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Manusmriti and Women: A Historical Analysis of Gender Roles and Social Norms

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Abstract

This research paper presents a critical analysis of the Manusmriti. The main purpose is to understand the evolution of the institutionalisation of patriarchy during the period in which this text was composed. Many of the Hindu organisations and individuals cite the text as the basic principle of Hindutva life. Thus, Manu is considered 'the father' of the Hindu legal system in India. Apart from a legal text of ancient times, the Manusmriti mirrors the socio-cultural, religious, political, judicial and geographical life of the people in that period. Since the text was written mainly by the priestly class, it aimed to show how men and women should behave in society. However, what is most significant is that the text can also be seen as an indicator of how gender relations were emphasised. Understanding the representation of women in society, especially in ancient societies, is challenging because it raises several questions about whether they were recognised similarly to men or perceived differently. This study also aims to explore how Modern Scholars and Feminists perceive and interpret the laws of the Manu. It shows the process of reconsolidating an ancient tradition, focusing on reorienting that legacy around the "new principles of life". As it is a normative text, we will also look into the extent to which these laws were applied in day-to-day activity in the early medieval period by comparing it with other historical texts and inscriptions.

Materials and Methodology

The research methodology for this paper involves a historical analysis of the Manusmriti and its comparative study with other relevant texts and historical sources, particularly in the context of women. It includes a critique of the rules prescribed for rulers in the Manusmriti and examines the status of women within the state. Additionally, scholarly writings were critically reviewed to explore the role of women and gender intolerance as articulated by Manu.

This research paper employs both primary and secondary sources. The primary source is the English translation of the Manusmriti, titled "The Laws of Manu," by George Bühler. All the verses mentioned in the text are taken from the respective translated version of the Manusmriti. Several Smritis mention the Manusmriti as the legal system, so references are used from them for critical analysis, such as Yajnavalkya Smriti, Vishnu Smriti, Brihaspati Smriti, and Narada Smriti. The secondary sources include books, research articles, journals, and commentaries on the Manusmriti in comparison with other texts, such as "Manu Dhammasattham" by E. Forchhammer and Aristotle's philosophies. Additional information and supporting data were gathered from credible and reliable sources, including JSTOR, Academia, and ResearchGate.

Introduction

Hindu Dharma is associated with a specific group of Sanskrit texts known as the Dharmashastra. The Manava Dharmashastra is famously known as the Manusmriti. The 18th-century philologists Sir William Jones and Karl W. Friedrich Schlegel assigned Manusmriti to the period of around 1250 BCE and 1000 BCE.¹ However, this is untenable due to subsequent linguistic developments, as the language of the text must be placed later than the late Vedic texts, including the Upanishads, which are roughly dated to around 500 BCE. Later research shifted the chronology of the Manusmriti to between c. 200 BCE and c. 200 CE.

It is also referred to as the 'Laws of Manu' and is one of several legal texts and constitutions within the Dharmashastras of Hinduism. It talks about duties, rights, laws, conduct and virtue. The ancient version of the text has been subdivided into twelve parts, totalling 2,694 stanzas, but

¹ Sarkar Satrupa, 'Manusmriti': A Critical Analysis, International Journal of Humanities & Social Science Studies, Scholar Publications, 2022.

the original text had no such division. The initial fifty-eight verses are credited to Manu, whereas over two thousand verses are ascribed to his student Bhrigu.

Over fifty manuscripts of the Manusmriti have now been discovered. The most translated and the presumed authentic version since the 18th century is the "Kolkata manuscript with Kulluka Bhatta commentary".² Contemporary scholars challenge the assumed authenticity of the Manusmriti, contending that the various manuscripts of the Manusmriti discovered in India are inconsistent. Patrick Olivelle highlights the concerns of Postmodern Scholars regarding the presumed authenticity and reliability of the Manusmriti. The majority of scholars view the text as a compilation created by multiple authors over an extended time. Olivelle asserts, "Manusmriti was not a new document; it drew upon other writings and reflects 'a crystallisation of an accumulated knowledge' in ancient India".

The early medieval period (from 2nd BCE to 3rd CE, during which Manusmriti was composed) saw a series of developments in political, social and economic processes, and art and architecture. Several scholars observe that the Manusmriti covers a wide range of ideas related to human life, like the sacraments, the initiation of Vedic study, forms of marriage, rules and codes for women and wives, hospitality and funerary rites, dietary laws, pollution and purification, administrative laws, juridical matters and above all, religious matters. Thus, the text has high importance in the life and beliefs of the Hindu community.

Manusmriti tried to maintain the patriarchal institution to keep women within the domestic sphere and subordinate to their male members in the home. It is observed that the compilers of the texts have clearly defined the roles of the members of each of the varnas, as well as for men and women, on how they should behave in society. The text establishes social and moral guidelines regarding social responsibilities and obligations, with emphasis on the representation of life as "how it is and how it should be lived".³

The medieval era Buddhist law of Myanmar and Thailand is ascribed to Manu⁴, and it also influenced past Hindu kingdoms in Cambodia and Indonesia.⁵ The Manusmriti and its law codes

² Olivelle Patrick, *Manu's Code of Law*, Oxford University Press, 2005, pp. 353-354.

³ Kakati Kanaklata, Dr. SN Gautam, *A Review of the Text Manusmriti on the Role of Women in the Home*, International Journal of Advanced Educational Research, 2018, p. 601-605.

⁴ Collins Steven, *The Discourse of what is Primary*, Journal of Indian Philosophy, Vol 21, 1993, p. 301-393.

⁵ Lingat Robert, *The Classical Law of India*, University of California Press, 1973, p.77.

had an influential role in creating the Brahmanic Patriarchy, the caste system, and the heteronormative structures of Ancient India. The text was among the earliest Sanskrit works translated during British colonial rule in India by Sir William Jones in 1794. During the British period, this text played a crucial role in developing a sophisticated legal system where 'general law' was complemented by 'personal law' based on an individual's religious ties.

Society During the Composition of the Manusmriti

● Society and Dharma

The ancient Indian logic behind the establishment and organisation of social order has been a conscious effort to mitigate disadvantages, exclusion, and marginalisation, which is institutionalised through the Code of Manu. The text is known for its caste- and patriarchy-based approach to designing a hierarchical categorisation of society, which codifies conduct and actions, for instance, personal hygiene, manner of attaining knowledge, diet, marriage, interpersonal relations, and spiritual aspects, into a legally bound system.

Manu believed in the four classes (varnas). Each class has marked spheres of duties and rights. While Manusmriti does not explicitly mention the word 'caste', it governs individual conduct and social interactions based on the belief that the organisation of the Hindu social order is divinely ordained through a system of hierarchy rooted in the notion of 'purity and pollution'.

In the text, dharma ⁶ has been conceptualised as a result of 'divine power' specified on the idea of religion and spirituality for the execution of 'right duties' in all aspects of human life. According to this notion, the only 'attachment' that mankind must have is the 'attachment towards one's dharma', for the text declares that 'the accumulation of Dharma' alone guarantees realisation of the divine creator or the Supreme God.

Manusmriti asserts that "the dominance of priestly elites and the hierarchy based on varna was to be re-established not only through religious prescriptions but by the full might of the king and the state (through the power of punishment)." The occupational division of Vaishya and Shudras was also propounded in one of the verses, "The king should order a Vaishya to trade, to lend

⁶ Dharma, according to Hinduism, dictated proper behaviour and duties, benefiting both individuals and society.

money, to cultivate the land, or to tend cattle, and a Shudra to serve the twice-born castes". (verse 410, chapter 8). 'A Shudra, being unable to find service with the twice-born, may engage in mechanical occupations such as handicrafts' (verse 99-100, chapter 10) as their alternative duties. In any case, however, the Shudra couldn't be entitled to ownership of wealth or any sort of property (verse 416-417, chapter 8).

Although Manu places the Vaishyas and Shudras in a lower social status, this does not imply that he was ignorant of their functional importance. 'He forbids the king from ensuring that these people should continue to perform the work prescribed for them because if these castes deviated from their duties, the world would be thrown into confusion'. Manusmriti incorporates Vedic Dharma as an ideal path to be followed by the rulers and the ruled. Manu specifies the Vedic ideals to the King as well as the subjects for the welfare of all in the state. According to Manu, society originated as a result of the creation of God. He says that the political organisation (Rajya) has seven constituent elements (Prakriti).⁷

In other words, there are seven organs of the state: 1) Swami (the sovereign ruler), 2) Amatya (the official), 3) Pura (the capital city), 4) Rashtra (the kingdom), 5) Kosha (revenue), 6) Bala (the standing army) and 7) Mitra (the foreign ally).⁸ According to the Manusmriti, before the creation of the King, God punished sinners to enable the King to fulfil his duties. But Manu has cautioned the king that power should be used carefully to make his people good and to instil fear in their minds so that they will not do wrong. Any misuse of power, however, will damage the entire structure of society.

According to the Manusmriti, the Vedas are the basis of Dharma. Manu argues further that the Veda is the embodiment of all knowledge and the highest authority for those seeking the knowledge of Dharma. He said that the Vedas and Smritis should not be criticised in any manner, as these are the true sources of Dharma. Manu depicted the systematised growth of society, religion and polity, and he dealt with various aspects of kingship based on Vedic ideals. The validity of this code is said to be based on the fact that it truly follows the Vedic injunctions, and

⁷ K. Sreeranjani Subba Rao, Vedic Ideals and Indian Political Thought, The Indian Journal of Political Science, LXVIII, 2007, pp. 106-107.

⁸ Ibid. pp. 108.

hence it has been declared by Brihaspati, a later Smṛti writer, that any other Smṛti which goes against what Manu has said cannot be acceptable.⁹

● Roles and Rules for the Ruler

The Manusmṛiti explicitly outlines the expected conduct of a king. The King must discharge his duties in such a way as to make him respected. He should be a friend to his subjects and be modest and courteous. He should be above evil habits. He must be without anger, as it is viewed as the source of all negative behaviours. The King should engage in Dharma, Artha, and Moksha. He ought not to indulge too much in Kama. His primary responsibility is to enhance the well-being of the populace. If he cannot fulfil his responsibilities, he should not continue to be King. Lustful behaviour was not an acceptable code for the king. It was labelled as a vice. On the other hand, a king was expected to teach discipline. The king is informed that "between vice and death, vice is far worse, as a man given to vice sinks to the bottom, whereas a man free from vice goes straight to heaven."

The Manusmṛiti presents the Divine Theory regarding the Origin of the State. According to Manu, God has created the king to prevent and protect the people from anarchy and exploitation by powerful persons (*verse 3, chapter 7*). In the edicts of the kings, "the king is instructed to seek pleasure from the women of his harem once he has finished taking food." (*Verse 221, chapter 7*).

A king was supposed to be heroic, especially on the battlefield. Courage was a trait that undoubtedly characterised a 'manly king'; no king could be linked to its absence. A lack of bravery was often expressed as not 'being a man'. The most masculine of all men was the king. His masculinity carried clear implications of gaining power. He was allowed to practice polygamy for various reasons mentioned in the text.

Manu has argued that the King ought to possess an exemplary character, be competent, and knowledgeable, allowing him to carry out his responsibilities effectively. He stated that the King must understand two principles: Dharma (duty) and Dand (punishment). Without this knowledge, he cannot maintain his dignity and prestige.

⁹ Brihaspati, Rangaswami Aiyangar KV., Brihaspatismṛtiḥ, Baroda, Oriental Institute, 1941, p. 77

Though Manu gave unlimited powers to the King, he felt that it was very difficult for a one-man rule in governmental affairs. Therefore, he suggests that “the King must appoint Sachivas (high officials or ministers) ranging between eight and ten. To govern the state without the guidance and co-operation of honest and loyal ministers is an impossible task. Dharma cannot be administered without the help of assistance.” Manu stressed that the King should discharge his duties in consultation with the ministers.¹⁰ Manu has stated that the King must listen to the Vedas regularly. The King also must give due respect to the learned people and follow their advice.

The Manusmriti emphasises the ruler's authority, stating, "His coercive authority should constantly be erect, his manliness constantly displayed." A king's upright authority makes the universe tremble, requiring him to subjugate all beings. This serves as a metaphor for official power, manliness, military strength, and the capacity to impose punishment. A king who punishes those who do not deserve it, and does not punish those who deserve it, brings great infamy on himself and (after death) sinks into hell. (*verse 128, chapter 8*)

● **Control of the father over her**

“It is said to be the law of Brahma when a man dresses his daughter and adorns her, and he gives her as a gift to a man he has summoned, one who knows the revealed canon and is of good character”. In *verse 27 from chapter 3* of the Manusmriti, Marriage is defined as an agreement between a father and a husband. The basis of marriage agreements and wedding rituals lies in the shift of women from the father's control to that of the husband, who provides authority and protection.

In marriage, women's choices and desires are not considered. It is the father's interests and choices that determine the future groom for his daughter. When the father gives away his daughter according to the rule, after receiving from the bridegroom, for the fulfilment of the sacred law, a cow and a bull or two pairs, that is named the Arsha rite (*verse 29, chapter 3*).

Nevertheless, the Manusmriti also permits a girl to choose a partner on her own in conditions where her people (family) fail to find one for her. It also allows a woman to choose her life partner (swayamvar) if she has reached puberty and remains unmarried in her own house for

¹⁰ Muller M., Edt, The sacred books of the East, The laws of Manu, Oxford, 1986, Vol XXV Chapter 7, p.30.

three years. Instead of permitting women to exercise their desires and choices, the logic behind granting such rights is that women shall not remain unmarried. In *verse 92 of chapter 9*, it is said that 'A girl who finds a husband of her own free will, according to the text, is not entitled to the gift or property from her father or other gifts received from her relatives. If she takes the gift from her father or family, it would be considered theft.'¹¹

The Manusmriti argues that 'those who are united out of desire are considered the union of centaurs, half-human and half-horse creatures.' A woman who exercises her right to decide when and whom to marry, deciding for herself about her sexuality without the consent of her family and parents, will not obtain recognition and social acceptance.

Objectification of Women

The Manusmriti frequently portrays women as mere objects for the sexual gratification of upper caste men. Women are consistently objectified, with their bodies portrayed in an overly sexualized manner throughout the text. It frequently reduces women to insulting roles as sexual objects (prostitutes). It offers a much distorted image of women when it claims that women can destroy ignorant and knowledgeable men (*verse 214: chapter 2*). "By running after men like whores, by their fickle minds, and by their natural lack of affection, these women are unfaithful to their husbands even when they are zealously guarded here" (*verse 15, chapter 9*). The laws that emphasise women's loyalty as spouses and the duty of men to safeguard their women, even through any regulation, serve to maintain the integrity of their (men's) lineage and the purity of their caste.

The Manusmriti considers heteronormativity to be the social order, with women being pushed into it more than men. With the criminalisation of lesbian relationships, lesbians were deemed guilty of sexual deviance. "But if a (mature) woman does it to a virgin, her head should be shaved immediately, or two of her fingers should be cut off, and she should be made to ride on a donkey" (*verse 370 of chapter 8*). Being homosexual leads to expulsion from the family and society, and being subjected to cruel punishment.¹²

¹¹ Buhler George, Manusmriti, Saraswat Parakashan, 2024.

¹² N. M., Naseera and Kuruvilla, Moly, The Sexual Politics of the Manusmriti: A Critical Analysis with Sexual and Reproductive Health Rights Perspectives, Journal of International Women's Studies, 23(6), 2022.

Religion and Women

Religion is the most potent force and institution behind patriarchal social life and structure. Most organised religions support male dominance and control over women, limiting their freedom to move, express themselves, and make choices about their bodies and relationships. They often believe that women are less capable in every way, physically, mentally, emotionally, and sexually, compared to men.

“Women’s sexual subordination was institutionalised in the earliest law codes and enforced by the full power of the state. Their cooperation in the system was secured by various means: force, economic dependency on the male head of the family, class privileges bestowed upon conforming and dependent women of the upper classes, and the artificially created division of women into respectable and not respectable women”.¹³

Religious doctrines serve a crucial and organised function in shaping women's sexuality and promoting their sexual health. Its commitments are associated with diminished sexual activity, insufficient sexual gratification and sexual guilt among women.¹⁴ When it comes to women, specifically, and other gender minorities, religion plays a vigorous role. Any action outside the marriage premises is strictly prohibited, and sexual interaction between people outside of the legitimate relationship is often treated as a sin under the religion and strictly restricted, as a way to energise patriarchal agendas, thereby creating a parting between different genders within the religious boundaries.

Role of Women in Family

The Manusmriti reflects a patriarchal hierarchy, where women were limited to the home environment and placed in a subordinate position to men. They were assigned various roles, including responsibilities in economic activities, social interactions, and decision-making. The family is seen as an area for organising reproduction and production, and for transmitting successive generations to the control of the property of the lineage. Since patriarchy was very

¹³ Lerner, Gerda, *The Creation of Patriarchy*, New York, Oxford University Press, 1986, p.9.

¹⁴ Abbott, D.M., Harris, J., & Mollen, D., *The impact of religious commitment on women’s sexual self esteem. Sexuality & Culture*, 20(4), 2016, pp 1063-1082.

dominant during this phase, the supremacy of the male head of the house was clear, so the relationship between the two sexes became unequal, which led to the submission of women.

Ideally, the grihapati¹⁵ is represented by the existence of the wife and children, in particular, and offspring in general. The grihapati is also seen as a unit that controls and utilises productive resources, including land and livestock, and ensures the transfer of these resources from one generation to the next through patrilineal descent, consumption, and organised distribution. Therefore, since the family organisation was patriarchal, there is a very significant relationship between women and family life.

A woman who is not a relative of her mother's lineage, nor shares her father's heritage, and remains a virgin, is recommended for marriage only to twice-born men. Once a man assumes the role of family head, he must consider certain qualities he expects in his future wife. The choice of a bride is very significant, and the text details the characteristics of the type of girl suitable for marriage. It also specifies the kind (caste) of girls a man should avoid before marriage. Additionally, it mentions which women a man of the twice-born caste should steer clear of before marrying.

The text emphasises that a dvija (twice-born man)¹⁶ should marry only someone of the same caste who has taken the proper vows. A son undergoes 'upanayana' to become a 'dwija', signifying his spiritual rebirth for Vedic studies. For women, 'upanayana' is associated with the marriage ritual. Therefore, getting married and having children was a central responsibility of the grihapati, so women were important only as wives and bearers of children. A twice-born man, versed in the sacred law, shall burn a wife of equal caste who conducts herself thus and dies before him, with the sacred fires used for the Agnihotra, and with the sacrificial implements (*verse 167, chapter 5*)

Manu encouraged his followers to arrange marriages for their daughters at an earlier age and recommended that women be docile and quiet in their domestic lives. A major reason for early marriages taking place for women is the presence of several foreign elements in society. To prevent women from interacting with foreign races that were gradually integrating into society,

¹⁵ The Male head of the family.

¹⁶ In Hinduism, "twice-born" or Dvija refers to the higher varnas (castes), who undergo a spiritual initiation, known as Upanayana, marking a second birth.

the Manusmriti emphasised that women needed to marry at an early age. Emphasis was placed on the first marriage of the girls. The text states that a man of thirty should marry a twelve-year-old girl, and a twenty-four-year-old man will marry an eight-year-old girl (*verse 94, chapter 9*). Marriage was considered essential in Brahman society.

Offspring begotten by another man is here not considered lawful, nor does offspring begotten on another man's wife belong to the begetter, nor is a second husband anywhere prescribed for virtuous women (*verse 162, chapter 5*). He who carefully guards his wife preserves the purity of his offspring, virtuous conduct, his family, himself, and his means of acquiring merit.¹⁷

The wife is the most important focal point of attention among the different categories of women, as mentioned in the text. The wife is the visible form of what holds together the generation of children, the care of them when they are born and the ordinary affairs of life. If both sexes submit to a bad marriage, due to the abandonment of the rites and lack of study of the Vedas, families cease to exist. The importance of the wife in the house is that if the wife is radiant, the whole family is radiant, but if the wife is not radiant, then the family is not radiant.

Therefore, a woman is recognised in society as only a "wife" after she gets married; only then does she gain a social identity. Marriage is the only ritual prescribed for a woman because she produces a child; therefore, it is only through these two important acts that a woman is defined as a social being in society. The Manusmriti emphasises the concept of monogamy, which was regarded as an ideal way of life for couples. At the same time, (if he wishes) it permits a man to follow polygamy.

Women were also regarded as the house's lamps, worthy of reverence and very blessed by their progeny. The notion of purity was considered of profound importance in the Brahmanic texts. The portrayal of menstruating women in Brahmanical texts reflects a disdain towards them, despite being deemed "blessed"; however, they were often labelled as unclean. Many verses in the text indicate this aspect. This shows a marked distinction between both sexes, in which the males were considered pure, and the menstruation of women was considered impure.

Controlling women was considered of primary importance in the text. A woman must be supervised by her father during her childhood, by her husband in married life and by her older

¹⁷ Buhler George, Manusmriti, Saraswat Parakashan, 2024, Chapter IX, verse VII, p. 242.

son after the death of her husband.¹⁸ The fact that women were not independent, as indicated in the text, suggests that they were confined to the home and had a limited role compared to their male counterparts. There was a constant fear among Brahman writers regarding the restrictions placed on women, as women were kept under control despite being assigned important roles. In the text, it is stated that the spouses should protect their wives by considering them their highest duty. The text mentions that efforts have been made to win the support of subordinate wife (s). This was ensured through the prescription of gifts of ornaments, clothes and food on festive occasions, and guaranteed that serving the husband was her only duty, which would lead to the attainment of heaven.

The faithful wife who is married according to the law and is dedicated to reverence only gets pregnant with a child. The text states that the birth of a child who was born through different types of marriages, especially the first four marriages, is well-educated in the Vedas and is considered highly valued. Children born from the rest of the marriages are born with cruelty and have a disdain for the Vedas and religion. Also, control over women's sexuality and their reproductive capacity to continue the lineage of the patriarchal home was considered important, and, therefore, the emphasis was placed on women's sexuality.

The birth of a daughter was often considered a burden for the family, and the male child was welcome. In the text, Manu considers the daughter to be the highest object of tenderness, even though their birth was also not completely looked upon. According to Manu, when naming a woman, the chosen names must be easy to pronounce, not have an obvious meaning and be auspicious; They have to fascinate the mind and the heart, end in a long vowel and contain a word of blessings.

The initiation rite, the upanayana, was performed only for males, while the rites were not intended for the female counterpart. "Before cutting the umbilical cord of the male child, the birth rite is performed, and he eats honey, gold and butter with the Vedic verses".¹⁹ Women were marginalised from the execution of sacrificial rituals in the house. While it is acknowledged that women cannot make sacrifices for their benefit, the text does present a few exceptions: "at night, the wife can make propitiatory offerings of hallowed food, even if without reciting any of the

¹⁸ Buhler George, Manusmriti, Saraswat Parakashan, 2024, Chapter V, verse 148, p. 145.

¹⁹ Buhler George, Manusmriti, Saraswat Parakashan, 2024, pp. 26-27..

Vedic verses." The activities assigned to women were devalued, and this was evident in the concept of the five slaughterhouses within the griha.

'The offer to the ancestors must be sent diligently to those who are based on knowledge.' This verse indicates that only the men of the house can perform this ritual; their female counterparts could not perform this ritual because they did not have access to Vedic learning. This includes the constraints on their religious rights. Therefore, the wife at home had no right to make the sacrifices with her husband and had neither the experience nor the right to pronounce the Vedic verses.

The ritual of marriage is traditionally known as the Vedic transformative ritual for women; the service to her husband is the equivalent of living with a guru, and household chores are the rites of fire (*verse 67, chapter 2*). The text also clearly indicates that women had no role, as they were excluded from any formal training or learning that would allow them to play the same role as men in society.

Women and Property

The Sanskrit saying "Na stri swatantramarhati- Swatrantam Na Kachit Striyah' meant that women were unfit for any independent existence, and this was the rule of ancient Hindu society.²⁰ A woman was regarded as not completely human, treated as an object to be protected by the men in her life. They were placed even below the status of Shudras. The ancient texts never reference any assets belonging to an unmarried woman.

However, when she married, a woman could possess a limited range of property, called stridhan, which she received at the time of her marriage and could include movable assets such as jewellery, clothes, utensils or cattle. In some rare cases, immovable assets, such as landed property, were also given as stridhan. Nevertheless, a woman was never the absolute owner of her stridhan, because, according to the Manusmriti, a wife, along with her property, belongs to her husband.²¹

²⁰ Halder D. and Jaishankar K., Property Rights of Hindu Women, Journal of Law and Religion, Vol. XXIV, p. 664.

²¹ Ibid, pp. 665

Numerous socio-religious offences originated from ancient succession laws. A woman was never recognised as the full owner of any property received by her, especially when it was landed property. Manu's attitude regarding the inferiority of women extended even to circumstances in which a woman was the only child. For such cases, it was suggested to adopt a male child to look after parental property, which should never be given to the woman, regardless of how educated she might have been.

This fight with women for ownership over property gave birth to several socio-religious crimes that were given legal colour in the name of protecting family wealth. Hence, bigamy, remarriage for the male heir, forced sexual intercourse with another man to have a male child, female infanticide, and wife abandonment were made widely acceptable, if not legally, then in the name of religion, for situations in which a woman could not produce a male heir.²²

Comparison of the Manusmriti with other texts

The Manusmriti is extensively referenced or directly mentioned in several other key Hindu Smriti texts, including the Yajnavalkya Smriti, Vishnu Smriti, and Narada Smriti, underscoring its foundational role in ancient Indian legal and social thought. Its principles and guidelines are also reflected in other Indian texts, such as Kautilya's Arthashastra and the Mahabharata. The Yajnavalkya text distinguishes itself from the Manusmriti by incorporating chapters on the organisation of monasteries, land grants, deed execution, and other pertinent matters.

The Vishnu Smriti relies significantly on prior Dharmashastra texts like the Manusmriti and Yajnavalkya Smriti. It is one of the later books within the Dharmaśāstra tradition in Hinduism. Some scholars propose that it might be a Vaishnava reinterpretation of the Kathaka Dharmasutra, with subsequent additions of Kathakagrhya and metrical verses.

Kautilya's Arthashastra, an ancient Indian Sanskrit treatise on statecraft, politics, economic policy, and military strategy, is often discussed alongside the Manusmriti. Both the Manusmriti and the Arthashastra are considered significant works that depict the rules for the functioning of states in administration and judiciary.

²² Ibid, pp. 670

Among the Indian writings that constitute the foundation of the Dhammasattham literature, the Manusmriti is the most prominent. Though its ritualistic and typically Brahmanical aspects were tailored, the authors of the Dhammasattham literature found other portions of the Manusmriti, especially its laws about statecraft, occupations, property relations, civil and criminal codes, judicial procedure, etc., quite valid and useful for their purpose. Such tailoring is found in the Siamese version of the Manusmriti, which was composed about 1614 CE. Moreover, the hallowed name of Manu was sufficient to give their works a stamp of authoritativeness.

Forchhammer said that the Burmese law books, which bear the title Manu Dhammasattham, came to Burma through the Mons or the Talaings, who were superior in Culture.²³ It attributes numerous legal regulations to Rishi Manu, yet it does not reference Sutra, Smriti, or any Commentator. It presupposes the truth of Buddhist religious doctrines; however, when a rationale for a civil law rule is provided—which is frequently the case—we see that it originates from principles of equity or policy rather than being directly derived from religion or inferred from any religious scripture. The "Wagaru Dhammathat" is a text about civil law, not religious law. In this regard, it contrasts with the Sanskrit legal texts of the Indian Brahmins.

● **Comparison of Aristotle's Philosophy and the Manusmriti on Women**

Women have faced significant criticism in the philosophies of both Manu and Aristotle. Both have reduced the role of women to the domestic sphere, objectified them, sexualised their bodies, and their only contribution to society and the state is procreation. Both describe women as vile, impure, lustful, deceitful, promiscuous, and wicked. Aristotle's views on the biology of the sexes and his Theory of Forms significantly influenced his philosophy regarding women, whereas there is no similar foundational concept evident in the work of Manu. According to Aristotle, women lack reason, one of the three faculties of the mind: reason, spirit, and appetite. The Hindu analogue to this would be the Trigunas.²⁴ Manu, however, makes no claims attributing Tamas guna (associated with lethargy and rigidity) to women. Where Aristotle is mostly interested in the comparison of women with men, Manu only lays out guidelines for women on how to lead a virtuous life. Aristotle states that women are an inferior species to men; he points out the

²³ Forchhammer E., King Wagaru's Manu Dhammasattham, The Superintendent, Burma, 1892.

²⁴ The Trigunas are the three (Sattva, Rajas, Tamas) mental attributes of a personality according to the Vedic literature.

demerits of a woman in comparison to a man. In Aristotle's philosophy, clear definitions of marriage and the laws governing it can be seen within the scope of the caste system. Neither is an explicit prohibition of women's sexuality visible. Manus very clearly states bounds on women's sexuality and the need for chastity. The need for control over women covers every aspect of her life, including social, economic, political, and sexual dimensions.

Perspectives of the Modern Scholars

Many researchers note that the Manusmriti addresses a broad spectrum of concepts about human existence. Thus, the text has high significance in the life and beliefs of the Hindu community and Indian social life even today. Ratan Lal Basu claims that because of its broad coverage and comprehensive instructions on different aspects of human life, the Manusmriti occupies a very significant position among the Dharmasastras in ancient India.

Vinayak Damodar Savarkar remarks on the Manusmriti's importance to Hindu identity as "The Manusmriti is that scripture which is most worshipable after the Vedas for our Hindu Nation and which from ancient times has become the ground of our culture, customs, thoughts and practices. This book has, for centuries, codified the spiritual and divine journey of our nation. Even today, the rules that are followed by crores (millions) of Hindus in their lives and practice are based on the Manusmriti. Today, the Manusmriti is the Hindu Law. That is fundamental".²⁵

Friedrich Nietzsche is noted to have said, "Close the Bible and open the Manusmriti. It has an affirmation of life, a triumphant agreeable sensation in life, and that to draw up a lawbook such as Manus means to permit oneself to get the upper hand, to become perfection, to be ambitious of the highest art of living."²⁶

Wendy Doniger and Brian K. Smith describe the Manusmriti as a pivotal text of the dominant form of Hinduism, as it emerged historically and at least in part in reaction to its religious and ideological predecessors and competitors. More compendiously than any other text, it provides a direct line to the most influential construction of the Hindu religion and Indic society as a whole.

²⁵ Savarkar, V.D., Women in The Manusmriti' in Savarkar Samagar, Vol. 4., New Delhi. Prabhat, 2000, pp. 415-416.

²⁶ Nietzsche F., The Will to Power, vol.1, Vintage Books Edition, 1968.

No modern study of Hindu family life, psychology, concepts of the body, sex, relationships between humans and animals, attitudes to money and material possessions, politics, law, caste, purification and pollution, rituals, social practice and ideals, and world-renunciation and worldly goals, can ignore Manu.²⁷ Over time, Ambedkar became a notable critic of the Manusmriti and emphasised the non-interference of socially codified laws of Manu in the dynamics of state functions, aiming to achieve a just and equitable social democracy that respected the dignity of all.

Dr Ambedkar incinerated the Manusmriti in December 1927 during the Mahad Satyagraha, in front of thousands of men and women, at the age of just 36. He explicitly rejected Manu as the originator of the caste system. Nonetheless, he held that regimentation of caste identity emerged from the recognition that social status and occupation ought to be governed by the logic of hereditary succession.²⁸

Feminist views

The Manusmriti's conception of women and their roles is often problematic. Various thinkers have criticised its depiction of women as seductresses and social evils. The text completely ignores the contribution of women and constantly projects their gloomy image. Therefore, the attitude towards women seen in this text is contradictory because the role played by them cannot be ignored, but compilers have tried to prevent them from taking part in society. It must be taken into account that this is a normative text, and to what extent the laws have been practised in reality.

Feminist scholars and advocates for women's rights raised their voices against the biased, oppressive portrayal of women, gender, and sexuality in the Manusmriti. The authors employ the term "sexual politics" in a dual sense, the first to connote the power relationship between men and women partners in sexual life and the second to understand sexuality as a crucial area for exerting control over women's lives within patriarchal societies.

Women and religion are a contested issue and a serious discourse among academicians, activists, feminists, and ordinary people. Several feminist writers have challenged the validity of

²⁷ Doniger, W., & Smith, B. K., *The laws of Manu*, New Delhi, India, Penguin Classics, 1991, p. 5.

²⁸ Ambedkar, B.R., *Annihilation of caste*, New Delhi, POD Only Publishing, 1936.

androcentric interpretations of scriptures and religious teachings on women's sexuality, lacking feminine experiences.²⁹ Still, women continue to be seen as the customary guardians of religion and morality in the family and society. Women's rights activists and reformers burned the copies of The Manusmriti in front of the Rajasthan High Court on March 25, 2000. The protestors believe that the ancient text is the defining document of Brahmanical Hinduism, and also the key source of gender and caste oppression in India.³⁰

Patrick Olivelle's views "Fame invites controversy, and in India itself, during the 20th century, Manu became a lightning rod for both the conservative elements of the Hindu tradition and the liberal movements intent on alleviating the plight of women and low-caste and outcaste individuals. For the latter, Manu became the symbol of oppression. His verses were cited as the source of legitimisation of oppression, even though the same or similar passage is found in other and older documents".³¹

Feminist scholars from India, such as Sukumari Bhattacharji and Uma Chakravarti, have articulated in their writings how women's independence and rights are threatened by the regulations outlined in the Manusmriti. It seeks to exert control over women's rights as individuals through various measures. Bhattacharji asserts that after following the Manusmriti, women became more vulnerable and marginalised than during the Vedic period. Prem Chowdhary observed that the value of honour is tied to 'women's body and conduct due to her reproductive and procreative capacity'.³²

Uma Chakravarti has criticised the Manusmriti's conception and objectification of women through its conceptualisation of marriage and family.

Conclusion

Historically, the Manusmriti contributed to a decline in women's autonomy, often portraying them as subservient to men and largely confined to household duties. It has profoundly shaped

²⁹ Bonheim, J., *Aphrodite's daughter's: Women's sexual stories and the journey of the soul*, New York, 1997.

³⁰ Olivelle, P., *Manu's Code of law: A critical edition and translation of the Manava Dharmasastra*, Oxford University Press, 2005.

³¹ Olivelle, P., *Manu's Code of law: A critical edition and translation of the Manava Dharmasastra*, Oxford University Press, 2005, p.4.

³² Chowdhary, P., *Contentious marriages, eloping couples: Gender, caste and patriarchy in northern India*, New Delhi, Oxford University Press, 2007, pp. 16-17.

gender roles and social norms in India, often presenting contradictory views on women's status. While some verses advocate for honouring women, linking it to societal prosperity and divine pleasure, others outline strict controls over their independence and property rights. This duality shows the complex interplay between religious philosophy and prevailing societal expectations. Religion, as a powerful instrument, has frequently perpetuated patriarchal structures and gender inequality across various cultures. This is evident in the emphasis on male dominance within religious texts and practices, which often presents men's superior status as "God's will" and discourages women from roles outside the home. The glorification of masculinity, as seen in various cultural and religious contexts, often comes at the expense of women's individuality and agency, reducing them to subordinate tools or objects of men. The Manusmriti exemplifies this, outlining duties for women that emphasise domesticity and dependence on male guardians, father, husband, or son, thereby limiting their independence.

After the Independence of India, the proposal to include the Manusmriti in the Indian Constitution or its curriculum has faced strong opposition from various individuals and groups because of its discriminatory principles, especially against women and marginalised communities. It has been widely criticised for degrading the status of women in Indian Hindu society through its overtly misogynistic verses and prescribed roles. It suggests that a woman should never be independent and must remain under the guardianship of a male relative throughout her life, which directly contradicts the principles of gender equality exalted in the Indian Constitution. Dr B. R. Ambedkar, a persistent supporter of women's rights and 'the father of the Indian Constitution', strongly criticised Manu and the Manusmriti for showing disdain towards women and degrading them as slaves devoid of intellect. He urged Indian women not to abide by the Manusmriti and to openly defy its laws. Dr Ambedkar's efforts were instrumental in incorporating several articles in the Indian Constitution to ensure gender equality, emancipation, and the protection of women's rights, and he introduced the Hindu Code Bill to safeguard the rights of Hindu women.

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