain individuals. For, if the Vaidyas did not reduce the period of their Asaucha, or wear a thread, or if sons were not adopted after five years of age, society could neither gain nor lose. But what an amount of misery and evil does the country sustain from the non-prevalence of the marriage of widows! Here you have a positive evil-evil of a magnitude passing our imagination to conceive. Now, if you could adopt customs that at best suited but your convenience, you should do any thing for the removal of this awful evil, when you have your Sastras most explicitly permitting your widows to marry again.

But I am not without my apprehensions that many among you at the very sound of the word "custom" will consider it sinful even to enquire if the change should take place. There are others again, who, though in their hearts agree to the measure, have not the courage even to say that it should be adopted, only because it is opposed to the customs of their

country. O ! what a miserable state of things is this ! Custom is the supreme ruler in this country : Custom is the supreme instructor : The rule of custom is the paramount rule : The precept of custom is the paramount precept.

What a mighty influence is thine, O custom. Inexpressible in words ! With what absolute sway dost thou rule over the votaries ! Thou hast trampled upon the Sastras, triumphed over virtue, and crushed the power of discriminating right from wrong and good from evil ! Such is thy influence, that what is no way conformable to the Sastras is held in esteem, and what is consonant to them is set at open defiance. Through thy influence, men, lost to all sense of religion, and rockless in their conduct, are everywhere regarded as virtuous and enjoy all the privileges of society, only because they adhere to mere forms : while those truly virtuous and of unblemished conduct, if they disregard those forms and disobey thy authority, are considered as the most irreligious, despised as the most depraved, and cut off from society.

What a sad misfortune has befallen our Sastras ! Their authority is totally disregarded. They, who pass their lives in the preformance of those acts which the Sastras repeatedly prohibit as subversive of caste and religion, and everywhere respected as pious and virtuous : while, the mere MENTION of the duties prescribed by the Sastras makes a man looked upon as the most irreligious and vicious. A total disregard of the Sastras and a careful observance of mere usages and external forms is the source of the irresistible stream of vice which overflows the country.

How miserable is the present state of India ! It was once known to nations as the land of virtue. But the blood dries up to think that it is now looked upon as the land of depravity and that from the conduct of its present race of people. From a view of its present degradation it is vain to look for a speedy reformation.

Countrymen ! how long will you suffer yourselves to be led away by illusions ! Open your eyes for once and see, that India, once the land of virtue, is being overflowed the

stream of adultery and foeticide. The degradation to which you have sunk is sadly low. Dip into the spirit of your Sastras, follow its dictates, and you shall be able to remove the foul blot from the face of your country. But unfortunately you are so much under the domination of long established prejudice, so slavishly attached to custom and the usages and forms of society, that I am afraid you will not soon be able to assert your dignity and follow the path of rectitude. Habit has so darkened your intellect and blunted your feelings, that it is impossible for you to have compassion for your helpless widows. When led away by the impulse of passion, they violate the vow of widowhood, you are willing to connive at their conduct. Losing all sense of honor and religion, and from apprehensions of mere exposure in society, you are willing to help in the work of foeticide. But what a wonder of wonders ? You are not willing to follow the dictates of your Sastras, to give them in marriage again, and thus to relieve them from their intolerable sufferings, and yourselves from miseries, crimes, and vices. You perhaps imagine that with the loss of their husbands your females lose their nature as human beings and are subject no longer to the influence of passions. But what instances occur at every step to show, how sadly you are mistaken. Alas ! what fruits of poison you are gathering from the tree of life, from moral torpidity and a sad want of reflection. How greatly is this to be deplored ! Where MEN are void of pity and compassion, of a perception of right and wrong, of good and evil, and where MEN consider the observance of mere forms as the highest of duties and the greatest of virtues, in such a country would that women were never born.

Woman ! in India thy lot is cast in misery !

ADDENDA : 1.

VIDYASAGARA—A SOCIAL REFORMER.*

VIDYASAGARA, as we have already seen, was intense in all things. His scorn, his grief were as intense as his love. He was rigorous indeed. "But a man who does not know rigour cannot pity either," says Thomas Carlyle. Indeed, if every pity, tender as a mother's, was in the heart of any man, it was in Vidyasagara's. The impulse, which stirred him to move in the direction of introducing widow-remarriage in Hindu society, was given by two pathetic events. When he was a student of the Sanskrit College, one of his professors, whom he greatly revered and loved, married a young girl soon after the death of his first wife. Vidyasagara was very much opposed to this marriage; and his sorrow knew no bounds when the girl wife of the old professor became a widow soon after her nuptials. This made a very deep and permanent impression upon his mind. But the moving inspiration was given by his good mother. Once a widow girl had been to Vidyasagara's house at Birsinha. She was with his mother in the Zenana, while Vidyasagara sat talking to his father in the outer court of the house. All on a sudden, Vidyasara's mother came out and with tears in her eyes, said to her son,— "Thou have read enough of the Shastras, but have thou found no sanction of the Shastras for the re-marriage of the miserable intant widows?"

The great rule of Vidyasagara's life was to follow his highest impulse. Whether his stake in the game was a wooden button or a gold coin he cared not; but he always played his part earnestly and sincerely. Like Rammohan Ray who worked to abolish the burning of the widows on the funeral pyre of their husbands, Pandit Isvarchandra Vidyasagara applied himself to put out the fire of enforced widow-hood in which the unfortunate girl widows were burning alive. But he considered thrice, consulted his dear parents and obtained their consent before he began to move. He well knew that

Reprinted from : Life of Pandit Isvarchandra Vidyasagara by Sricharan Chakravarti. pp-53-64.

derision and sneer, calumny and persecution would be heaped upon him as well as upon them from the orthodox camp. But he was quite prepared for all this. For months together he buried himself in works on the Hindu *Shastras*. He exclaimed, in rapture, "I have found out, I have found out" when he came across certain passages* of the *Parashara Sanhita*, expressly sanctioning the re-marriage of widows.

Like Raja Rammohan Ray, the pioneer of social Reforms in India, Pandit Isvarchandra based his arguments on the *Shastras*. Vidyasagara's arguments in favour of the remarriage of widows according to orthodox Hindu rites, are embodied in his remarkable book. The *Vidhaba-vivaha* (Discourse on widow re-marriage). It created a sensation as soon as it came out of the press and was accepted so favourably by the Bengali reading public that the first edition exhausted in a week. The second edition which numbered three thousand was also exhausted in no time. But he had to meet objections and fight opposition. Vile calumnies and foul names began to be poured forth upon his venerable head from certain quarters as soon as the famous work appeared. The pandits who were at one time much in favour of widow-marriage became all on a sudden his fiercest enemies.

The evils of enforced widowhood had received the earnest attention of some of the greatest men in Bengal long before Vidyasagara waged his war against it. And a few days before

* नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।

पञ्चखाप्तसु नारीणां पतिरन्यो विधीयते ॥

मृते भर्तरि या नारी ब्रह्मचर्यं व्यवस्थिता ।

सा मृता लभते स्वर्गं यथा ते ब्रह्मचारिणाः ॥

When a husband is not heard of for many years, when he is dead, has become an anchorite, or imbecile or has lost his caste, in these five calamities, another husband is allowed by law to the woman.

That woman who on the death of (her) husband observes Brahmancharya (Asceticism and Divine contemplation) gains, after her dearh, heaven as those Brahmacharies do.

he declared his mission, Syamacharan Karmakar, a poor citizen of Calcutta, unable to bear the pitiful condition of his widowed girl, made sustained efforts to secure the opinions of the leading Pandits of the times as to whether widow-marriage was sanctioned by the Shastras, and some of the well-known Pandits, who were looked upon as the recognised interpreters of the Hindu Law-givers, recorded their views in favour of widow-marriage among the *Sudras* ; but they changed their position when the movement was based on grounds that affected the *Brahmans* and the *Sudras* alike.

When Vidyasagara saw that the men of light and leading of the orthodox community stood against him even in the presence of Shastric arguments and authorities, he expressed in deep sorrow,—“I believed that the people of this country were led by the Shastras, but I see at last that they do not obey them and are slaves only to social practices.” But the impetus he received from his father and mother was enough for him. “Proceed on the path thou hast chosen, our dear boy !” said Vidyasagara’s parents to him, “and carry on thy noble mission. Thou shalt always have our warmest sympathy, help and support ; we are ready to suffer whatever shall befall us for thy sake. But care not, good lad, even if we forsake thee.”

There is a contagiousness in every example of noble deeds. The bold and courageous man is an inspiration to the weak ; the good and great man wins over to his side those who can feel his influence and appreciate his nobleness. Those that had not fallen into a pitiable state of moral disease, whose test of merit was not the opinions of their fellowmen, whose reward was not the applause of the multitude, understood Vidyasagara and gave him their hearty support. But a great problem presented itself before the supporters of this progressive movement, without whose solution they could not, as prudent men, proceed any further. They felt that until the marriage of Hindu widows according to strict Hindu rites were legalised and the issues of all such marriages were declared legitimate, they should not proceed with their work. They therefore

submitted a petition signed by many thousands of men some of whom were influential Zamindars like the late Jaykissen Mukherji of Utterpara, to the Legislative Council of India and an act known as the Act XV of 1856 was passed in July, 1856, whereby such marriages contracted between Hindus were declared valid and the issues of such marriages legitimate. This removed a social evil of great magnitude and gave the supporters of the movement more strength to labour for their cause. But their enthusiasm did not last long, and one after another they withdrew from the field. Nevertheless Pandit Vidyasagara, who was never half-hearted in anything, remained firm at his post till the last day of his life.

The first widow-marriage under Vidyasagara's patronage was celebrated with great pomp between Pandit Srishchandra Vidyaratna and Srimati Kalimati Devi. Pandit Srishchandra was a high caste Kulin Brahmin and was well-known for his profound scholarship, high character and the respectable position of Judge-panditship he held under the Government. The girl Kalimati, about ten years old at the time of her re-marriage, was also descended from a very respectable Kulin Brahmin family. A great many Hindu gentlemen, of high position and respectability were present at the ceremony. Babu Ram Gopal Ghose, Justice Dwarkanath Mitter, Justice Sambhunath Pandit, Babu Hurrochunder Ghose were a few of them.

Great enthusiasm prevailed, as dense crowds thronged on both sides of Sukea's Street, just in front of the palace where the marriage ceremony was to be celebrated, Pandit Shivanath Sastri, Minister of the Sadharan Brahma Samaj, relates that he went to witness the ceremony. He was a mere boy then and could not make his way through the crowd. He had, therefore, to mount on the shoulder of a servant who accompanied him, just to have a look at what was going on. On the 25th Agrahayan, 1263 B. S., only a day after the first marriage had taken place, another marriage between a high-caste kayastha girl, aged about 12 years, and a high caste kayastha young man was celebrated with great *eclat*. The

third widow-marriage was solemnized two months thence. Both the bridegroom and the bride came from a very respectable kayastha family ; the bride lost her first husband when she was ten years old, and remarried when she stepped into her fourteenth year. The bridgroom was a cousin of Babu Rajnarain Basu, the president of the adi Brahma Samaj. The fourth widow-marriage came off a month after and was solemnized between a kayastha girl of about fourteen years of age and the younger brother of Babu Rajnarain Basu. It is needless to mention, that the venerable gentleman (Babu Rajnarain) helped a good deal in these marriages and had to suffer social persecution for it.

Within a year, four widow-marriages were thus celebrated between respectable parties according to strict Hindu rites. It is needless to say that pandit Iswarchandra Vidyasagara bore all the expenses these ceremonies required. He ran into heavy debt, for those who promised to help him with money retreated one after another. At last his pecuniary difficulties became so great that he was ready to bend his proud nature and accept service under the Government again. The danger to his life was equally great. He had to engage the services of an expert *lathial* who accompanied him as a bodyguard wherever he went. And his life was actually sought one night when he was returning home through Cornwallis Street, just close to the place known by the name of *kalitola*. But the ruffians finding him well-protected ran away.

Notwithstanding all difficulties and opposition the widow-marriage movement would have continued to make steady progress but for an unforeseen event which occurred about this time. The sepoy Mutiny broke out in 1857 and the enemies of Vidyasagara seized this opportunity to fabricate a false story to the effect, that British Government had incurred the displeasure of the sepoys simply by passing an act in favour of the much denounced widow-marriage. But however unfounded this story might be, it ran abroad and Pandit Iswarchandra had to postpone his work for some time, considering the magnitude of the political crisis. But a few

months afterwards, Sir Cecil Beadon, who was then the Lieutenant Governor of Bengal, told Vidyasagara that he should not have given ear to such a foolish rumour and stopped his work in connection with such an important social movement.

Being thus urged by his friend Sir Cecil Beadon, Vidyasagara began his work as speedily again as was possible for him. In Agrahayan 1264 B. S., another widow-marriage was solemnized. The bride was about three years old when married to her first husband. She became a widow soon after her marriage and she was not more than eight years old when her re-marriage took place. Both the bridegroom and the bride were Brahmin by caste. From 1270 to 1272 B. S. more than twenty-five widow-marriages were solemnized mostly among the upper classes of Hindu Society.

But Vidyasagara's debt on account of the marriages of widows gradually accumulated. His friend the late Babu Pearycharn Sircar, then a distinguished professor of English Literature in the Presidency College, once wrote a paragraph in the columns of *The Education Gazette* which was then under his editorship, making an appeal therein to the friends of Vidyasagara to contribute to the widow-marriage fund to relieve him from a heavy burden of debt.

But as soon as it was brought to the notice of Vidyasagara, he wrote to the editor to say that it would be very painful to him, if he were to make his burden light by sharing it with his friends. Indeed the cause of widow-marriage was so dear to him, that he could sacrifice all that he had for it ! For it he became an outcaste and for it he spent all that he had earned. On the occasion of the marriage of his son, Babu Narayan-chandra Banerji, with a young widow of a respectable Brahman family, Vidyasagara wrote to his brother pandit Sambhuchandra Vidyaratna as follows :— "You say that our relatives would excommunicate us, if Narayan should marry a widow. All that I have to say about it is, that Narayan has acted of his own accord and not through any request or desire of mine. By choosing a widow rather than a

spinster for his wife, Narayan has done me an honor and has really done something to deserve being known as my son in the society in which he moves. Widow marriage is the highest thing of all that I have achieved ; and there is no likelihood of my ever doing any thing higher than that. I have sacrificed for it all that I had, and, if necessary, I shall not hesitate for a moment even to lay down my life for it. Compared with that excommunication by our relatives is nothing.”

If for fear of excommunication from society I had dissuaded my son from such a commendable action, there would not have been a greater coward than I. What more shall I write ! I consider myself fortunate enough at this choice of my son. I am not a slave to custom. I must always do what I think best for myself and society and shall not care for what other people say or think of me. In conclusion, I must tell you that, if for fear of social persecution or the like, any person is unwilling to have any connection with Narayan, let him have no communion with him. Neither Narayan nor I should be the least sorry for it. In a matter like marriage, one should be allowed to act as he or she thinks best. In such matters no one should be under any compulsion.”*

The reformer dies and disappears, but his ideas survive. His example becomes the common heritage of his race, his thoughts become a precious legacy to his nation. The widow-marriage movement inaugurated by Pandit Isvarchandra Vidyasagara has been taken up and perpetuated by the Brahma Samaj, while it must be admitted, that the principle has been accepted in theory by other sections of the educated community also.

A most sacred duty would be left undone if we closed this section without mentioning in connection with this great social movement the name of the late Hon'ble J. P. Grant, who was then a Law member of the Governor-General's Council and afterwards became the Lieutenant-Governor of Bengal. It was he who presented the Hindu Widow-Remarriage Act Bill †

* Translated from "Life of Pandit Isvarchandta Vidyasagara" by Pandit Sambhuchandra Vidyaratna.

† Act XV of 1856.

before the Council and had it passed in the face of strong opposition.

An address, signed by the friends of the widow-marriage movement, was presented to the Hon'ble J. P. Grant by Maharaja Srishchandra of Krishnagar as a token of their grateful recognition of the invaluable services the Hon'ble gentleman had rendered to them and to their country.

We now close this head with a few words recorded by the late Dr. Rajendra Lala Mitra expressing his views about widow-marriage. "I yield to none in advocating widow-marriage, but I advocate it on the broad ground of individual liberty of choice and not on account of immorality, possible or contingent.** I have no daughter, but if I had the misfortune to have a young widowed one in my house, I would have certainly tried my utmost to get her remarried." *

* Vidyasagara by Chandlcharan Banerji.

ADDENDA : 2

TWO PAMPHLETS ON THE MARRIAGE OF
HINDU WIDOWS,
BY ESHWAR CHUNDER VIDYASAGAR, 1855. *

TRULY has a British bard said :

Without the sigh from partial beauty won,
Oh ! what were man !—a world without the sun.

Truly is the influence of women on the progress of civilization and the refinement of the stream of life appreciated and acknowledged. Truly is she looked upon as the beacon—the eynosure and the developer of the moral man. But one, who looks through the vista of ages, cannot but lament the loss to humanity from the position, which she has been allowed to hold. Go wherever we will, to hoary Egypt, the cradle of civilization, to India the land of the Rishis, where Valmic and Vyas lived and sung, to Greece where philosophy is said to have been brought down from heaven, or to the countries where Confucius philosophized, and the Religion of Christ shed its benign influence, the condition of woman was not, we will find, what it should have been. Legally, socially and morally there was no recognition of her individuality. We fail to see that she inspired the poet, kindled the warrior, or absorbed the attention of the historian and jurist as being the predominant element in the diffusion of humanizing influences on society. Nor do we find that, in the domestic concerns of life, she commanded that importance which was due to her as the evoker, the fashioner and modeller of the inner man. The restrictions imposed upon her personal freedom, hampered the evolution of her faculties, which it was intended should be fully called forth to meet the ends of her creation, and necessarily prevented her from acting as the moral agent in the domestic and social relations of life. This has in no small degree told on the progressive state of man.

It is not our intention to enter into details, to portray the

* Reprinted from : The Calcutta Review vol-25. (1855) PP 351-368.

condition of woman in different countries, but we will just advert to a few facts bearing upon this question. It is indeed a matter of surprize that even Plato thought that "a woman's virtue may be summed up in a few words, for she has only to manage the house well, keeping what there is in it and obeying her husband," and that his "ideal of social existence involved a community of wives." A Greek wife was never brought to society; and was considered more "as a necessary helpmate than as an agreeable companion." With respect to the Athenian females, "they seem to have been destitute of all mental culture and refinement," and the laws of Lycurgus, under which the Spartan women lived, "aimed almost exclusively at physical results." In Rome the picture was cheering. Plutarch states that "among no people of the world where wives so highly honored as in Rome," where polygamy and seclusion were unknown, and it is stated that in Rome "woman occupied a place far more elevated than that since assigned to her by Christian Governments."*

In India a daughter was regarded "as the highest object of tenderness". (Menu IV, 185,) and according to Mahanirban Tantra she should be maintained and educated with every care. Females were permitted to read all works except the Vedas. Dr. Wilson states that Vyas "reflecting that these works (Vedas) may not be accessible to women and sudras and mixed castes, composed the Bharat for the purpose of placing religious knowledge within their reach". Marriages of females were contracted generally before they reached the age of puberty, and among the Kattris, the practice of *Swayambara* or choosing a husband from among a number invited for the purpose, prevailed. It is evident from Sanscrit works that females were jealously guarded, and in no state of life were they independent. But at the same time there was no want of the feeling that it is the moral and not the physical means,

* Westminster Review, for October, 1855. This is a most partial statement, made by one utterly ignorant of the true nature of Christian Civilisation, and as ignorant of the true position of the Roman Matron.—ED,

that serve as a safeguard against temptation. Menu (IX., 12.) says "by close confinement at home, even under an affectionate and observant guardian, they are not secure ; but those women are truly secure who are guided by their own good inclinations." Again "no man indeed can wholly restrain women by violent measures ; but by these expedients they may be restrained ; Let the husband keep his wife employed in the collection and expenditure of wealth, in purification and *female* duty, in the preparation of daily food and the superintendence of household utensils."

Hindu females were however not so much secluded as is generally thought, for we find proofs of their "appearance openly in public at religious and other festivals and at games, and the admission of men other than their kinsmen their presence on various occasions." The description of wives Menu gives of a good and faithful wife is this, "She who deserts not her lord but keeps in subjection to him, her heart, her speech, and her body, shall obtain his mansion in heaven." In most of the writings of the Hindus, woman appears to have been honored. Menu and the Mahabharat state, "Where females are honored, there the deities are pleased ; but where they are dishonored, their all religious acts become fruitless." Dr. Wilson says that "in no nation of antiquity were women held in so much esteem as amongst the Hindus," The Mahanirban Tantra (8th Woolash) says, "A wife should never be chastized but nursed like a mother, and if chaste and loyal, should never be forsaken even under most trying circumstances." But love towards the wife could not be intense or pure when polygamy was tolerated, and we find it distinctly mentioned in Menu that in certain cases a man could take another wife.* The present practice of Coolin Brahmin polygamy is however of modern origin, and is not authorized in the Shasters.

Another proof of females being held in estimation, is to be

* Yagnawalcyā says, a wife, who drinks spirituous liquors, is incurably sick, mischievous, barren, makes use of offensive language, brings forth only female offspring and manifests hatred towards her husband, and may be superseded by another wife.

found in the Mahabharat, where it is stated that in default of a son, a daughter should be entrusted with the sceptre, and there are several historical notices of females having reigned in the different parts of India.

We meet with several legal and historical proofs of the Hindus having made considerable advancement in civilization, but a careful examination of the state of society as it prevailed in ancient times, will lead one to conclude, that it was wanting in some essential elements of a due appreciation of the respective duties of man and woman. Their knowledge of human nature, though just and correct in many points, was far from being comprehensive, nor do they appear to have understood well the ends of society. It is for this reason that we notice with regret, the severity of their laws, especially with reference to their widows, and the practice of authorizing kinsmen and others, to beget children on them without marrying them, indicates an abnormal state of the Hindu mind. A woman becoming a widow at once sinks, as it were, into nothingness in her domestic and social circle, she has to lead an austere life, and the laws regarding her civil rights are calculated to bring her down to a low level. more especially if she has no issue. The repugnancy of the Hindus, however, to the marriage of their widows. is not entirely peculiar to them. We find it in no less an original and vigorous writer than in William Cobbett.*

* He says "but though it is as lawful for a woman to take a second husband as for a man to take a second wife, the cases are different and widely different in the eye of morality and of reason; for, as adultery in the wife is a greater offence than adultery in the husband: as it is more gross as it includes prostitution, so a second marriage in the woman is more gross than in the man, and argues great deficiency in that delicacy that innate modesty, which after all is the *great charm*, the charm of charms in the female sex.

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The usual apologies that a lone woman wants a *protector*, that she cannot manage her estate, that she cannot carry on her business, that she wants a home for her children, all these apologies are not worth a straw, for what is the amount of them? Why she *surrenders her person* to secure these ends! Advice to Young Men, p, 177.

The shaster relative to Hindu widows after the death of their husbands, refers to three courses :—1st, Brahmacharja, (practice of austerity) 2nd, Sohogomun, (immolation with the dead body of the husband.) 3rd, Punerbhobun, (re-marriage.)

Sohogomun, or the rite of cremation, has been happily abolished in India. Leading an austere life is what every widow is enjoined to practice, and the marriage of Hindu widows seems to have ceased from time immemorial. We scarcely meet with any good historical proof of this custom having been observed by respectable people. The Ramayan mentions that, after the death of Balee and Ravana their younger brothers become the lords of their respective widows. This only proves that the younger brother, in the event of the death of the elder, could be wedded to his widow. This custom still prevails at Orissa. The Mahabharat mentions that when Nala was missing, his wife Damawantee became again *Swayambara*, but this is explained by saying that the object of this procedure was to discover where Nala was, and expedite his return. We also find in the Mahabharat, that Vyasa was appointed to beget issue on the widows of Vichritabrija, and the sons so born were Dhritarastra and Pandu. The marriage of Arjuna with Woolovee (daughter of one Naga Rajah) is the only instance that we have met with. There are some who maintain that the marriage of a widow daughter of a Naga Rajah is no proof that the practice obtained among the twice-born classes. It appears, however, that among the lower classes, the practice has been in use. In Western India, the marriage of widows is called *Gundharva Vivaha*, or *Natra*. It prevailed in the dominions of Peshawar. "The Mon Baneyahs of Guzerat now settled in Malwa, and the Maroo or Joadpoor Brahmins have boldly introduced this happy change in their social system." When Choitunya appeared, he "taught that widows might marry".

We shall now proceed to give a few illustrations of the laws on the Marriage of Hindu widows. The word *Shastva* means sanction, and the works from which that sanction is derived are, 1st, the Vedas, 2nd, Smrites or Codes of Law,

and 3rd, Puranna or ancient chronicles. There are chiefly three descriptions of subjects which the work in question treat of, viz., 1st, spiritual matters ; 2nd, *achar*, or ceremonial and ethical laws ; 3rd, *vybhara*, or jurisprudence. The exposition of religion which we find in the Vedas, Smrites and Puranas, is different * and is left to men to adhere to that creed which they may think will most conduce to their spiritual welfare. with respect to *achar* or ceremonial and ethical laws, what the Vedas, Smrites and Puranas concurrently enjoin is conclusive. In cases where they all disagree, the authority of the Vedas is considered sopreme. If on any point the Smrites and Puranas differ, the injunction of the former prevails. The *vybhara* or jurisprudence forms the principal portion of the contents of *Smrites*.

It is already well known that the Sanhitas or text works of smrites vary from eighteen to thirty-six. Next to the sanhitas, we have the glosses, commentaries, and digests by a number of writers, which has led to the creation of five schools of law, now existing in Bengal, Benares. Mithila, Deccan and Marhatta. These schools all look up to the original Smrites, but they "assign the preference to particular commentators and scholiasts." With reference to the Sanhitas, that of Menu is the most comprehensive, and he is highly honored by name in the *Veda* itself, where it is declared that whatever Menu pronounced was a medicine for the soul and the sage Vrihaspati, now supposed over the planet *Jupiter*, says in his own law tract, "that Menu held the first rank among legislators, because he had expressed in his own code the whole sense of the *Veda* ; and that no code was approved which contradicted Menu."

The Vedas are four in number, and principally treat of "precepts and prayers." There are several Upanishads or branches of the Vedas. The following passage from Taitirya

* In Bengal and Mithala, certain religious matters are regulated according to the Tantra.

sruti, one of the Upanishads, bears on the subject of the Marriage of Hindu widows :—

यदे कस्मिन् यूपे हे ररने परिव्ययति तस्मादेको
 द्वे जाये विन्दते यन्नैकां रशनां द्वयो यूपेयोः
 परिव्ययति तस्मान्नैका द्वौ पतो विन्देत इति ।

As a chain is fastened round a sacrificial post, so may one man marry two wives, but as one chain cannot be fastened round two sacrificial posts, so one woman cannot have two husbands.

There is also another passage in the Vedas, which is—

तस्मान्नैकस्यै बहवः सह पतयः

Therefore one woman ought not to have several husbands at one time.

The above two texts are apparently contradictory, and it is contended by some that according to the latter text, a woman may not have more than one husband at *one time*, but this does not prevent her from so at *different times*, or in other words when the first husband is dead.

Neelkunt the commentator of the Mahabharat, has however reconciled them. The following passage will be found in that work. Dhirghatama said to his wife who was to abandon him :—

अद्य प्रभृति मय्यादा मया लोके प्रतिष्ठिता ।
 एक एव पतिर्नाय्या यावज्जीवं परायणम् ।
 मृते जोबति वा तस्मिन् नापर प्राप्नुपान्नरम् ।
 अभिगम्य परं नारो पतिष्यति न संशयः ।

“From this day I enact that a woman should have only one husband as long as she lives, and whether he is alive or dead, if she goes to another man, she will doubtless be degraded.”

Neelkunt, in explaining the meaning of these verses, has

quoted the above two texts from the Vedas, and argues as follows :—

तस्मादेकस्य वहो जाया भवन्ति नैकस्यै वहवः सह पतय इति श्रुत्यन्तरे सह शब्दात् पर्यायि शानेकपतित्वप्रसङ्गनात् शगतः प्राप्तत्वाच्च निषधोपपत्तिः ।

Therefore one woman ought not to have several husbands at *one time*. The words “at one time” may imply that she may have more than one husband at different times, or her inclination may prompt her to have more than one husband, which renders the above prohibition necessary (i.e. the precept of Dhirghatama, founded on the passage from Taitirya Sruti quoted above.)

Menu, Narenda, Shanka, Lickita, Yagnawalcyia and Harita, (authors of Sanhitas,) have all made mention of *panervhus* or twice-married women, Menu says “if she still be a virgin, or if she left her husband and returns to him, she must again perform the nuptial ceremony either with her second or her deserted lord.” Narenda divides them into three classes, Viz :—

1. “A damsel not deflowered, but blemished by a previous marriage.”

2. “She who is given in marriage by her parents, duly considering the laws of districts *and families*, but through love accedes to another man.”

3. “She who is given by her spiritual parents to a sapinda of equal class on failure of brothers-in-law.”

Yagnawalcyia says, “whether a virgin or deflowered, she who is again espoused with solemn rights is a twice married woman, but she who slights her lord, and through carnal desire receives the embraces of another man equal in class, is an unchaste woman.”

According to Vasishtha, a damsel could be taken back from her husband if of contemptible birth, a eunuch or the like, if degraded or afflicted with epilepsy, vicious, tainted with

shocking diseases and frequenter of harlots ; and Devola was of opinion that a woman could marry again, if her husband were an abandoned sinner, a heretical mendicant, impotent, degraded, or afflicted with phthisis, or long absent in a foreign country.

Of the twelve kinds of sons enumerated by several of the writers of Sanhitas, the son of a twice-married woman is one. He is called *Punerbhavā*, whom Menu, Devola and Boudayana do not consider an heir (except to his father's property,) but a kinsman, while Yagnawalcyā, Yama and Harita think that he is both a kinsman and heir to his father as well as to all the collaterals. His position with the eleven kinds of sons in the order of inheritance to paternal property, is a point which does not appear to be settled, Menu assigns to him number eleventh, Boudhayana tenth ; Devola eighth, Yama fourth, Yagnawalcyā sixth and Harita third. The foregoing brief synopsis will show that a twice-married woman and the son of a twice-married woman were persons not altogether *incognion on this terra firma*, and the very circumstance of there being legislation on the subject, is of itself a proof of the practice having once prevailed.

Let us now see what the sages enjoin as a rule of conduct on this subject. *Vishna* says, "after the death of her husband, a wife must practise the austerities, or ascend the *pile* after him," *Catyayana* says, "if a woman deserting her husband's embrace, receive the caresses of another man, She is considered as despicable in this world." "Though her husband die guilty of many crimes, if she remain ever firm in virtuous conduct, obsequiously honoring her spiritual parents, and devoting herself to pious austerity after the death of her husband, that faithful widow is exalted to heaven as equal in virtue to *Arundhati*" (wife of *Bashista*).

Menu says, "but a widow who from a wish to bear children, slights her deceased husband *by marrying again*, brings disgrace on herself here below, and shall be excluded from the seat of her lord." Chapter V., 161. "Issue begotten on a woman by any other than her husband, is here declared to be no

progeny of hers : no more than a child begotten on the wife of another man belongs to the begetter, nor is a second husband allowed in any part of this code to a virtuous woman." Chapter V., 162. Again, such a commission to a brother or other near kinsmen, is nowhere mentioned in the nuptial texts of the Veda ; nor is the marriage of a widow even named in the laws concerning marriage." Chapter IX., 65. "This practice, fit only for cattle, is reprehended by learned Brahmins ; yet it is declared to have been the practice of men while Vena had sovereign power". Chapter IX., 66.

Vrihaspati says "Appointment of kinsmen to beget children on widows or married women, when the husbands are deceased or impotent, are mentioned by the sage *Menu*, but forbidden by himself with a view to the order of the four ages ; no such act can be legally done in this age by any other than the husband"—And *Cullucbhatta*, the commentator of *Menu*, states :—"consequently such appointments were permitted in the ages preceding the fourth, but forbidden in the present age, and Vena reigned in this period." According to the *Mahanirvan Tantra*, however, the marriage of Hindu Widows with men of any caste can be done, but the *Tantras* are looked upon more as an authority in spiritual than in social matters.

We learn from the *Bengal Spectator*, that in 1756, *Rajah Rajbullub Roy Bahadoor* of *Dacca*, wishing to have his widow daughter married, consulted a number of pundits, who expressed an opinion that under the following *sloke* her marriage could be effected :—

नष्टे मृते प्रव्रजिते क्लीवे च पतिते पतौ ।

पञ्चव्यापत्सु नारीणां पतिरन्यो विधोयते ॥

Women are at liberty to marry again, if their husbands be not heard of, if they die, become ascetics, impotent or degraded.

The *Rajah* did not, however, act upon this opinion, and the question has for a long time been in a state of dormancy.

With the diffusion of English education in and out of the Presidency towns, there has been a perceptible, though rather a passive change in the ideas of the natives of subjects connected with their social institutions and a growing desire to effect reforms, has often been mirrored in the different newspapers, tracts and pamphlets, which have been appearing from time to time. In social circles and *coteries*, the talk on the marriage of Hindu widows has not been altogether wanting, and many a member of Old Bengal who some years ago used to be horrified and look aghast at such conversation, became in time so reconciled and subdued as to lend a dull and passive hearing, and the only remark which has of late years been made by them is, that "there is no objection to adopting the practice, if we all be unanimous." Rajah Rammohun Ray, to whose exertions we are in some measure indebted for the suppression of the *Suttee* rite, was constantly spoken of in many a native family, as having gone to England with the avowed object of bringing about the marriage of Hindu widows. We do not know exactly how this impression got abroad, but it was so firm, especially in the female mind, that the old widows often jocularly talked of their marriage on the return of Rammohun Roy. We have heard that the subject of the marriage of Hindu widows engaged the attention of Rajah Rammohun Roy, but have not as yet met with proofs as to whether he earnestly carried on the discussion, or made any efforts to influence public opinion.

In 1845, the British Indian Society corresponded with the Dhurma Sabha and the Tutwabodhinee Sabha on the subject of the marriage of Hindu widows. The latter association made no reply. The correspondence with the Dhurma Sabha was carried on for some time, but it led to no practical results. Last year may be called the great year of discussion and agitation on the subject of the marriage of Hindu widows. Pundit Eshwar Chunder Vidyasagara, Principal of the Calcutta Sanscrit College, published a pamphlet, in which he quoted the very *sloke* which had been put into Rajah Rajbullub's

hands, and maintained that the code of *Parasara*, from which that *Sloke* was given, was applicable to the Cali Yug, and the marriage of Hindu widows was therefore in accordance with the *Shaster*.

The publication of this pamphlet created much sensation in and out of Calcutta, and also roused a great deal of party spirit. The Vidysagurites sternly contending that the view expressed there was the correct one, while the *Dhurma Sabhites* resolutely reiterated their conviction that the *Shaster* had not been fully examined. This casual conversation merged at last into settled opinions, and no less than thirty tracts were published at different times in reply to the pamphlet.

The Principal of the Sanscrit College had now to fight single handed. He sat down wrapt in intense contemplation, and bringing all his knowledge of ancient lore and force of logic to bear upon the subject, he published a rejoinder, against which only two tracts have as yet appeared. The *Bhascar* (a weekly paper,) and the *Tattwabodhinee Patrica* have supported the Principal, while the *Masic Patrica* has taken a more catholic and comprehensive view of the question, than we have as yet met with in any Bengalee work.

We give every writer full credit for the best of intentions. We appreciate the labors of those who are engaged in the good work of social reform. We feel sure that posterity will remember with gratitude, those who are directing their efforts properly to bring about a consummation so devoutly to be wished for. We think it however our duty at the same time to express our sentiments on the subject.

The code of *Parasara* from which the *sloke* in question is quoted, is divided into twelve Chapters. The 1st Chapter treats of the conversation between *Vysa* and *Parasara* on the duties in the Cali Yug. The 2nd of the duties and occupations of a house-holder in the Cali Yug. The 3rd of the rules relating to mourning. The 4th. 5th and 6th of rules relating to penance in special cases. The 7th of rules relating to purification of articles. The 8th of rules relating to penance for killing cows, &c. The 9th Chapter, of exceptions.

and special rules as to penance for killing cows, &c. The 10th Chapter of rules relating to penance for incestuous crimes. The 11th Chapter of rules relating to penance for eating forbidden food, also for eating with certain inferior castes. The 12th Chapter of rules relating to purification in miscellaneous cases. The above statement of the contents of Parasara will show that his code is far from being complete. There is not a syllable as to the *Vybhahara Kunda*, nor are the requirements of the *Achar Kunda* sufficiently met. If the code of Parasara be the code for the Cali Yug, how are the different questions relative to caste, marriage, divorce, funerals, &c, to be settled? By what authority are also the question as to inheritance, adoption, gift, contract, &c, to be adjudged? It is contended that the code of Menu is intended for the Satya Yug, but we find that he (Chapter I, 86,) talks of what should be done in all the Yugs.

We have already mentioned that there are five schools of law in India, viz., those at Bengal, Benares, Mithala, Deccan and Marhatta. For a list of the commentaries and digests held in estimation by these five schools of law, we refer our readers to the works, named below.*

"A mere text book, "says Mr. Ellis," is considered by Indian jurists as of very little use, or authority for the act..... 'administration of justice ; it may almost be said that the *only* conclusive authorities are held to be the Siddhantas or *conclusions* of the authors of the objects and commentaries ; each school adhering of course to the siddhanta of its own authors."

This appears to be the more necessary when we are told by Mr. Ward, that, "with the exception of Menu, the entire work of no one of these sages has come down to the present time."

* Macnaughten's Hindu Law, Vol. I., p. 21. Ellis on the Law Books of the Hindus (Transactions of the Madras Literary Society, part I.) Colebrooke's Preface to the two Treatises on the Law of Inheritance, Strange's Hindu Law, Vol. I., p. 313. A list of the Law Books of the Hindus will be found in Arthur Steel's Summary of the Laws and Customs of Hindu Castes. fol. Bombay, 1827.

In Bengal, the digest of Raghunandan and Prayaschitya Bibaka are considered leading authorities, and the marriage of Hindu widows is not allowed by them. They as well as Hemadri, Muddun Parijat, Neernyasindhoo and Vabhahara Mowooka stand on the authority of the Aditya Purana* Madhab Acharjea the commentator of Parasara who has spoken of Menu to the following effect: "no one has composed the Vedas, the four-headed Brahma is their rememberer, Menu in like manner remembers Dharma at every kulpa," has expressed his opinion that the marriage of widows mentioned by Parasara is not applicable to the present age.

अथ च पुनरुद्धाहो युगान्तरविषयः

This injunction of Parasara as to the second marriage of widows must be considered to apply to other Yugs.

All the commentaries are based upon Menu. Rammhoun Roy in his Rights of Ancestral Property, says, "the natives of Bengal and those of the Upper Provinces believe alike in the sacred and authoritative character of the writings of Menu and of the other legislative saints." And it is stated in the "Summary of the Laws and Customs of Hindu Castes," "that the books chiefly referred to in *Wywasthas* in the Deccan, are the text books of Menu and Yagnawalcyia; the Mitakshara or Vidyaneshara a commentary on the latter; the Myookh, Niruna Sindhoo, Hemadree, Koustoob and Parasara Madhoo. This, we believe, means Parasara, as interpreted by Madhaub Archarjea apparently of the Benares school."

Having stated our reasons against the reception of Parasara as the authority for the present age for the rejection of all Sanhitakars and commentators, we will now give the opinions of the English learned writers on the subject.

* "What was a duty in the first age must not, in all cases, be done in the fourth;" among the things forbidden is "the second gift of a married woman whose husband has died before consummation and procreation on a brother's widow or wife." Jones' Moon, p. 364.

Sir Thomas Strange says, "long absence is considered by sages as equivalent to natural death." In a case of this kind indeed, authority exists to justify a wife in taking another husband, since the natural passion, (says Jagarnath on a similar occasion) "implanted in the human race by the divinity is not to be endured." But the texts of Devola referred to are considered as regarding past ages not the present, and at all events not as legalizing the act. Again, "*a second husband* being declared to be a thing not allowed to a virtuous woman in any part of the Hindu code, by which, when her husband is deceased, she is directed not even to pronounce the name of another man. That the prohibition is as old at least as Menu appears from the references to his Institutes ; though from its being included in the enumeration of things forbidden to be done in the present age, a time is implied when it did not exist. That second-marriage by women is practised in some of the lower castes is according to Hindu prejudices, no argument in their favor ; these castes being in many instances not within the contemplation of the law."

Arthur Steel in his Summary of the law and Custom of Hindu Castes, states, (in page 175) "among the Brahmins and higher castes in the case of the husband of the woman dying after marriage, though before the shanee has occurred, she is considered a widow and cannot re-marry." In page 170, he says, "among the lower castes, widows and wives under circumstances, are allowed to form the inferior contract termed *nikah*, *pat*, &c." Again in page 32, "the second-marriage of a wife or widow (called *pat* by the Marhattas and *Natra* in Guzerat) is forbidden in the present age, at least to twice-born castes : See Menu, C. Dig., 273. But it is not forbidden to Sudras B. S."

Macnaughten also says "second-marriages after the death of the husband first espoused are wholly unknown to the Hindu law ; though in practice among the inferior castes nothing is so common."

We have endeavoured to show that a fair and candid exposition of the Shasters, and the already received opinions

which are looked upon as authorities are opposed to the marriage of Hindu widows. We have come to this conclusion from an impartial consideration of the subject, and if in this we are mistaken we shall be happy to be corrected.

But it strikes us that if the social evils of this country are to be removed, the establishment of particular points as to whether they are allowed by the Shaster or not, cannot be productive of Substantial service to the cause. The *Shaster*, though written at different periods and embodying the results of considerable knowledge and experience, cannot be looked upon as the exponent of the *eternal and immutable* principles of right and justice in all its parts. It was written by human beings, and its inculcations, must be with reference to their *peculiar education*, predilections, *peculiar views* of things and the state of society in which they lived. It is possible that the legislation might have suited the age when it was made, but it cannot surely be intended for all the ages to come. The state of humanity is not stationary it changes—and with such changes, new features in the social system are discovered—new wants are created, new evils have to be checked, and the legislation which suits a nomadic, monastic or military life cannot well meet requirements of an industrial and social life. Whatever legislation there may be in reference to the social institutions of the Hindus should be judged by other texts. They are themselves well aware that the legislation of their sages on many subjects is not in accordance with the principles of right. They must know well that the legislation as to punishing the sudras for reading the Vedas or sitting with the Brahmins in the same bed is wrong, and has been but a dead letter. They need not be told that the legislation as to the penance for many acts done is not operative. Which then we ask is a better ground to stand upon—the authority of ancient codes which in many parts are at variance with justice, or the authority of the eternal, immutable, unmistakeable principles of natural reason and right, the standard of virtue which the Shasters profess to represent? It is possible that the authority of the Shaster, if rendered subservient to the

determination of a question, may be productive of immediate good results, but there can be no mistake that it will be on an insecure basis to be shaken by an ordinary blast, while the sanction of the moral principles rightly inculcated and applied, cannot but eventually triumph. They carry with themselves the seeds which slowly but surely germinate and when they fructify they weather every storm and stand firm with the might of an oak.

If our native friends are at all anxious to bring about social reforms, they must bear in mind that this can be most efficaciously effected by the diffusion of moral influence. The ancient writings may be ransacked—authorities collected, elucidations and illustrations given—the force of logic used, the subtleties of a dialectician displayed. But as long as the ground is not manured as long as the preparatory processes are not gone through as long as the labors of cultivation are not systematically attended to, the husbandman ought not to indulge in the expectation of reaping his harvest.

In Bengal there has been a great deal of talk, discussion and writing, on the subject of Widow Marriage, The arguments used on different occasions are almost the same. They refer to prostitution and abortion. We have reason to believe that there is a great deal of chastity among the widows in the middle class, though we do not deny that the above two evils prevail, but to what extent it is difficult to state, in the absence of statistics. Our native friends are also well aware that the state of coerced celibacy is an unnatural state whether it refers to man or woman - that this unnatural state does in no way promote domestic or social happiness, but is attended with unhappy results—that every being living in this unnatural state is precluded from being useful to society, and to all intents and purposes dies a social death—nor need we tell them that no country where women are degraded can socially and morally advance. We consider the deprivation of Hindu widows of the freedom to marry, an unjust prohibition, and is calculated to operate prejudicially on their elevation as *rational and moral beings*.

But the question as to the marriage of Hindu widows refers more to Hindu women than to men, and if Hindu women are to be freed from restrictions upon their freedom, and elevated, it is necessary that they should receive in the first instance the benefits of a good sound education. Now when we institute an enquiry as to what has been done for the elightenment of females, we find, that although their education has been carried on in some parts of Bengal on a limited scale, yet the results are not likely to be such as to lead to any immediate substantial reforms. The serious drawbacks on the education of females are, that if they are sent to a school they are withdrawn at an early age when they are married, and the elder females with whom they have to associate, being generally illiterate, do not at all sympathize with them, but, on the contrary, discourage them in the acquisition of knowledge. What may be learned at school or elsewhere is thus in many instances almost thrown away and lost.

We have recently advocated in the pages of this *Review*,* the *Zenana* education through English Governesses. This system appears to us to be well suited to the domestic constitution of the natives who are opposed to public education, on the ground that it is calculated to interfere with the exercise of "gentler virtues." One great recommendation in the *Zenana* system is that it throws the younger as well as elder native females upon the society of Christian ladies, which cannot but be improving to the former. We think that the habitual association of native females with good European Governesses will exercise a more healthy influence on the former, than a mere smattering of Bengali or English. Interesting conversations on subjects of practical are calculated to promote thought and enquiry and thus gradually, though insensibly, advance the cause of truth. At the same time, we hope, we will not be considered as in any way depreciating the utility of knowledge through books, which very often have to be converted into the staple of the conversation.

* See previous Number.

It is very much to be regretted that a good series of books in Bengali, specially intended for females, is still a desideratum. These books should aim more at *things than words*—they should contain lessons so arranged, as gradually to exercise the different faculties which it is necessary to develop, that the readers may possess a good judgment, right feelings, and above all, quiet but fervent piety. As yet no efforts of the kind have been directed. The temptation to imitation is so great, that before crawling is practised, running is thought of—before the reading book is gone through, the piano engrosses the mind. The change in the female mind is scarcely marked by any new phases, and if there be any passive change in ideas, it does not arise in the majority of cases from conviction; but from a spirit of compromise.

We are by no means surprized at such results. We know too well that the education of males has been, and is being still conducted in the Government institutions on erroneous principles. The principal characteristic of that system is CRAMMING. In every branch of instruction, memory is wonderfully exercised. The exercise of reasoning is not adequately carried on, and the manner in which the boys are generally taught does not force them to *think*. These are the leading features of the intellectual education. As to moral and religious education the result is *nil*. When the system of education is such, what influence can it have on those who receive it, or on the females with whom they associate? As an unhealthy effect of such education, we find in our native friends a want of earnestness in doing their best to secure a “happy home.” How few there are who habitually spend the evenings with their family in interesting and instructive conversation! Alas, the temptation for the bottle is so strong, that intellectuality and the play of the gentler emotions must succumb to sensuality!

Under such circumstances, we entertain serious doubts, as to whether any great social reform can be immediately effected. It is possible that the force of the present agitation, or the pressure of influence, may bring about one or two

marriages of widows, but when there is no good male education, using that word in its only true sense, when the females are so far behind, when the duty of raising them is no practically appreciated, where are the elements for sustained and continuous action ? It remains therefore to be seen whether the proposed innovation only requires an outlet, whether it will burst forth and roll on, meandering through fields and meadows and spreading fertility and verdure, or whether it will stand still, be checked in its career, and forced to recede. We shall be ageeably surprized if we are disappointed, but we judge of probable effects from well known causes.

A petition having been presented to the Legislative Council by a portion of the native community, headed by Baboo Joykissen Mookerjea of Bali, together with a bill for the removal of legal impediments to the marriage of Hindu widows, Mr. John Peter Grant introduced that bill in November last. He was supported by Sir James Colville and Mr. LeGeyt, Member on behalf of the Government of Bombay. The bill has not yet been read for the second time ; one petition from certain natives of Bombay, and one from the Rajah and a number of inhabitants of Krishnagore have since been presented in support of the bill, The orthodox portion of the community, at the head of which stands Rajah Radha-kaunt Bahadoor, have and a public Meeting, at which it was resolved to memorialize the Legislative Council, and Home Authorities, if necessary against Mr. Grant's bill, on the ground of its being a direct interference with the religious usages of the country. It does not appear that matters have since much progressed.

The bill in question consists of a preamble, and two sections, which appear to us to be defective. Section I. of the proposed bill is as follows :—"No marriage contracted between Hindus shall be deemed invalid, or the issue there of illegitimate, by reason of the woman having been previously married or betrothed to another person since deceased, any custom or interpretation of the Hindu law to the contrary not withstanding."

We regret to notice several important omissions in this section.

1. There is no definition of a valid widow marriage. When the existing law is diametrically opposed to such marriage, it is quite possible that the facts of the marriage may be often disputed in a Court of Justice, and the law should therefore define what would constitute valid widow marriage. The modes of solemnization may be left to the parties themselves, who will act according to their convictions, and with this the Legislature has nothing to do, but they are bound to law down what procedure would make the marriage valid.

2. Hindu girls are now married at the age of seven or eight and there are many who become widows at that age. The section does not state at what age they to be married. When the Government is about to legislate on the marriage of Hindu widows, they have a right to legislate in the best way they can. We are clearly of opinion that no widow ought to be married, unless she arrives at her majority. as it necessary that she should have a clear conception of her new sphere of life, and be able to act as a consenting or dissenting party in a matter so deeply affecting her interests.

3. We also fail to notice the absence of information on the following points, I., Can a widow marry at her own discretion or is the consent of her parents or guardian necessary ? II., Whether a widow can be married to a man who has already one or more wives living at the time. III., Whether she can be married to one who is of a different caste,

Sec. 2nd of the proposed bill declares all rights and interests, which any widow may by law in her deceased husband's estate, either by way of maintenance, or by inheritance, shall upon her second marriage, cease and determine as if she had then died, and the next heirs of such deceased husband then living, shall there upon succeed to such estate, provided that nothing in this section shall affect the rights and interests of any widow in any estate or other property, to which she may have succeeded or become entitled under the will of her late husband, or in an estate or other property which she

may have inherited from her own relations, or in any stridhun or other property acquired by her, either during the life time of her late husband or after his death.”

The objections to this section are—

1st. That it would punish the widow by entailing on her the forfeiture of her interest in her deceased husband's property if she married, while she would be protected under the *lex loci Act* in the enjoyment of that property if *she led an immoral life*.*

2nd. If a Hindu widow, renounces her religion and marries, her civil rights are not affected, because of *lex loci Act*, but if continuing a *Hindu*, she marries, she forfeits her rights. This clearly amounts to a punishment for her adhering to a religion, which she conscientiously believes to be true. It affords us pleasure to state that another petition embodying the above views, and submitting a sketch of marriage act, is shortly to be submitted by a section of the native community, and we sincerely hope that it will receive that attention which its importance warrants. We really think that the legislation on the subject of widow marriage ought to be on sound principles—on principles which may give full justice to the Hindu woman, and conduce to the establishment of her identity.

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* Doe dem Saummoney [Dosssee, vs. Nemychurn Doss, Bell and Taylor's Reports of the Supreme Court, Calcutta. Vol. 2, p. 300.



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