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Reflections on the Āṛsa and Āsura forms of Marriage

By

J. GONDA, *Utrecht.*

It is by now almost needless to recall what has repeatedly been said, to wit that the West has often failed to understand facts and phenomena forming part of the vast provinces of Indian antiquities and Indian culture in general. This was not only due to the distance from Europe to India and the scarce and slow communications between them for many centuries, but also mainly to the wide divergent cultural development which both parts of the world had gone through. When, one or two centuries ago, an intimate contact between India and the West was established, the European civilization had, in the course of time, disintegrated to such a point that religion, philosophy, art, science and social and political life had come to be almost independent provinces, that men of letters, artists, scientists could pursue their occupations without being in touch with the other spheres of thought without even troubling themselves about religion or a philosophy of life. Moreover, the one-sided rationalistic outlook of Western science, and in the 19th century the prevalence of evolutionary and analytical methods largely prevented western scholars from gaining an adequate insight into phenomena forming part of a more or less integrated civilization, into a religion, a philosophy, a literature, art and science in which rational and other elements were inextricably mixed up and which in their way formed a harmonious unity. It is only within the last century that cultural phenomena—and this term does not exclude those bearing upon the civilization of the West—have come to be studied by more comprehensive methods of observation and investigation which seem to enable us to gain a more adequate insight into the objects of our efforts.

Yet, it is a curious fact that the direct study of Indian culture has, as far as I can see, contributed but little to deepening the knowledge of the manifestations of human culture in the West. The study of the so-called primitive societies, of the religion, art, science and literature of those many peoples spread all over the earth which are primarily studied by anthropologists, modern currents in philosophical and scientific thought, a renewed interest in objects neglected by the previous generations, have had a greater share in bringing about this advance on the older views than a renewed examination of the history and the character of Hinduism. It may even be said that the branches of Indological science in the West have profited by the results of modern research in the domains of anthropology, history of religions and similar subjects of learning.

Considered as a whole Western science has taken too little interest in things Indian, leaving them to specialists who often misinterpreted them because their Western environment and education had not equipped them for thorough understanding. Although many books dealing with anthropology, linguistics, the history of religions and so on begin by stating that they are concerned with the history of human society, with languages, arts, religions in general, the sixth part of mankind which lives—and perhaps always lived—in India does not as a rule proportionally arrest the attention of the authors. It is a great pity that in many scientific books such an important and interesting part of the world as India is, was not, or was only incidentally, drawn into the discussion. Many problems in the fields of linguistics and philology, history of art or history of religions could in an effective manner be elucidated and brought nearer to a solution if the Indian data were duly taken into consideration. Books dealing with social, religious and other phenomena could have greatly profited by making more room for the immense mass of material available in Indian records. Many people in the West are much interested in the ancient Egyptians who were, indeed a highly interesting people, but have gone for ever,—or in the petty communities of so-called primitive peoples who can, it is true, teach us many highly important facts with regard to the history of human society, but who have not contributed much to the progress of civilization and are now dying rapidly. It is much to be hoped that the few students of Sanskrit and Indology in the West will soon succeed in convincing their fellow scientists of the necessity to widen the circle of their interests and to go more deeply into the study of the various aspects of the rich and age-old Indian civilization, which is alive and has much advanced the cause of human development.

It is, therefore, no wonder that there have been, and still are, in Europe many persistent misunderstandings with regard to manifestations of Indian life. Nor is it surprising either that until this day the discussion of many problems and questions has got entangled by the mistakes and misinterpretations of our predecessors. Their very terminology often misled. By styling the *Mānavadharmasāstra* a law-book, the *Bhagavadgītā* a didactic poem, the *Upaniṣads* philosophical texts, they induced their readers to picture these works as European law-books, didactic poems and philosophical works and to estimate their character according to European standards. These misconceptions have left many traces until the present day.

One of the institutions which have occasioned many misapprehensions in the scientific world of the West concerns the way in which other peoples have contracted marriages. Certain preconceived evolutionistic ideas with regard to the 'history' of marriage for one thing, led Western scholars to

exaggerate the importance of the so-called marriage by capture¹. There are, of course, examples of the *rākṣasa* marriage, the essence of which is the forcible carrying away of a girl, in India as well as in Europe or in other parts of the world. But it is highly questionable whether there were any tribes in which this form of getting a wife was ever the sole recognized formality and it is not possible to consider with Leist², Schrader³ and Jolly⁴ the so-called marriage by purchase, a continuation of the marriage by capture, on the strength of presumed reminiscences of the latter form in the ceremonial of the former. Nor has the character of the 'marriage by purchase' always been sufficiently understood either. It would appear to the present author that for a large part of the often unconvincing remarks and unsatisfactory comments made in connection with the ancient Indian forms of marriage, especially with the *ārṣa* and *āsura* forms in their mutual relations, a lack of insight into the essence of marriage ceremonial as conducted in olden times must be held responsible. When the statement made by Megasthenes⁵ that brides were purchased from their parents for a yoke of oxen, was made an argument in the discussion of the vexed problem of the character of the so-called bride-price, the fact was not duly taken into consideration that the Greek author was, it is true, not only a much interested observer who, no doubt, described the actual conditions as witnessed by him, amplifying his data by the more or less theoretical and haphazard information gathered from Indians, but at the same time lacked the deeper insight into the connections between the facts and into the conditions underlying them. He was a keen, hard-headed and rationalistic Greek who did not always interpret the facts correctly and was far from being congenial to Indian customs, institutions and mentality⁶. It did not occur to him that anything presenting itself as a purchase could be, or could also be, of a non-economic order. Many Western scholars have followed him in considering any so-called marriage by purchase as a purely commercial acquisition of a wife by the payment of money or its equivalent, and also those scholars who preferred to speak of 'a sort of sale' tended to the opinion that certain customs to which we shall have to revert, point back to an earlier period when the

1. See Winternitz, M.: Das aktiedische Hochzeitsrituell nach dem Āpastmbīya-gṛhya-sūtra..., *Denschr. Akad. d. Wiss.*, Wien, 40, (1892), Index (p. 112), s.v.

2. Leist, B. W.: *Altarisches Ius gentium*, Jena 1889, pp. 126 and 130.

3. Schrader, O.: *Sprachvergleichung und Urgeschichte*, Jena 1906, p. 321; Schrader, O.—Nehring, A.: *Reallexikon der indogermanischen Altertumskunde*, Berlin-Leipzig 1929, p. 216.

4. Jolly, J.: *Recht und Sitte (Grundriss der Indo-Arischen Philologie und Altertumskunde)*, Strassburg 1896, II, 8, p. 50.

5. Megasthenes: *Indica*, quoted by Strabo, *Geography*, 15, 1, § 54, p. 709.

6. See Timmer, B. C. J.: *Megasthenes ou de Indische maatschappij* (M. and Indian Society, with a summary in German), Thesis Amsterdam 1930, pp. 299 ff.

sale of daughters was actually allowed⁷ or that the *ūr̥ṣa-vivāha* had become only a sham (Scheinkauf⁸) already in the society depicted by the *Gṛhya-sūtras*.

We should, however, put the previous questions as to the character of, first, purchase, sale and commerce in general, and, secondly, marriage formalities in the society under discussion.

Trade in the sense modern men attach to the word, i.e. the business of buying and selling commodities with a view to profit, is primarily and largely an economic mechanism, although it may have a secondary social function. In other societies, where the manner of conducting it can differ considerably from one group to another, profit is often a less important factor; there are, moreover, all over the world various forms of exchange which cannot properly be called trade. Among peoples to whom property means something different from what it means to a modern Western business-man (as long as he does not want to be ostentatious), its value mainly lying in its social and ceremonial aspects, the exchange of goods is, if not obligatory, demanded by prestige, or a means of maintaining the ceremonial observances of the community, contracting a friendship or entering into various other relationships. Although the economic aspect is not wanting and can even be important, these relations and the social side are considered to be of much greater value than the material profits⁹. It may probably be regarded as a corollary of this view when Indian authors on *dharma* (cf. *Mānava Gr.-Sū.* 1, 7, 7) prescribe that one should give up wealth as a motive for marrying a definite girl rather than relationship.

One of the forms of this exchange, and a very important one, is the so-called marriage gift or bride-price. This institution which as a rule carries in its wake a whole complex of consequences in the structure of the society concerned, does not necessarily involve the concept of woman as merchandise, although the return for the payment must be re-defined for each community the very occurrence of 'counter-payments' already shows the non-commercial character of the bride-price¹⁰. From the purely economic point of view these bride gifts (the character of which as a rule is traditional) are, indeed, often meaningless, since they usually entail certain claims upon the family of the bride, so that, after all, neither party derives real material

7. Hopkins, E. W. : *The Cambridge History of India*, I, 1922, p. 234.

8. Jolly, *op. cit.*, p. 52.

9. The reader may be referred to Boas, F. : *General Anthropology*, Boston 1938, pp. 364f. ; 387 ff. ; 397 ff. ; Goldenweiser, A. : *Anthropology*, New York 1946, pp. 152 ff. ; Kaj Birket-Smith : *Geschichte der Kultur*, Zürich 1946, pp. 182 ff.

10. A short survey is given by Boas, *op. cit.*, pp. 383 ff.

profit¹¹. Yet it would be rash to call the institution useless. Apart from its being a means of acquiring prestige and generating mutual responsibilities and goodwill, it serves to legalize the alliance¹² and has, as such, a sacred character. Far from being conceived as a payment for the girl, the gift affirms, or helps to affirm, that she is not a concubine or a slave.

To the gift, indeed, a mystic power is attached which establishes community; giver and receiver participate in the gift and, therefore, in each other. The man who gives places himself in relation to the man who receives; the man who receives unites himself to the man who gives; the accepted gift often binds. The act of giving consists in 'conveying something of oneself to a strange being, so that a firm bond may be forged'¹³. 'The only gift,' Emerson says¹⁴, 'is a portion of thyself. Therefore, the poet brings his poem; the shepherd his lamb; the farmer, corn', and we would add, the ancient Indian, his cow.' The gift is powerful, it has binding force, and the man who receives, or buys, acquires something of the giver's, or seller's being together with the object transferred. It would, therefore, be dangerous if he did not return the gift, if he did not enter into a relation of exchange¹⁵. These are the reasons why most peoples make a strong protest against regarding the gift of a 'bride-price' as a profane commercial transaction. Although the Toradjas (Celebes) speak of a bride-price, they never concede that they buy their wives¹⁶.

The Indians have always been aware of the sacred character of the gift. In connection with the *dakṣiṇā* they rightly object to such translations as 'fee' or 'remuneration' being used by Western authors. The *dakṣiṇā* is of a sacred character. 'Let there be no bargaining as to *dakṣiṇā* for by doing so the priests are deprived of their place in heaven' (SB. IX, 5, 2, 16); 'it is the

11. See e.g. Hogbin, H. J. : Polynesian ceremonial gift exchanges, *Oceania*, III (1932-33), pp. 13 ff.

12. See e.g. the detailed and instructive description of marriage exchanges in an African community given by Hulstaert, G. : *Le mariage des Nkundó*, Brussels 1938, pp. 105ff.; Radcliffe-Brown, A. R. and Forde, D. (editors) : *African system of kinship and marriage*, Oxford 1950, *passim*; Held, J. : *De Papoeas van Waropen*, Leyden 1947, pp. 94 f. (in Dutch); Nooteboom, C. : *Oost-Soemba The Hague* 1940, pp. 102 ff. (in Dutch),

13. Leeuw, G. van der ; *Religion in Essence and Manifestation*, London 1938, p. 351.

14. Cited by G. van der Leeuw, *loc. cit.*

15. The reader may be referred to Mauss, M. : *Essai sur le don, forme archaïque de l'échange*, in *Année Sociologique NSI*. Paris 1925; Bertholet, A. : Der Sinn des kultischen Opfers, *Berlin Academy* 1942; Fischer, H. Th. : *Der magische Charakter des Brautpreises*, in *Weltkreis*, III, 1932, pp. 65 ff. and the books mentioned by Van der Leeuw, *op. cit.*, p. 360.

16. See, e.g., Kruyt, A.C. : *Koopen in Midden-Celebes*, *Amsterdam Academy* 1923, p. 26 (in Dutch); Radcliffe-Brown, *op. cit.*, pp. 46 ff. and *passim*; *Reallexikon der Vorgeschichte*, herausgegeben von Ebert, M. V., Berlin 1926, p. 251.

glory (: *yas'as-*; *id.* XIV, 1, 1, 32), healing medicine (*id.* XII, 7, 1, 14)'; 'based on faith (: *s'rāddhā* ; *Bṛh-Up.* III, 9, 21)'. Without it the sacrifice is not complete. The teacher and the pupil under instruction are, likewise, connected by ties of spiritual relationship which exclude the acceptance of a remuneration on the former's part. A teacher selling knowledge as an article of merchandise is condemned as being guilty of a sin¹⁷. 'The giver and the recipient alike must give and receive in a religious spirit, and as performing an obligation both sacred and pleasant'¹⁸. Hence it follows that the gift (*gurvartham*) offered to the teacher after the period of formal pupilage had been brought to a close (cf. *Āsv.-Gr.-Sū.* III, 9, 4; *Manu* II, 245) cannot, in modern parlance, be called a fee. As it would be out of place here to insist on this point, we shall wind up these considerations by stating that in our opinion this dislike of fees and remunerations under certain circumstances and the repugnance, in the texts on *dharma*, for the *saulka*-marriage and for calling the gift of a cow and a bull at the *ārṣa* wedding a *sulka* or a payment result from the same mode of thinking¹⁹.

Some scholars have, like Hopkins²⁰, quoted Manu's verdicts in connection with *ārṣa* and *āsura* forms of marriage as an example of self-contradiction. Now there is, to my mind, no denying that the *dharmasūtras* have repeatedly expressed themselves in a rather vague and general way: the later commentaries are, in places, far from agreeing with each other; nor are contradictions wanting either. But I am all the same convinced that many of these so-called contradictions will disappear as soon as the text is correctly interpreted: such investigations as those contained in the bulky *Rechtsschriften* by Meyer²¹ have already thrown much light on various obscure passages. Manu's 'code', Hopkins argues, whilst repudiating the sale of a daughter in some passages (III, 51 ff., IX, 98) evidently retains it as an old custom in other parts (VIII, 366; IX, 97).

We may, however, ask ourselves whether we do justice to Manu's work if we wrench these passages out of their context. As the 3rd *adhyāya* minutely and systematically deals with the householder, marriage, the daily rites and the *s'rāddhas*, we may expect to find there the author's opinions on

17. See, *inter alia*, Jolly, *op. cit.*, 32 and 54; Mookerjee, R.K.: *Ancient Indian Education*, London 1947, pp. 202 f.

18. Lajpat Rai: *The Ārya Samāj*, London 1915.

19. The above conceptions also go hand-in-hand amongst other peoples. In the island of Bali, for instance, the bride is 'purchased', though the trousseau or dowry bestowed upon her is, as a rule, much larger than the 'price' paid for her; the Balinese are, on the other hand, reluctant to receive payment in cash for services rendered. See Korn V. E.: *Het adatrecht van Bali*, Leyden 1924, pp. 368 and 500 (in Dutch).

20. Hopkins, E. W.: *The Cambridge History of India*, I, 1922, p. 291.

21. Meyer, J. J.: *Über das Wasen der altindischen Rechtsschriften*, Leipsic 1927.

the point under discussion in their purest form. He there explicitly declares that no father who knows (the *dharma*, with regard to this point: *dhana-grahaṇa-doṣajñah*, Kullūka) should take even the smallest price (*sulka*-) for his daughter; if he takes a price through greed he becomes the seller of his offspring (III, 51, cf. also the next stanzas). In VIII, 204 Manu is, however, discussing recovery of debts, deposits, sale, partnership, subtraction of gifts, non-payment of wages, non-performance of agreement and similar topics which, though, of course, admitting of being studied from the point of view of *dharma*, correspond, in a manner, to our modern commercial and labour law. 'If one girl has been shown to a prospective bridegroom and another is given, he may marry them both for the same price'. Bühler²² is, in my opinion, not quite justified in calling this rule 'rather astonishing after what has been said in III, 51, ff.', though he is, no doubt, right in adding that 'it proves that wives were purchased in ancient India'. We must take into consideration that the author here discusses gifts, sales, performances, etc. from the point of view of honesty (compare the preceding and following stanzas). Stanza 204 must be explained in such a way that the first girl mentioned is 'irreproachable' (*niravadyā*, Kullūka), the other deformed. Manu does not deny the existence of the 'purchase of a bride', of the *sulka*-marriage; he only forbids the man who wishes to adhere to the correct *dharma* to enter into such an affair. In VIII, 204 he regards as merchandise or as a delivery what people, in his eyes, treat as such. Kullūka is quite right in his comment: because this topic has the same nature as the buying and selling of objects, the gift of the girl after taking the *sulka* having the character of a sale is dealt with in this connection. As to the stanzas IX, 97 f., they might perhaps be interpreted like this: 'If the giver of the price die after the price for the girl has been paid, she shall be given in marriage to his brother, if she is willing; <but strictly speaking and from the only correct standpoint, according to the *dharma*>even a *sūdra* should not accept a price in exchange for his daughter'. In the former stanza the author who is discussing the duties and mutual relations of husband and wife, takes into account a custom which apparently existed and tries to give it a more civilized character. But he makes haste to add the ideal, the correct point of view (see also Kullūka's commentary).

The last text quoted by Bühler, VIII, 366, forms part of a pericope on illicit intercourse etc. Here the question arises whether we may not interpret Manu's words 'a man who has intercourse with a girl of equal class shall pay the price, if her father consents (and marry her, Kullūka)' like this: 'this man shall not suffer corporal punishment (cf. 364 and 366), but rather than letting matters take their own course the *saulka* usage of low classes should be recommended, however incorrect it may be in itself'. We should not

22. Bühler, G.: *The Laws of Manu translated*, SBE 25, Oxford 1886, p. 291.

forget that the correctness viewed by Manu in the first place is the concern of the higher classes, i.e. of the twice-born men.

Now it is interesting that in III, 53 Manu protests against calling the yoke of oxen presented at an *ārṣa* wedding²³ a *sulka*. 'Some call the cow and the bull (given) at an *ārṣa* wedding a 'price' (*sulkam*); that is wrong, since (the acceptance of) a gratuity; be it small or great, is a sale (of the daughter)'. The *Mahābhārata* (XIII, 45, 20) which expresses itself with the same words adds that 'notwithstanding the fact that some persons practice this, (i.e. the sale of their daughters) it cannot be conceived *dharmah sanātanaḥ*'. Yet, the presentation of a *gomithunam* is, also according to Manu himself (III, 29), the characteristic of the *ārṣa* rite, and the only conclusion must be that at least in the opinion of this authority and of those who agreed with him there was an essential difference between this presentation and a *sulka*. The former was based upon, or at least compatible with, their conception of *dharma*; the latter was contrary to that, and, therefore, considered a commercial transaction²⁴. In harmony with this view Jaimini (VI, 1, 10 ff.) declares that the gift of a hundred cows with a chariot is not for purchasing a bride, but only a matter of duty; it must be offered as a present²⁵.

What, then, was the essence of such a presentation conforming to the conceptions these authorities had formed of *dharma*? Kullūka puts it into these words (*Manu* III, 53; cf. 29) '(such a presentation takes place) as an act of *dharma* in order to attain complete success of the sacrificial ceremonial which is necessary for the success of the *ārṣa* wedding, or in order to give it to the girl'. In the first interpretation the similarity of character between this gift and the *dakṣiṇā* is remarkable: 'a sacrifice without a *dakṣiṇā* can never lead to salvation' (*MBh.* XII, 79, 11); by the *dakṣiṇā* the sacrifice becomes perfect-and-successful (*SB.* II, 2, 2, 1f.)²⁶.

There can, in my opinion, be no doubt that the presentation of cattle formed part of a complex of ancient customs or, rather, ritual in connection with the solemnization of a marriage. In the *Iliad*, 11, 244, it reads: first he had given a hundred head of cattle (to the father of his bride-to-be), and the Greek word *alphesiboios* 'who yields her father many oxen as presents from

23. Cf. *Manu* III, 29 'a cow and a bull or two pairs'.

24. See also Kullūka (*Manu* IX, 53):

शास्त्रनियमितजतिसंख्याकं ग्रहणं न शुल्करूपम्...भोगलोभेन तु धनग्रहणं शुल्करूपम् अशास्त्रीयम् ।

25. See Ś'abara's comment 'What is called *kraya* is a mere modality; it is no purchase-price, but, surely, a gift'.

26. See also my treatise '*Notes on Brahman*', Utrecht 1950, p. 25f. Other views are discussed by Kullūka (*Manu* III, 53).

her suitor' is a well-known epithet of an Homeric girl²⁷. The Roman historian Tacitus in his *Germania*, 18, furnishes an account of a similar practice known to the ancient German communities, and a traditional bride-price was formerly also widely known among the peoples who inhabited the east of Europe, the Slavs and the Balts²⁸.

I do not, however, believe that Hopkins²⁹ is right in his opinion that 'it was an old provision that a fee or price (a yoke of oxen) should be paid to the father, and though this was softened down to a 'fee' or 'tax' (*sulka*-), yet the advanced code objects formally to this business transaction³⁰. The *sulka* was not a 'soft' form of purchase; in the eyes of those who clung to the traditional customs of the civilized classes it was just a commercial transaction. Their customary and ceremonial *kṛayāḥ* (cf. *Vās. Dh-Sū.* I, 36 : *tasmād duhitṛmate'dhiratham satam deyam itīha kṛayo vijñāyate*) were, in their opinion, of a non-commercial character: 'What is called *kṛaya-* is mere modality, there can be no doubt that it is a gift (and not a real purchase)' (Sabara, on *Jaimini Mīmāṃsāsūtra* VI, 1, 15).

We now come to a short discussion of these terms. The word *sulka* is, no doubt, of non-Aryan origin. It usually—and also in *Manu* and other *Dharmasāstras*—refers to money levied at ferries, passes and roads, or other tolls, customs or taxes³¹. These taxes or customs were to be paid by those who travelled for commercial purposes or who when being on a journey, made use of a ferry etc.; a considerable part of them were, I think, foreigners in the locality where the tax was levied. Other revenues of the king are designated by other words, though the terminology is rather vague. Whether this meaning was original or not, *sulka* certainly was neither a price nor

27. See also Magnien, V. : *Le mariage chez les Grecs*, in *Mélanges Cumont*, 1936, pp. 305 ff.

28. For the sake of brevity I refer to Schroeder, L. von : *Die Hochzeitsgebräuche der Esten und einiger anderer finnisch-ugrischer Völkerschaften in Vergleichung mit denen der indogermanischen Völker*, Berlin 1888; Pipek, J. : *Slavische Brautwerbung und Hochzeitsgebräuche* Thesis Munich 1913; Schrader, O. : *Reallexikon der indogermanischen Altertumskunde*, Berlin Leipsic 1917-1923, I, pp. 161 ff., and 470 ff., and by the same author, *Sprachvergleichung und Urgeschichte* 3, Jena 1907, II, pp. 322 ff.

29. Hopkins : *The Cambridge History of India*, I, p. 291.

30. As early as 1885 Feer, L. : *Le mariage par achat dans l'Indearyenn*, *Journal Asiatique* VIII, 5, pp. 464 ff. pronounced the opinion that the *āsura* marriage represents the original marriage by purchase, the *ārṣa* ritus, on the other hand, that form in which it had, in the course of time, come to be admissible to those who set value on a regular wedding. I cannot agree with this view either. It goes without saying that Feer's verdict in connection with the exposition of the *dharma* texts : 'En célèbrant Le mariage *ārṣa* et en dénigrant le mariage *āsura* on retient d' une main ce qu'on repousse de l' autre', is, to my mind, not correct

31. For particulars see, e.g., Meyer, J. J. : *Das Altindische Buch vom Welt- und Staatsleben*, Leipsic 1926, pp. 217 f; Jolly, J. : *Recht und sitte*, pp. 110 f.

a sale or purchase in the modern sense of the word, nor an exchange in the sense we discussed above. The special meaning 'wages of prostitution' which is easily explicable in itself has no bearing on regular and ceremonial relations between partners or members of the same community either. In the few passages where the sense of 'purchase-money' has been admitted (*RV.* VIII, 1, 5 'We do not sell thee, O Indra, even at a large *sulka*'; VII, 82, 6) the word may have had an emotional value or special connotation which we fail to discern, the stanzas being not very clear³². May we conclude from this that the *sulka* paid at an *āsura* wedding was considered by those who first used the word in this connection as a sort of tax?³³.

The word *kraya-* on the other hand denoted a purchase characterized by due observance of forms and custom. It even admits of a sacral use. Thus it is often found in connection with the buying of soma, the well-known introductory act of the soma sacrifice³⁴ (e.g. *SB.* III, 3, 2, 10; IV, 6, 8, 6). The 'price' for which the soma is 'bought' is, again a cow, called the *somakrayanī* 'who serves as the 'price' of the soma plants'; there are, also, additional 'prices' of a traditional character (a goat, gold, a bull, an ox etc.). They are, however, called *vayāmsi* (cf., e.g., *SB.* III, 3, 3, 3) which may, perhaps, be rendered by 'oblations consisting of or representations of, vigour, power, force (meant to serve as a compensation)³⁵. What happens is no real purchase of the soma in the commercial sense of the word; it is a ritual act, at the end of which the pretended 'price' is taken away from the pretended seller. It does not seem too rash to assume this sacral, non-commercial sense of the Indo-Eur. root *kurei-* to which the Skt. *kraya-* belongs, already for the pre-historic use of its derivatives, for among them are, in the Celtic branch of Indo-European as well as in the Balto-Slavonic languages, words for the bride-gift: Ancient Lithuanian *krieno* (gen.); Lettic *kriens* 'presentation given to the bride', which in ancient Europe was not a purely commercial transaction

32. Should we translate 'barter away' rather than 'sell'?—Many authors have taken 'Indra' as an image of the god; Miss S. Kramřich, however, prefers 'Indra's banner' (in '*Art and Thought*', issued in honour of A. K. Coomaraswamy, London 1947, p. 200.—*MBh.* I, 190, 4 the word *sulka-* stands for 'an (additional) prize of a contest'.

33. It may be observed in passing that, whereas, on the one hand, making a bargain with the father of the girl is a characteristic of the *mānuṣya* and *āsura* wedding (cf. also *Vas.* Dh. Sū. I, 35 and Bühler's note, *SBE.* XIV, p. 7), it is, on the other hand, expressly declared (*Manu* III, 54) that there is no sale when the relatives do not appropriate the *sulka*.—In emphasizing that the gift, then, is a means of showing respect for the girl *Manu* is in perfect harmony with the principles recognized by other peoples (see, e.g., Boas, *op. cit.*, p. 383).

34. The reader might be referred to Caland, W. et V. Henry, : *L' agniṣṭoma*, Paris 1906, pp. 27 ff. and especially pp. 43 ff. ; Hillebrandt, A : *Ritualliteratur (Grundriss III, 2)*, pp. 126f.

35. On the neuter nouns in *-as-* see my book '*Ancient-Indian ojas, Latin augos and the Indo-European nouns in -es-/-os,*' Utrecht 1952 pp. 46 ff.

either. The non-economic sense was, moreover, not foreign to other old Indo-Eur. terms within the same range of meaning³⁶.

Yet the idea expressed by the root $\sqrt{krī}$ could evidently also be taken as bearing upon more or less purely commercial transactions : *Baudh-Dh-Sū.* (I, 11, 20 f.) quotes two verses in which it is declared that the woman who is purchased with objects of possession (*kritā dravyeṇa* ; we may, I think, supply 'other than the *gomithunam*' ; the word *dravya-* also implies 'money'³⁷) cannot pass for a legally wedded wife ; she is not (to be associated with the householder) in rites for the gods and the deceased and Kas'yapa declared that she is a slave girl. It is, however, apparent from the next verse that his denunciation of such an alliance is directed against the sinners who give their daughters in marriage for a *sulka*.

In ancient India, which was a melting-pot of various peoples, the formalities in connection with marriages must have varied to a considerable extent among different communities (peoples, clans, families)³⁸. Even to-day a variety of ceremonials, characterized by a vast number of minute observances has persisted³⁹. What was, and is, customary in one community, could or can

36. See Benveniste, E. : Don et échange dans le vocabulaire indoeuropéen in *L'année sociologique, 3me série* (1948-49), Paris 1951, pp. 7 ff. This author does not discuss the root $\sqrt{krei-}$. As to the character of the bride-gift in ancient Europe see also Kummer, B. : *Handwörterbuch des deutschen Aberglaubens*, herausgegeben von H. Bachtold-Stäubli, I, Berlin-Leipzig 1927, pp. 1525f., who, *inter alia*, remarks : 'Der Brautpreis kann im Altgermanischen, wo jeder Gabentausch innerlich bindende Kraft hatte, nur die nötige Gegenleistung der Sippe des Bräutigams zur vollendung des mit der Verlobung bedingten Sippendündnisses gewesen sein'. Neckel, G. : *Altgermanische Kultur*, Leipzig 1925, p. 45 likewise states : 'Es kann also nicht davon die Rede sein, dass der germanische Vater seine Töchter an die Schwiegerväter verhandelt habe, Mauss M. : Une forme ancienne de contrat chez les Thraces, in *Revue des études grecques*, XXXIV, Paris 1921, pp. 388 ff. ; Krauss, F. S. : *Sitte und Branch der Südslaven*, Vienna 1885, pp. 272ff., who dwells on the fact that the so-called marriage by purchase is not a commercial transaction ; Sokolov, Y. M. : *Russian Folklore*, New York 1950, pp. 207 ff. ; Thurneysen, R. : *Studies in early Irish Law*, Dublin-London 1936, pp. 109 ff., esp. p. 113 and p. 123 : an Irish girl, too, yielded her father many oxen but if her family did not give traditional presents in return, the wedding was second rate.

37. Cf. *Āsṣv. Gr-Sū.* I, 6, 6 धनेनोपतोष्योपयच्छेत स आसुरः, गोमिथुनं दस्त्रोपयच्छेत स ऋषिः ।

38. Cf. *Āsṣv. Gr-Sū.* I, 7, 1 अथ खलुञ्जवचा जनपदधर्मा ग्रामधर्माश्च । तान् विवाहे प्रतीयात् ।

39. See e.g. Bose, S. Ch. : *The Hindoos as they are*, London-Calcutta 1881, ch. V ; Elwin, V. : *The Bondo Highlander*, Oxford, 1950, p. 92 'The boy's father makes a formal presentation and adds one rupee as a token of payment of the bride-price' (this bride-price consists in cattle, grain or cash) ; Hutton, J. H. : *The Sema Nagas*, London 1921, p. 238 ; Fuchs, S. : *The Children of Hari*, Vienna 1950, p. 134 'Generally the bargaining takes a long time. The usual amount of a bride price ranges from Rs. 30 to Rs. 40. The father of a boy or, if he, is not a good speaker, a relative asks : 'How many rupees do you want for the girl? Koppers, W. : *Die Bhil in Zentralindien*, Vienna 1948, p. 132, and many other books.

be foreign to another. What was customary among non- or half-Hinduized communities was, no doubt, often not approved of in a civilized state of society. Our sources record examples of special hereditary customs. In the *Mahābhārata* (I, 113, 9 ff.) Śalya, the king of Madra purposes to sell his sister because it is the custom in his family, which is the highest criterion of conduct, and which, right or wrong, cannot be neglected. This fact, he adds, is no doubt known to the suitor and to other people. He is upheld by Bhīṣma (the representative of the bridegroom-to-be) who even declares that the sale is justified by Svayaṃbhū himself and by those who know the correct conduct. Thereupon he gave Śalya coined and uncoined gold, precious stones, elephants, horses and carts, clothes, ornaments etc., who then married off his sister decked with ornaments. Kṛṣṇa's family on the other hand was not 'mercenary', or, as the Epic (I, 221, 3) has it, not 'greedy of wealth' (*arthalubdhā*): 'who would approve of accepting a bride in gift as if she were an animal?'

Although Hopkins⁴⁰ is no doubt right in saying that the very denunciation which is frequent—of the *saulka* marriage proves its prevalence, it would appear to me that from this information which we can derive from the texts, it should not be inferred that the forms of marriage and the various rites and ceremonies connected with the solemnization of this union were judged by the same standards among all clans, orders, peoples, castes and other components of the population. What was ancestral custom and perfectly regular in the eyes of one of these manifold groups, could be offensive to another. While many people had no objection to the *āsura* rite, the representatives of another standpoint felt dislike for a celebration involving the presentation of bride-gifts other than their own time-honoured cows or oxen. The authorities on *dharma*, of course, viewed these facts from their own particular standpoint. In expounding the *dharma* for human society in general, and in harmonizing and systematizing the manifold customs and traditions, they applied the standards of their own tradition. They considered less worthy the kind of marriage implying a gift which in their view was a fee or a purchase price⁴¹. But they did not always concur as to particulars, e.g. with regard to the question as to whether the *āsura* wedding, though not

40. Hopkins, E. W.: The social and military position of the ruling caste in ancient India as represented by the Sanskrit Epic, in the *Journal of the American Oriental Society*, XIII (1889), p. 346.

41. It may be added for the sake of illustration that in modern Africa, where the cattle which is often to constitute the marriage gift, is by no means regarded as a purchase price, a legal form of marriage without cattle is also found. The status of those who marry in this way is, however, much lower than the status of those who married with cattle. As a rule the less honourable alternative to marriage with cattle was marriage by service. For particulars see Radcliffe-Brown and Forde, *op. cit.*, p. 121. For an exposition of the use of cows as so-called means of payment see also Laum, B.: *Heiliges Gold*, Tübingen 1924, ch. I.

regarded as commendable, but evidently not always conflicting with *dharma*, was allowed to every class of society⁴².

Let us finally discuss some other texts in connection with this subject. The relevant passage in Āpastamba's *Dharmasūtra* (II, 13, 11f.) is of special interest because it gives evidence of a well-considered standpoint. 'There is no gift and the incidents of purchase with regards to one's children. In marriage the gift to be made to him who has a daughter in the words of the Veda 'therefore one should give a hundred (cows) besides a chariot to him who has a daughter and that (gift) should 'be made inverted' (i.e. returned, undone⁴³)' is due to a special desire (*kāmya*-) and done for the sake of *dharma* (i.e. not as a commercial transaction). The word 'purchase' (*kṛayas'abda*) used in this connection is merely figurative, since the personal connection (by marriage) arises from *dharma* (and not from the transfer of possession)'. Hopkins' comment⁴⁴ 'that the gift must be returned as a sale is not allowed—which only points back to an earlier period when the sale of daughters was allowed' may lead to misunderstandings. There are other such passages which make us believe that the particular *dharma* of some community or other required a transaction which would impress a modern mind as a sham: see Govinda's commentary on *Baudh-Dh-Sū.* I, 20, 4⁴⁵: '...the bridegroom shall give to him who has power over the maiden a bull and a cow, and receive them back together with (the bride)'. An interesting custom is described in the *Mānava-Gr-Sū.* I, 8, 7: 'The giver (this term must refer to the varaka⁴⁶) scatters handfuls of gold with the words: 'You, for the sake of wealth', and the receiver (i.e. the bride's father) scatters them back to him with the words: 'You for the sake of sons'. Referring, for a discussion of this subject as dealt with in this sūtra, to the commentary by my sometime pupil Dr. Dresden,⁴⁷ I would, for the time being, uphold the view presented by Caland

42. See e.g. *Manu*, III, 22 ff. and Bühler's note; Hopkins: *Position of the Ruling Caste*, pp. 358 ff.

43. Other translations have been proposed, e.g. Kane, P. V.: *History of Dharmasāstra*, p. 504: 'should be made to belong to the (married) couple'. Cf. also Bühler, G.: in SBE, II, p. 132: 'he should make bootless (by returning it to the giver)'. As to the term *kāmya*- translated by 'due to a special desire' we may probably take it in the ritual sense (cf. e.g. *S'B.* I, 3, 5, 10 and *Manu* XII, 89). Kane interprets 'due to the desire (of the father to give a status to the daughter and her sons)'.
44. Hopkins: *The Cambridge History of India*, I, p. 234. Similar views are expressed by Caland, Dresden (see below) and other scholars.
45. See also SBE, XIV, p. 205.
46. See Caland, W.: *Zeitschrift der deutschen morgenländischen Gesellschaft* 51, (1897) p. 132.
47. Dresden, M. J.: *Manavagrhyasūtra*, Thesis Utrecht 1941, pp. 28 and 30 f.

and Dresden : that the second formula originally accompanied the 'transfer' of the girl. In addition, I would draw attention to the fact that the text is in all probability (see I, 8, 6 and I, 7, 11) describing a custom to be followed at a *brāhma* wedding, which essentially consists in giving away the girl to a learned brahman of good conduct without requiring anything from him. Here the original ceremonial presentation of cows or of a bull and a cow may have been given up because it was thought bad form to ask a brahman for it. But the sacral exchange was to be maintained; hence this act prescribed I, 8, 7, which at first sight appears to be singular.

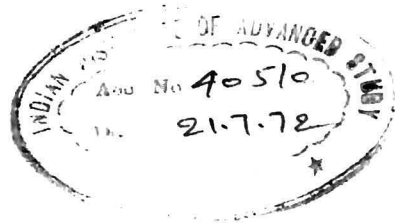
The only forms of marriage mentioned in this *Gṛhyasūtra* are the *brāhma*- and the *saulka* : (I, 7, 11). As the *brāhma* rite is discussed in the next chapter, the question may arise whether I, 7, 12 : 'He should give a hundred cows with a chariot or a yoke of cows' applies to a suitor who wishes to obtain a girl in accordance with the rules of an *āsura* rite. Modern scholars differ in opinion as to the donee implied in this sūtra. If we take I, 8, 7, as referring to the *brāhma* rite only, and I, 7, 12 as relating to the *saulka* rite the two sūtras do not contradict each other⁴⁸. There is no denying that the context in which a similar provision is made in other *Gṛhyasūtras* (*Sāṅkh.* I, 14, 10ff. ; *Pār.* I, 8, 18), to wit after the rites in the father's home and before conducting the bride to her new home, makes us believe, with Hillebrandt⁴⁹ that the words of sūtra 12 refer to the priest, the more so as *Gobhila Gṛ-Sū.* II,3,23 has the well-known formula ; *gaur dakṣiṇā*. In the *Mānava* text there is not only question of a hundred cows with a chariot, but also of a yoke of cows, which, as far as I see, is the usual presentation at a *saulka* wedding. Moreover, this stipulation is inserted before the discussion on the *pradāna* (the giving away of the bride), and a *dakṣiṇā* (to wit a choice part of his possessions : *varo dakṣiṇā*) for the priest is mentioned further on, after the rite of the seven steps (I, 11, 27). So, I am inclined to take I, 7, 12 as referring to the 'bride-price' which was usual in the author's communities. The gift of the hundred cows and a cart evidently is, according to *Jaimini* (VI, 1, 15), who adds that it is not for purchasing the bride, but only an act of *dharma*, and *Āpastamba's Dharma-sūtras* (II, 13, 11 f., see above), a presentation to the man who gives the daughter in marriage. Whose daughter? Why have the texts the term *duhitṛmate*? Does this term apply to any man entitled to give a girl in marriage, be she his own daughter or not? Does it, in *Sāṅkh.* and *Pār.*, refer to the case that the person entitled to the *dakṣiṇā*—for it is a *dakṣiṇā* rather than a 'bride-price' we expect to find in this part of the text⁵⁰—is at the same time the man who gives away the girl? Or

48. Cf. Dresden, *op. cit.*, p. 30, n. 5.

49. Hillebrandt, A. : *Ritualliteratur* (Grundriss III, 2), p. 67.

50. In this I am inclined to disagree with Oldenberg, H. : note on *Sāṅkh-Gṛ-Sū.* I, 14, 16 SBE, XXIX, p. 39) ; Jolly : *Recht und Sitte*, § 21, n. 2 ; Keith, A. B. : *Religion and Philosophy of the Veda and Upanishads*, Harvard Univ. Press 1925, p. 375, and other scholars.

do the provisions given in these works apply to the eventuality mentioned in Jaimini's *Gṛhyasūtra* I, 22 and are the relevant passages to be interpreted like this : 'The ācārya receives a cow from a brahman, a village from a royal personage, a horse from a vaiśya. <In default of an ācārya> a hundred cows and a cart should be given to the 'owner of the daughter'; to the expert in sacrificing, a horse,'⁵¹ However, this may be, it would not be clear to me why the ācārya should be entitled to the large *dakṣiṇā* of a hundred cows if he happens to have one or more daughters or why any given father of daughters should be regarded as the donee.



51. The person who receives (in *S'āññā*) the bridal garment is, anyhow, not the identical recipient.