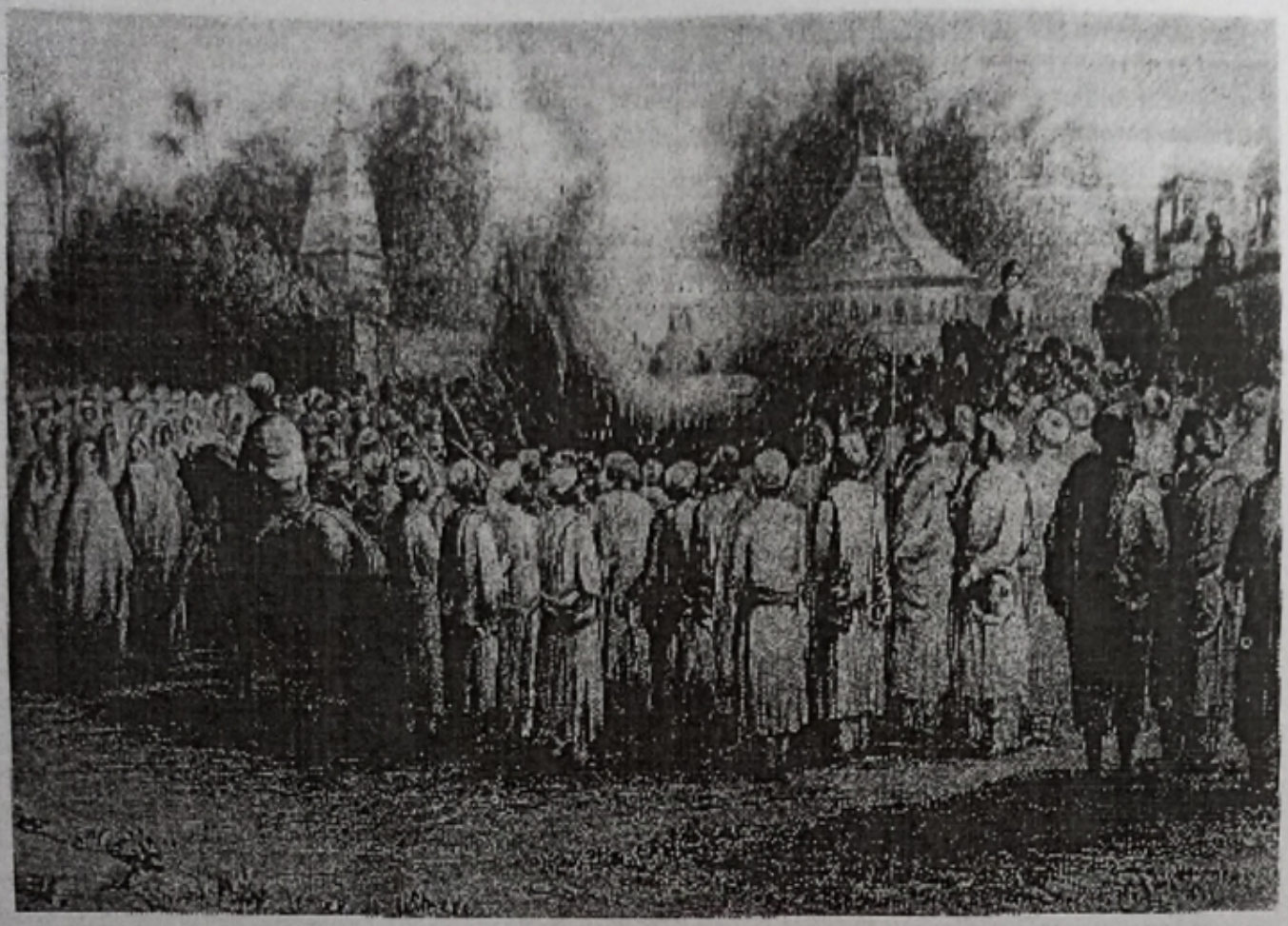
2. The Nineteenth Century



An early (probably twentieth century) drawing of a sati. Artist unknown.

The nineteenth century could well be called an age of women, for all over the world their rights and wrongs, their 'nature', capacities and potential were the subjects of heated discussion. In Europe feminist consciousness began spreading during and after the French Revolution, and by the end of the century feminist ideas were being expressed by radicals in England, France and Germany. By the mid-nineteenth century the 'woman question' had become a central issue for Russian reformers and anarchists; while in India the wrongs of women began to be deplored by social reformers mainly in Bengal and Maharashtra. British relations with these two states had begun much earlier than in other parts of India; Bengal, in particular, had known the British through the East India Company from the early eighteenth century. What began as a trading relationship expanded into domination and rule, and the intimacy this engendered between the British and the Indians brought their differences into sharp focus.

It is generally agreed that the Indian social reform movement of the nineteenth century grew out of this encounter. In the colonial economy with its new agrarian and industrial relations accompanied by a vast and expanding administrative structure, existing dominant groups (gentry, traders, scribes, rentiers, tax collectors, etc.) began to be forged into a middle-class, or bourgeoisie. As an Indian bourgeois society developed under Western domination, this class sought to reform itself, initiating campaigns against caste, polytheism, idolatry, animism, purdah, child-marriage, sati and

more, seeing them as elements of a 'pre-modern' or primitive identity. Being part of a process of self-definition, the majority of these campaigns focussed on issues which were significant largely for the three upper-castes who constituted the bourgeoisie. Underlying these campaigns were redefinitions of the spheres of the public and private, the world and the home,[1] the male and female. As such, the social reform movement can be characterized as playing an important part in the formation of a new set of patriarchal gender-based relations, essential in the constitution of bourgeois society.

Recent research has added several important qualifications to this view. First of all, it has been pointed out that not all issues of social reform were engendered by the British encounter alone, though they were restructured by it. The eighteenth century was a period of flux for India, a time when the old order of the Mughal Empire and the independent princely states was crumbling, leaving spaces for new movements to develop. For example, the anti-caste movement which developed in nineteenth century Maharashtra had a long history of precedents, and grew partly out of the crumbling of Brahmanic hegemony with the disintegration of Peshwa rule around the turn of century, even though the Brahmans later re-formed as a dominant group under the British.[2] Similarly, the noted reformer, Ram Mohan Roy, was influenced by eighteenth century Sufi arguments for religious reform as much as by English rationalism.[3]

Secondly, it has been argued that much of what can be said of the social reform movement can be said of other, often opposing, movements of the period, such as revivalism and nationalism. Ashis Nandy, for example, has described how the revivalist and nationalist construction of an anti-imperialist hero reflected an internalization of colonial definitions of the ideal man, choosing for him the 'manly' qualities lauded by the Victorians rather than those which local traditions held in awe, because the latter were scorned as effeminate by the British.[4] The same can be said of definitions of the 'womanly woman', as Uma Chakravarti shows in her description of the ideal 'Aryan' woman, who was defined by reformers, revivalists and nationalists alike, using a mixture of Anglicism and Orientalism.[5]

Following from this, much of what has been said of revivalism and nationalism can also be said of social reform; for example, the revivalist nationalist search for a glorious, pre-colonial, caste-based 'tradition' was a project which reformers had also entered into, as Arundhati Mukhopadhyaya has shown.[6] In addition, the revivalist demonology of Islam and the Moslem 'invader' was one shared by reformers, who described Mughal rule as the period in which Hinduism 'declined' and was 'corrupted' citing the Hindu woman as a prime example of community degradation.

Yet if reformers, revivalists and nationalists all shared, and aided in creating a dominant discourse, they were also in conflict with each other, and with themselves. There was a rhetoric of equality within reform which the revivalists did not share. And the two defined themselves in opposition to each other.

The social reform movement, with which we open the period discussed here, cannot itself be described as a uniform one, for different campaigns and issues were taken up at different times in different regions. As has been said earlier, campaigns for reform first appeared in Bengal, where a shaken *Moolulak* aristocracy were being recast into a bourgeoisie which they had to share with members of their own community who had lost caste by entering forbidden professions, as well as with other upwardly mobile castes. Changes in land relations (the Permanent Settlement), which had been instituted by the British partly to secure the co-operation of the native elite by giving zamindars permanent proprietory rights, introduced a contractual system which undermined their traditional grounds for social dominance, inducing anomie. (As well, the settlement pauperized considerable sections of the peasantry, pushing them into landless labour). At the same time, the spread of British education, which was part of the policy of building a class which would be loyal to their new rulers, introduced the native elite to ideas which were creating ferment in Britain, especially rationalism, evolutionism, and utilitarianism. Calcutta became an exciting intellectual centre, and most of the early reform campaigns were launched here by an eagerly developing intelligentsia. Prominent among them were radical students, many taught by H. Derozio, a young Anglo-Indian who was fired by the concepts of liberty and equality in the French Revolution. Dubbed the Young Bengal Movement, these groups concentrated mainly on defying caste bans with such gestures as eating meat and drinking wine, and attempting to reform women. Arguing that the latter campaigns were fuelled by a crisis in the mother-worshipping culture of Bengal, Ashis Nandy has pointed out the connected issues of orality and mothering which underlay the two kinds of campaigns.[7]

Interestingly, of the various issues and campaigns concerning women which arose in the early nineteenth century, two of the earliest were initiated by the same people, but showed different trajectories of development. As far as we know, the importance of educating women was first discussed publicly in Bengal by the Atmiya Sabha, founded by Ram Mohan Roy in 1815; in the same year he wrote the first text attacking sati to be published in an Indian language (Bengali). Yet the campaign for the abolition of sati garnered mainly British support, and was short-lived, while the women's education movement was 'Indianized' over the course of the century.

Though Roy was one of the first Indians to campaign against sati U.S. and British missionaries had, from the turn of the eighteenth century, cited it as an example of Hindu barbarism, while British administrators had used it as a reason for ruling India (the civilizing mission). For some years, however, British Parliament refused to legislate against sati, on the grounds that this would constitute interference in the religious affairs of the Hindus. The tension between this position and their self-defined role as the bringers of enlightenment to India, led them to seek a series of compromise solutions in the early years of the nineteenth century, when they passed laws distinguishing between enforced and voluntary sati, much as the Mughals had done several centuries earlier. This distinction outraged many of the campaigners against sati, who felt, according to Edward Thompson, that it legitimized the act by saying that particular forms of it were legally acceptable.[8] The issue became a battle ground for English politicians, with the Tories supporting non-interference, and the Liberals campaigning for legislative action. The Liberals themselves were divided into Radicals and Evangelists: the latter were especially active in the construction of an image of the cruel and superstitious native who needed Christian salvation. The entry of Hindu social reformers into the campaign provided the Liberals with the one kind of support they had entirely lacked, that of members of the community which practised sati.

In 1817, Mrityunjaya Vidyalamkara, the Chief Pundit of the Supreme Court, announced that sati had no *shastric* sanction, and one year later, in 1818, the provincial governor of Bengal, William Bentinck, prohibited sati in his province. It took another eleven years for this prohibition to be extended to other parts of India, and the Sati Abolition Act was passed in 1829, when Bentinck had become Governor-General of India.[9] Its enactment was accompanied by fear of an upsurge of protest from the orthodoxy; Roy himself expressed doubts as to the wisdom of legislating against sati, especially by foreign rulers, fearing that a defensive reaction among the Hindus might well be engendered, which would exacerbate the problem. However, though there was some protest from the Hindu orthodoxy, it was considerably less than had been fearfully anticipated. A petition was got up and sent to the Governor-General and British Parliament; and, in 1830, orthodox Hindus in Calcutta formed the Dharma Sabha, to campaign against the abolition of sati.[10] (Partly as a result of their protests, an amendment was made in the Indian Penal Code some ten years later, which again distinguished between 'voluntary' and forcible sati, permitting the former).[11] The only areas where violence ensued over the issue were certain of the independent princely states, where the zeal of their British Residents led them to disregard the limits of their position and use British troops to forcibly stop incidents of sati.[12] Violence here was largely against the Residents' usurping of the powers of the prince.

Recent historical research suggests that the nineteenth century sati abolition movement might have created the myth of an existing practice where none existed. Not only was sati neither common nor widespread, it could never be either continuously, for its truth lay in being heroic or exceptional. The only example we appear to have of a widespread incidence of sati is in the early decades of the nineteenth century in Bengal, where there seemed to have been more than one incident of sati a day, even after Bentinck had outlawed it in that province. Some doubt has been cast on these figures, the bulk of which were collected at the height of the sati abolition movement, and in a province ruled by the chief British opponent of sati, William Bentinck. They do not specify, for example, what kinds of distinctions were made between suicide by widows and sati, and it is possible that a combination of ignorance and the desire to prove the gravity of sati as a problem might have led administrators to transpose from the former category into the latter. Anand Yang has shown, moreover, that a considerable proportion of the satis recorded for early nineteenth century Bengal were of women who killed themselves years after their husbands had died.[13] This could have been because their lives had become intolerable rather than because the *sat* had entered them.

In other words, the incidence of sati in early nineteenth century Bengal testified not so much to the widespread existence of a practice, as to its recreation by a community in crisis. Several points can be adduced in support of this view, not least of which is that the practice at this point was espoused largely by the urban nouveau riches, and was overwhelmingly found in and around Calcutta, which was probably of all Indian cities the one most intimate with the West. It appears, moreover, that there were some among the British themselves who suspected that the Bengali 'epidemic' of sati (to use Ashis Nandy's phrase) was an assertive-defensive reaction to colonial rule: no less a person than Warren Hastings said that it was largely due to the 'fanatic spirit roused by the divided state of feeling among the Hindus'.[14]

A further reason for the popularity of sati in early nineteenth century Bengal was adduced by campaigners for the abolition of the practice, who felt that it was at least partly due to the fact that Bengal was dominated by the *dayabhaga* form of inheritance, under which widows could inherit their husbands' property if the latter died without having a son, even if the family was undivided. At a time when Bengal was devastated by recurrent famines and epidemics, such a reason might have become important to groups which were also suffering from a breakdown of modes of caste authority.[15]

164. Sati: Regulation XVII, A.D. 1829 of the Bengal code (4 December 1929)

A regulation for declaring the practice of suttee, or of burning or burying alive the widows of Hindus, illegal, and punishable by the criminal courts. Passed by the governor general in council on the 4th December 1829, corresponding with the 20th Aughun 1936 Bengal era; the 23rd Aughun 1237 Fasli; the 21st Aughun 1237 Vilayati; the 8th Aughun 1886 Samvat; and the 6th Jawadi us-Sani 1245 Hegira.

1. The practice of suttee, or of burning or burying alive the widows of Hindus, is revolting to the feelings of human nature; it is nowhere enjoined by the religion of the Hindus as an imperative duty, on the contrary a life of purity and retirement on the part of the widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up, nor observed: in some extensive districts it does not exist; in those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindus themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the governor-general in council is deeply impressed with the conviction that the abuses in question cannot be effectually put an end to without abolishing the practice altogether. Actuated by these considerations governor-general in council, without intending to depart from one of the first and most important principles of the system of British government in India, that all classes of the people be secure in the observance of their religious usages, so long as that system can be adhered to without violation of the paramount dictates of justice and humanity, has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the territories immediately subject to the presidency of Fort William.

2. The practice of suttee, or of burning or burying alive the widows of Hindus, is hereby declared illegal, and punishable by the criminal courts.

3. First. All zamindars, taluqdars, or other proprietors of land, whether malguzari or lakhiraj; all sadar farmers and under-renters of land of every description; all dependent taluqdars; all naibs and other local agents; all native officers employed in the collection of the revenue and rents of land on the part of government, or the court of wards; and all munduls or other head men of villages are hereby declared especially accountable for the immediate communication to the officers of the nearest police station of any intended sacrifice of the nature described in the foregoing section; and any zamindar, or other description of persons above noticed, to whom such responsibility is declared to attach, who may be convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the magistrate or joint magistrate in any sum not exceeding two hundred rupees, and in default of payment to be confined for any period of imprisonment not exceeding — months.

Secondly. Immediately on receiving intelligence that the sacrifice declared illegal by this regulation is likely to occur, the police daroghá shall either repair in person to the spot, or depute his mohurrir or jamadar, accompanied by one or more burkundazes of the Hindu religion, and it shall be the duty of the police-officers to announce to the persons assembled for the performance of the ceremony, that it is illegal; and to endeavour to prevail on them to disperse, explaining to them that in the event of their persisting in it they will involve themselves in a crime, and become subject to punishment by the criminal courts. Should the parties assembled proceed in defiance of these remonstrances to carry the ceremony into effect, it shall be the duty of the police-officers to use all lawful means in their power to prevent the sacrifice from taking place, and to apprehend the principal persons aiding and abetting in the performance of it, and in the event of the police-officers being unable to apprehend them, they shall endeavour to ascertain their names and places of abode, and shall immediately communicate the whole of the particulars to the magistrate or joint magistrate for his orders.

Thirdly. Should intelligence of a sacrifice have been carried into effect before their arrival at the spot, they will nevertheless institute a full enquiry into the circumstances of the case, in like manner as on all other occasions of unnatural death, and report them for the information and orders of the magistrate or joint magistrate, to whom they may be subordinate.

4. First. On the receipt of the reports required to be made by the police daroghas, under the provisions of the foregoing section, the magistrate or joint magistrate of the jurisdiction in which the sacrifice may have taken place, shall enquire into the circumstances of the case, and shall adopt the necessary measures for bringing the parties concerned in promoting it to trial before the court of circuit.

Secondly. It is hereby declared, that after the promulgation of this regulation all persons convicted of

aiding and abetting in the sacrifice of a Hindu widow, by burning or burying her alive, whether the sacrifice be voluntary on her part or not, shall be deemed guilty of culpable homicide, and shall be liable to punishment by fine or by both fine and imprisonment, at the discretion of the court of circuit, according to the nature and circumstances of the case, and the degree of guilt established against the offender: nor shall it be held to be any plea of justification that he or she was desired by the party sacrificed to assist in putting her to death.

Thirdly. Persons committed to take their trial before the court of circuit for the offence above mentioned shall be admitted to bail or not, at the discretion of the magistrate or joint magistrate, subject to the general rules in force in regard to the admission of bail.

3. It is further deemed necessary to declare, that nothing contained in this regulation shall be construed to preclude the court of nizamat adalat from passing sentence of death on persons convicted of using violence or compulsion, or of having assisted in burning or burying alive a Hindu widow while labouring under a state of intoxication, or stupefaction, or other cause impelling the exercise of free will, when, from the aggravated nature of the offence, proved against the prisoner, the court may see no circumstances to render him or her a proper object of mercy.

185. Bengal government to the court of directors on suttee (4 December 1828)

6. Your honourable court will be gratified by perceiving the great preponderance of opinions of the most intelligent and experienced of the civil and military officers consulted by the governor-general, in favour of the abolition of suttees, and of the perfect safety with which in their judgment the practice may be suppressed.

7. A few indeed were of opinion that it would be preferable to effect the abolition by the indirect interference of the magistrates and other public officers with the tacit sanction alone on the part of government, but we think there are very strong grounds against the policy of that mode of proceeding, independently of the embarrassing situation in which it would place the local officers, by allowing them to exercise a discretion in so delicate a matter. To use the words of the governor-general, we were 'decidedly in favour of an open avowed and general prohibition, resting altogether upon the moral goodness of the act, and our power to enforce it.'

8. Your honourable court will observe that the original draft of the regulation was considerably modified before its final enactment, and that it was deemed advisable, at the suggestion of the judges of the nizamat adalat, to omit the distinction originally made between misdemeanour and culpable homicide, in being accessory to a suttee, and also in the degree of interference to be exercised by the police-officers. Upon the fullest consideration of the objections taken by the court, we determined that it would be better to leave the apportionment of punishment to be regulated by the commissioners of circuit, according to the nature and circumstances of each case, and that separate special instructions should be issued to the police-officers, as well as to the European authorities, to ensure a moderate and lenient exercise of the powers vested in them respectively by the regulation.

9. Finally, also, we were induced by the advice of the nizamat adalat to leave out a provision that the Mahomedan law-officers should not take any part in trials in cases of suttee. We were disposed to think that the attendance of the law-officers might be liable to misconstruction, and afford an opening to objections which it was desirable as much as possible to avoid; at the same time the opinion of the court against excepting the offence in question from the ordinary course of trial, was doubtless entitled to much weight, and upon the whole we were willing to be guided by their judgement in omitting the section altogether.

10. We beg to refer your honourable court to the enclosures contained in the letter from the registrar of the nizamat adalat under date the 3d instant (No. 21), for the special instructions above noticed, which have been issued to the commissioners of circuit, the magistrate, and the police-officers for their guidance.

11. In conclusion we venture to express a confident expectation that under the blessing of divine providence the important measure which we have deemed it our duty to adopt will be efficacious in putting down the abhorrent practice of suttee, a consummation, we feel persuaded, not less anxiously desired by your honourable court than by every preceding government of India, although the state of the country was less favourable in former times than at present, for its full and complete execution. It would be too much to expect that the promulgation of the abolition will not excite some degree of clamour and dissatisfaction, but we are firmly persuaded that such feelings will be short-lived, and we trust that no apprehension need be entertained of its exciting any violent opposition or any evil consequences whatever.

The petition of the Hindus against the abolition of sati (19 December 1829)

We the undersigned beg leave respectfully to submit the following petition to your Lordship in council in consequence of having heard that certain persons taking upon themselves to represent the opinions and feelings of the Hindu inhabitants of Calcutta have misrepresented those opinions and feelings and that your Lordship in council is about to pass a resolution founded on such erroneous statements to put a stop to the practice of performing suttees, an interference with the religion and customs of the Hindus which we most earnestly deprecate and cannot view without the most serious alarm.

With the most profound respect for your Lordship in council we the undersigned Hindu inhabitants of the city of Calcutta beg leave to approach you in order to state such circumstances as appear to us necessary to draw the attention of government fully to the measure in contemplation and the light in which it will be regarded by the greater part of the more respectable Hindu population of the Company's territories who are earnest in the belief as well as in the profession of their religion.

From time immemorial the Hindu religion has been established and in proportion to its antiquity has been its influence over the minds of its followers. In no religion has apostasy been more rare and none has resisted more successfully the fierce spirit of proselytism which animated the first Mahomedan conquerors.

That the Hindu religion is founded like all religions on usage as well as precept and one when immemorial is held equally sacred with the other. Under the sanction of immemorial usage as well as precept Hindu widows perform of their own accord and pleasure and for the benefit of their husbands' souls and for their own the sacrifice of self immolation called suttee—which is not merely a sacred duty but a high privilege to her who sincerely believes in the doctrine of her religion—and we humbly submit that any interference with a persuasion of so high and self annihilating a nature is not only an unjust and intolerant dictation in matters of conscience but is likely wholly to fail in procuring the end proposed.

Even under the first Mussalman conquerors of Hindustan and certainly since this country came under the Mogul government, notwithstanding the fanaticism and intolerance of their religion no interference with the practice of suttee was ever attempted. Since that period and for nearly a century the power of the British government has been established in Bengal Bihar and Orissa and none of the governors-general or their councils have hitherto interfered in any manner to the prejudice of the Hindu religion or customs and we submit that by various acts of the parliament of Great Britain under the authority of which the honourable Company itself exists, our religion and laws, usages and customs such as they have existed from time immemorial are inviolably secured to us.

We learned with surprise and grief that while this is confessed on all hands the abolition of the practice of suttee is attempted to be defended on the ground that there is no positive law or precept enjoining it. A doctrine derived from a number of Hindus who have apostatized from the religion of their fore-fathers who have defiled themselves by eating and drinking forbidden things in the society of Europeans and are endeavouring to deceive your Lordship in council by assertions that there is no law regarding suttee practices and that all Hindus of intelligence and education are ready to assent to the abolition (of them) on the ground that the practice of suttee is not authorized by the laws fundamentally established and acknowledged by all Hindus as sacred. But we humbly submit, (on) a question so delicate as the interpretation of our sacred books and the authority of our religious usages none but pandits and brahmins and teachers of holy lives and known learning and authority ought to be consulted and we are satisfied and flatter ourselves with the hope that your Lordship in council will not regard the assertion of men who have neither any faith nor care for the memory of their ancestors or their religion: and that if your Lordship in council will assume to yourself the difficult and delicate task of regulating the conscience of a whole people and deciding what it ought to believe and what it ought to reject on the authority of its own sacred writers that such a task will be undertaken only after anxious and strict enquiry and patient consultation with men known and reverenced for their attachment to the Hindu religion, the authority of their lives and their knowledge of the sacred books which contain its doctrines. And if such a satisfactory examination should be made we are confident that your Lordship in council will find our statements to be correct and will learn that the measure will be regarded with horror and dismay throughout the Company's dominions as the signal of an universal attack upon all we revere.

We further beg leave to represent that the enquiry in question has been already made by some of the

most learned and virtuous of the Company's servants whose memory is still reverenced by the nations who were under their rule and that Mr Warren Hastings late governor-general at the request of Mr Nathaniel Smith the then chairman of the court of directors (the former being well versed in many parts of the Hindu religion) having instituted the enquiry was satisfied as to the validity of the laws respecting suttees—that a further and similar enquiry was made by Mr. Wilkins who was deputed so and accordingly did proceed to Benares and remain there a considerable time in order to be acquainted with the religion and customs in question, that his opinion was similar to that of Mr Warren Hastings and that this opinion was since confirmed by Mr Jonathan Duncan whose zealous and excellent administration in Benares and other parts of Hindustan will long be remembered by the natives with gratitude.

In the time of Lord Cornwallis some of the Christian missionaries who then first appeared in this country secretly conveyed to the council some false and exaggerated accounts of the suttee practice and first advanced the assertion that it was not lawful. His Lordship in council after enquiry and by the assistance of Mr. Duncan was satisfied of its lawfulness and was contented to permit us to follow our customs as before.

In the time of Lord Moira and Amherst a number of European missionaries who came out to convert Hindus and others renewed their attack upon this custom and by clamour and falsely affirming that by compulsive measures Hindu women were thrown into the fire procured the notice of government and an order was issued requiring magistrates to take steps that suttees might perform their sacrifice at their pleasure and that no one should be allowed to persuade or use any compulsion. On the concurrent reports of various gentlemen then cognizant the widows went to the funeral pyres of their deceased husbands cheerfully, these governors-general were satisfied and no farther interference was attempted.

The ratified measure last adverted to did not answer the object proposed and it proved (as we humbly submit) the impolicy of interference in any degree with matters of conscience.

The fact was that the number of suttees in Bengal considerably increased in consequence within a short time—and in order to ascertain the cause a reference was made to the sadur diwani adalat who could assign no satisfactory cause to account for it. Though it might perhaps have occurred to gentlemen of so much experience that the interference of government even to this extent with the practice was likely by drawing to it the attention of the native community in a greater degree than formerly to increase the number of votaries.

From a celebrated instance relating to suttees that we immediately hereafter beg leave to cite your Lordship in council will find that on the occasion alluded to no other good was obtained by an attempt to prevent the widow burning with her deceased husband than that religion was violated and to no purpose a suttee. In the time of Lord Clive his diwan raja, Nobkissen endeavoured to prevent a widow performing the sacrifice by making her believe that her husband had been already burnt and when she discovered that she had been deceived offering her any sum of money that might be required for her support as a recompense but nothing would satisfy her and she starved herself to death. His Lordship then gave orders that no one should be allowed to interfere with the Hindu religion or customs.

Independent of the foregoing statement your Lordship in council will see that your predecessors after long residences in India having a complete knowledge of the laws and customs of Hindus were satisfied as to such laws and never came to a resolution by which devout and conscientious Hindus must be placed in the most painful of all predicaments and either forego in some degree their loyalty to government and disobey its injunctions or violate the precepts of their religion.

Before we conclude we beg to request your impartial consideration of the various acts of parliament passed from time to time since the reign of his Majesty George the Third and which have ever since been strictly preserved. The substance and spirit of which may be thus summed up viz: that no one is to interfere in any shape in the religion or the customs of Hindu subjects. These acts conceived in the spirit of trust wisdom and toleration were passed by men as well acquainted at least as any now in existence with our laws. Our language our customs and our religion have never been infringed by the wisest of those who have here administered the powers of government and we trust will be preserved for the future as for the past inviolate as they are a most solemn pledge and charter from our rulers to ourselves, on the preservation of which depend rights more sacred in our eyes than those of property or life itself—and sure we are that when this most important subject has been well and maturely weighed by your Lordship in council the resolution will be abandoned and that we shall obtain a permanent security through your Lordship's wisdom against the renewal of similar attempts.

Further, changes in the property form due to the Permanent Settlement, and accompanying laws which were intended to develop a land-owning class similar to that in England, might also have undermined the claims of widows. The British themselves did not permit widows to succeed to their husbands' ancestral property; even the struggle for married women's property rights began in England in the mid-nineteenth century, and was won only after some twenty years.

Interestingly, Bentinck used the strategy of marshalling *shastric* texts to show that sati was not a required, or religiously sanctioned practice. The same strategy had been used by Ram Mohan Roy in his *A Conference Between an Advocate for and an Opponent to the Practice of Burning Widows Alive*. This work was written in 1816, allegedly after Roy saw his sister-in-law forced onto his brother's funeral pyre, but translated into English only three years later, in 1818. In it Roy set out to prove that none of the ancient Hindu prescriptive texts laid down that a widow must commit sati; in effect, its incidence testified to the degeneration of the Hindu ethos. In response, a hundred and twenty-eight pandits published a 'manifesto' asserting that Roy's arguments were incorrect, and that he could not be said to be representative of Hindu opinion. In his reply to this manifesto, Roy again marshalled textual evidence, dwelling particularly on the *shastras*, to show that, according to them, sati was not obligatory, and was in fact the 'least virtuous act' a widow could perform, which had meaning only if it was voluntary.[16]

This view of the *shastras* as being analogous to the Bible or Koran in laying down ethical laws for the faithful was not common amongst Hindus, whose religious practices and beliefs were not contained in either one text or a set of texts alone. Yet it permeated British attitudes towards Hinduism, and they relied largely upon *shastric* texts in their later codification of Hindu personal law.

Significantly, Roy did not question the premise that suicide could be noble, as did the British supporters of the sati abolition movement. For Christians suicide was sinful and criminal; for Hindus several kinds of suicide could be holy. The orthodox Hindu argument was that sati allowed women, who were 'devoid of virtuous knowledge', to acquire such knowledge and gift it to their families; against this Roy argued that women clearly possessed virtuous knowledge, for their lives showed that they were 'infinitely more self-sacrificing than men'.[17] In stressing that heroism was part of women's daily lives, Roy attempted to deal with the heroic by transforming it from being exceptional to being everyday: if, to some extent, this de-heroized the heroic by rendering it commonplace, it also burdened Indian (Hindu) women by defining them as essentially and continuously self-sacrificing. In movements to follow this point became a kind of refrain in arguments on the nature and rights of women in India; self-sacrifice was frequently cited as a quality distinguishing Indian women from 'Western' ones. This distinction was at least as important in the West as in India itself: if sati was cited as exemplifying the primitive barbarism of the Orient, it was also cited as exemplifying the wifely devotion and spiritual strength (including physical courage) of the Oriental woman.[18]

If the sati abolition movement provided one of the 'reasons' advanced in favour of reforming women's conditions, the women's education movement was to provide another.

The first schools for girls were started by English and American missionaries in the 1810s;[19] in 1819 the first text on women's education in an Indian language (Bengali) by an Indian, Gouromohan Vidyalamkara, was published by the Female Juvenile Society in Calcutta.[20] By 1827 there were twelve girls' schools run by missionaries in Hooghly district; one year later, the Ladies' Society for Native Female Education in Calcutta and its Vicinity opened schools which were run by a Miss Cook, and it seems that Muslim women in the poor areas where some of the schools were located were enthusiastic about them.[21]

By the mid-nineteenth century women's education had become an issue which was campaigned for by unorthodox Hindus, Brahmos[22] and radical students in Bengal, especially Calcutta. Fears of the evangelical intentions of missionary schools were aired at the same time as Brahmo and Hindu schools for girls were opened in Bengal, and were partly responsible for their opening. While the missionary schools of the early nineteenth century had been attended largely by girls from poor families,[23] these new schools catered to girls of the upper castes.[24] First forays into the *zenanas* (women's quarters), or *andarmahals* as they were known in Bengal, also began to be made at this time by campaigners for adult education for women. Known as the 'home education' movement, these forays too were initiated by English, Scottish and North American missionaries, who were, within some years, joined by Brahmos. Over time, the curricula were adopted by Brahmos to suit what they felt were Bengali requirements.[25]

The movement for women's education is generally described as having been formed by the need of a rising middle class to adapt its women to a Western milieu. With the growth of British education and new employment opportunities for men, the public private dichotomy grew into an opposition between the world and the home, rather than a complementarity of the two. To put it crudely, instead of being a sanctuary (or, indeed, even while remaining something of a sanctuary), the home began to represent the dead weight of traditions which were scorned as bigoted or barbaric. It had, therefore, to be reformed and brought into

complementarity with the new world outside. Sumanta Banerjee has described how the traditions of the andarmahal were brought under critical scrutiny, especially insofar as they concerned entertainment through popular cultural forms such as songs and recitals (*kavigans, panchalis, kathakathas*). Under colonial influence, the *bhadralok* learnt to view these forms as low and 'obscene': from the late eighteenth to the end of the nineteenth century both missionary and administrative literature abounds with horrified descriptions of the abandonment which 'even' upper-class natives enjoyed both in religious ritual and entertainment. Nor is it surprising that the ribald humour of popular Bengali songs, in particular, drew disfavour from the Victorians, who condemned so much of their own literary heritage as being lewd. The *bhadralok* began to frown upon popular, traditional songs and recitals within the andarmahal as exposing women to wantonness and vulgarity; at the same time, women's enjoyment of such entertainment was described as indicating their 'natural' tendency towards depravity.[28] (This latter view is of course entrenched in traditional Hindu conceptions of feminine nature). Women's education, thus, was a way of both detaching upper-caste women from any contact with 'the vulgar masses', and of curing them of their latent vulgarity.

One of the effects of the women's education movement, therefore, was also to marginalize popular forms of women's entertainment, pushing their performers into seeking new avenues of employment. Traditional spaces for the expression of 'a woman's voice' were thus further curtailed.

The mid-nineteenth century also saw the growth of reform movements in Bombay Presidency, beginning with attacks on 'priestly obscurantism' and 'the institution of caste'.[29] As in Bengal, initial attacks came in the form of polemics against orthodox Hindu custom, followed by the spread of reform-based organizations and the founding of institutions such as schools and homes. Yet there were important differences in the social reforms of Bombay Presidency and Bengal: from its inception, social reform in Bombay was composed of two separate but often interconnected strands: the anti-caste movement launched by low-caste and 'untouchable' groups, and the high caste movement for reform. In contrast, social reform in Bengal was dominated by the upper-castes, and though there were spaces for reform issues in popular movements, as with the Vaishnavites, these were not incorporated into mainstream social reform campaigns, nor did they acquire the ideas of modernism and progress which can be held to characterize nineteenth-century social reform. Attacks on caste-hierarchies and caste-based power structures in Bombay did not, however, lead to the founding of a new religious body as they did in Bengal, nor even to major movements for religious reform.

In the 1830s a movement to bring converts back into the Hindu fold started in Bombay city. A Hindu Missionary Society was founded which performed ceremonies to admit Hindus who were converts to Christianity or Islam back into Hinduism; the Society also simplified the marriage ceremony (which took several days) and trained priests, not all of whom were Brahmans.[30]

By the 1840s radical Brahman students in both Poona and Bombay city espoused the reform of Hinduism; students in Poona modelled themselves on the Derozians in Calcutta and came to be known as the Young Poona group; in 1848, the Brahman aristocrat G.H. Deshmukh ('Lokahitwadi') began publishing attacks on the Hindu priesthood; and the dalit Jyotirao Phule (affectionately called Jyotiba) founded his first school for girls in Poona. One year later, the Paramahansa Mandali was founded in Bombay city, by both Brahmans and non-Brahmans; its members campaigned against caste-segregation, and held secret meetings at which they ate beef and drank wine together. In the same year, students of Elphinstone College in Bombay opened a school for girls and started a monthly magazine for women.[29] By 1852 Phule had opened three schools for girls, and one for 'untouchables'.[30]

Orthodox Hindu reactions to these developments were not slow to come, and were considerably stronger in Bombay than in Bengal, especially in Poona. One of the reasons for this was that Brahman power-structures were far stronger in Bombay presidency than in Bengal, and Poona was a centre of Brahmanic culture. On a few occasions, social reformers were even beaten up; Phule, who lived in Poona faced enormous hostility from caste Hindus for his presumption in attempting to raise the status of 'untouchables', especially girls. Under pressure from conservative Brahmans, his father threw him out of his home, and he was ostracized by many members of his own community.[31]

By the 1850s orthodox Hindu reaction to social reform campaigns had also grown considerably stronger. This was partly a natural corollary of the growing strength of these campaigns, and partly a reaction to the kind of support the British were giving to them and the way they were used to fuel European contempt for 'natives'. When I.C. Vidyasagar launched a campaign to remove the ban on widow remarriage, in the early 1850s, he began, as other social reformers had done, with a tract in Bengali showing that widow remarriage was accepted by the *shastras*, and he debated the issue with Hindu pundits in Sanskrit. The debate was taken up by the vernacular press and soon songs were heard both praising and lambasting the campaign and its leader. Describing some of the songs of praise, Sumanta Banerjee has pointed out that many of them adopted the 'widow's voice', telling of her pleasure at the prospect of

escaping from widowhood into remarriage.[2] Even the weavers of Santipur took their looms into the fray, and verses about the campaign appeared on their cloth. Vidyasagar then translated his tract into English, and gave copies of it to British officials. With their advice, he submitted a petition to the Governor-General in 1855, asking for a law to be passed recognizing widow remarriage. In the same year a draft Bill was introduced in the legislative Council by J.P. Grant, which was based on Vidyasagar's petition. Yet, of the arguments advanced by Vidyasagar in his petition only one was focussed on by Grant. The petition argued that there were many Hindus who practised widow remarriage but who were now unable to do so as the courts run by the East-India Company and the British government had declared this illegal. moreover, the ban on widow remarriage 'tends generally to depravation of morals'. Several historians have pointed out that the British codification of Hindu law tended to impose Brahminic ritual on all Hindus; according to Vidyasagar's petition, this had happened with the ban on widow remarriage. The Bill, therefore, could as well have been seen as a repeal of the British law against widow remarriage. Yet the situation was complicated in two ways: for the Brahman-dominated Hindu orthodoxy the argument that many Hindu communities allowed widows to remarry was a challenge to their

Drawing by Herbert Johnson in Mary Frances Billington: *Women in India*, rpt. Delhi, Amarko Book Agency, 1973.

A BILL TO

Remove all legal obstacles to the marriage of Hindoo Widows

Whereas it is known that, by the law as administered in the Civil Courts established in the territories in the possession and under the Government of the East India Company, Hindoo Widows, with certain exception, are held to be, by reason of their having been once married, incapable of contracting a second valid marriage, and the offspring of such Widows by any second marriage are held to be illegitimate, and incapable of inheriting property; and whereas many Hindoos believe that this imputed legal incapacity, although it is in accordance with established custom, is not an accordance with a true interpretation of the precepts of their religion, and desire that the Civil law administered by the Courts of Justice shall no longer prevent those Hindoos who may be so minded from adopting a different custom, in accordance with the dictates of their own consciences; and whereas it is just to relieve all such Hindoos from this legal incapacity of which they complain; and the removal of all legal obstacles to the marriage of Hindoo Widows will tend to the promotion of good morals and to the public welfare—It is enacted as follows:—

Preamble

I. No marriage contracted between Hindoos shall be invalid, and the issue of no such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation of Hindoo law to the contrary notwithstanding.

Marriage of Hindoo Widows legalized

II. All rights and interests which any Widow may have in her deceased husband's property by way of maintenance, or by inheritance to her husband or to his lineal successors, or by virtue of any will or testamentary disposition conferring upon her, without express permission to remarry, only a limited interest in such property, with no power of alienating the same, shall, upon her re-marriage, cease and determine as if she had then died; and the next heirs of her deceased husband, or other persons entitled to the property on her death, shall thereupon succeed to the same.

Rights of widow in deceased husband's property, to cease on her re-marriage

III. On the re-marriage of the Hindoo Widow, if neither the Widow nor any other person has been expressly constituted by the will or testamentary disposition of the deceased husband, the guardian of his children, the father or paternal grandfather, or the mother or paternal grandmother, of the deceased husband, or any male relative of the deceased husband, may petition the highest Court having original jurisdiction in Civil cases in the place where the deceased husband was domiciled at the time of his death, for the appointment of some proper person to be guardian of the said children, and thereupon it shall be lawful for the said Court, if it shall think fit, to appoint such guardian, who, when appointed, shall be entitled to have the care and custody of the said children, or any of them, during their minority, in the place of their mother; and in making such appointment the Court shall be guided, so far as may be, by the laws and rules in force touching the guardianship of children who have neither father nor mother. Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointment shall be made otherwise than with the consent of the mother, unless the proposed guardian shall have given security for the support and proper education of the children whilst minors.

Guardianship of children of deceased husband, on the re-marriage of his widow

IV. Nothing in this Act contained shall be construed to render any widow, who, at the time of the death of any person leaving any property, is a childless widow, capable of inheriting the whole or any share of such property, if before the passing of that Act she would have been incapable of inheriting the same by reason of her being a childless Widow.

Nothing in this Act to render any childless widow capable of inheriting

V. Except as in the three preceding Sections is provided, a Widow shall not, by reason of her re-marriage forfeit any property, or any right to which she would otherwise be entitled; and every Widow who has re-married shall have the same rights of inheritance as she would have had, had such marriage been her first marriage.

Saving of rights of widow marrying, except as provided in the three preceding

VI. Whatever words spoken, ceremonies performed, or engagements made, on the marriage of a Hindoo female who has not been previously married, are sufficient to constitute a valid marriage, shall have the same effect if spoken, performed, or made on the marriage of a Hindoo Widow; and no marriage shall be declared invalid on the ground that such words, ceremonies, or engagements, are inapplicable to the case of a widow.

Whatever ceremonies now constitute a valid marriage shall have the same effect on the marriage of a widow

VII. If the widow re-marrying is a minor whose marriage has not been consummated, she shall not re-marry without the consent of her father, or, if she has no father, of her paternal grandfather, or, if she has no such grandfather, of her mother, or, failing all these, of her elder brother, or, failing also brothers, of her next male relative. All persons knowingly abetting a marriage made

Consent to re-marriage of a widow who is a minor.

Punishment for abetting marriage made contrary to this Section.

contrary to the provisions of this Section shall be liable to imprisonment for any term not exceeding one year, or to fine or to both. And all marriages made contrary to the provisions of this Section may be declared void by a Proviso Court of law. Provided that, in any question regarding the validity of a marriage made contrary to the provisions of this Section, such consent as is aforesaid shall be presumed until the contrary is proved; and that no such marriage shall be declared void after it has been consummated. In the case of a Widow who is of full age, or whose marriage has been consummated, her own consent shall be sufficient consent to constitute her remarriage lawful and valid.

Effect of such marriage.

authority on all matters Hindu; and their authority was being assailed at various points as it was. Then the British supporters of the Bill accepted the orthodox argument that Hinduism forbade widow remarriage, but turned it to Hindu disadvantage. Grant's arguments in support of the Bill, for example, first advanced a biological-deterministic reason for permitting widows to remarry: then turned this into a moral reason supported by empirical evidence:

> the Hindu practice of Brahmacharya is an attempt to struggle against Nature, and like all other attempts to struggle against Nature, is entirely unsuccessful . . . . In the majority of cases young Hindu widows fall into vice . . . in many cases a licentious and profligate life is entered upon in secret; and in many other cases the wretched widows are impelled to desert their homes and to live a life that brings open disgrace upon their families.

As evidence he quoted two other Englishmen: Ward, who said the ban on widow remarriage forced many women into prostitution; and Major Wilkinson, who claimed he was repeating the opinions of a Brahman he knew in Nagpur, who said that this ban

> inevitably leads to great moral depravity and vice. . . it inevitably causes a frightful amount of infanticides and abortions . . . these widows, inevitably rendered corrupt and vicious themselves by the hard and unnatural laws operating on them cannot be prevented from corrupting and destroying the honour and virtue of all other females with whom they associate.[53]

More than forty petitions against the Bill were submitted by around sixty thousand Hindus of 'the higher class'. The argument that the ban on widow remarriage led to 'depravation' was not referred to by most of these petitions, which set out to prove that it was enjoined by the *shastras*, and any change of the law as it stood would be construed as interference in Hindu custom. One of the petitions pointed out that 'legislative intervention has never yet been able to effect a change in public opinion, while the more such interference is exercised, the more it assumes an objectionable character.'[54] In fact though the Bill was passed in 1856, very few remarriages resulted from it: social reformers themselves called it a 'dead letter'.

> A widow remarriage society did its best to help, maintaining what was practically a Widow Remarriage Bureau. The reformers themselves found practice (as opposed to preaching) difficult. A story was current at the time of a young reformer, who announced to the cheers of his audience, that he would marry a widow, and none other. The Remarriage Bureau fell upon his neck and offered him first choice. Before the marriage actually took place he gave a dinner to his boon companions. 'How many', he asked, 'of you will accept my invitations to dinner after I am married?' Not one was willing. The marriage never took place.[55]

In the 1890s it was reported that in the forty odd years since the Act was passed, there had been five hundred widow remarriages in all. Though social reform organizations had by this time mushroomed all over India, and each one of them was pledged to campaigning for widow remarriages, this was all they had achieved. Moreover, it seems that even these five hundred were remarriages of child-widows or, in the parlance of the day 'virgin widows'. High caste widows who were not virgins did not—and could not—remarry.[56]

Recent research on the functioning of the Act has shown how it often made remarriage more difficult for widows of castes and tribes which had never placed a ban on widow remarriage. Though the Act accorded all Hindu widows the right to remarry, it added a clause classifying the kinds of property the widow had rights to upon remarriage. If her property had come to her from her natal family, or been given to her absolutely, she was entitled to keep it on remarriage. If, on the other hand, it came to her from her husband

or his lineal successors it would cease to be hers upon remarriage—unless she was 'expressly permitted' to keep it. That is to say, if she had the right to maintenance, or inheritance, or was willed property, she would forfeit it on remarriage, unless her husband had announced she was free to remarry, or her caste or community rules specified that she could keep her property on remarriage. Both were unlikely eventualities. Lucy Carroll has cited various instances in which this distinction between kinds of property rights for widows was used by relatives to dispossess them, in communities which had by customary law allowed both widow remarriage and the retention of property. Interestingly, one of the examples she gave was of a case brought by members of a tribal family, claiming that on her remarriage one of their widows had forfeited her right to the property she owned. The case was won on a minimal showing of evidence that certain Hindu practices had been adopted by some branches of the tribe (the Rajbansis). The Court held this sufficient evidence to bring the entire tribe under the scope of the Act.[37] Thus the Act provided mercenary reasons for non-Hindus to Hinduize their customs; so legislative changes did affect public practice, and thus public opinion, even if not in the way they set out to do.

By the 1860s, several different strands could be distinguished in the social reform movement. An example of this is the wide range of opinion on why women should be educated and what their education should consist of. At one extreme, the Bombay Parsi Framji Bomanji declared 'we want the English language, English manners and English behaviour for our wives and daughters, and until these are supplied, it is but just that the present gulf between the Englishman and the Indian should remain as wide as ever.'[38] Few, however, concurred with this Anglophilia. Though K.C. Sen felt the 'encounter with Christianity' was one of the best moments in Indian history, Bengali literature and Brahmo 'religious instruction' were essential in the curricula of his girls' schools and 'home education' groups.[39] I.C. Vidyasagar gave no religious instruction at all, but had both Sanskrit and Bengali taught in his girls' schools. Sayyid Ahmed Khan, a prominent Muslim loyalist and founder of the Muslim social reform movement, said that Muslim women should be educated, but at home, and cautioned against the 'Anglicisation' of Muslim girls.[40] At the same time, a new theory for social reform was propounded by Dayanand Saraswati; one which had earlier been outlined by members of the student Society for the Acquisition of General Knowledge, formed in 1838 in Calcutta. Members of the Society, of whom Vidyasagar had been one, said that Hinduism and Islam had both been responsible for the degradation of women in India, and the only way to drag Indian women out of the 'bog of illiteracy and superstition' into which they had fallen was to educate them on secular rationalist lines; yet they also propounded the theory of a golden age in ancient India (Vedic) which had accorded a special place to learned women.[41]

Similar ideas were expressed by members of the Tattvabodhini Sabha, formed by Rabindranath Tagore in 1839. The Sabha was pledged to reform Hinduism, spread knowledge of the *shastras*, especially Vedanta, and propounded a monotheism based on the Upanishads. It was formed in the same year as Alexander Grant's *India and India Missions* was published, which made scathing denunciations of Hindus and Hinduism, saying 'of all the systems of false religion ever fabricated by the perverse ingenuity of fallen man, Hinduism is the most stupendous'. Duff, a propounder of 'aggressive' Christianity', signalled the increasing proselytizing drive of Christian missionaries in India, which had aroused alarm not only in the breasts of orthodox Hindus but reformers as well, especially as it was beginning to enjoy a mild success among high-caste students. The 1840s were years of bitter debate between the missionaries on one side and Hindu conservatives and reformers on the other even though the missionaries and reformers agreed that British rule and English education had spread culture and reason among Indians, dispelling 'the darkness of ignorance'. The Tattvabodhini Sabha's defence of Hinduism, in particular, consisted of developing the view of ancient India as 'a great centre of learning and theological study' saying that:

> It was a symbol of righteousness and greatness, and among all countrymen the Hindus were given a superior position .... Therefore in order to revive our greatness it has become necessary to research the antiquity of India so that it helps and encourages people of the land to respect and love their own country.[42]

Embarking on Indological research, they published their findings on the greatness of Aryan civilization in the *Tattvabodhini Patrika*, and translated various Hindu scriptures from Sanskrit into Bengali.

In this they were not alone. Ram Mohan Roy and Mrityunjaya Vidyalamkara had both privileged the Vedas and Upanishads over other texts; Colebrooke had advanced the theory of an Aryan golden age as early as 1805. As indological research developed in Europe in the nineteenth century, scholars such as Max Muller popularized the golden age theory. Yet in Europe, as in India, these views were to grow in strength in the latter half of the nineteenth century, and to be used in different, often opposed, ways.

Though the Tattvabodhini Sabha's ideas were intellectually influential, they did not attract a particularly wide

Excerpts From Lajpat Rai's *A History of the Arya Samaj*

The Relations of the sexes

It must be frankly admitted that when the Arya Samaj came into being the lot of Hindu women was deplorable. In certain respects it was even worse than that of men. A proportion of the men (though comprising only a very small percentage of the population) had received some sort of education, in the schools and colleges opened by the Government, the Christian missionaries and other private agencies, but very little had been done to further the education of Indian women. This system of Government introduced by the British, necessitated the education of Indian men for administrative reasons. Among the agencies that have worked for improvement in this respect, the Arya Samaj occupies a high position in the Punjab and the United Provinces of Agra and Oude. It can be safely said that there has occurred a metamorphosis in the outlook of men towards women.

English education and Western ideas have played an important part in engendering this change, but an equally great, if not even greater, part has been played by an appeal to the ancient Hindu ideals of womanhood and to the teachings of the ancient Hindu religion in the matter of the relations of the sexes. A study of ancient Hindu literature made it abundantly clear that the present unenviable lot of Indian women was due to a deterioration of their old ideal. In Ancient India, both in theory and practice, women were placed on a pedestal in society; equal to that of men, if not higher. As regards education and marriage they held an equal position. The girls were equally entitled to receive education, and no limitations at all were set on their ambition in this direction. Study was equally enjoined for the girls as well as the boys. The only difference was that, in the case of girls, their period of education expired sooner than that of boys. The minimum age of marriage for girls was sixteen, as compared with twenty-five for boys. This was based on Hindu ideas of the physiological differences between the sexes. It is presumed that as regards the choice of a mate, both parties enjoyed equal freedom and equal opportunities. The ideal marriage was monogamic, and one contracted with the mutual consent of the parties. Yet, so many varieties of legal marriage are known to Hindu law as to leave no doubt as to the sensitiveness of the Hindus to the extreme difficulty, and indeed unnaturalness, of attempting to impose a single law upon both sexes. Some forms of marriage suggest that courtship was not altogether unknown in Hindu society, and furthermore, it was not regarded with any grave disapprobation. Though as a rule subject to control by parents, husbands and even sons, Hindu mothers, wives, sisters and daughters occupied a higher position than their counterparts ever had in Christian Europe before the nineteenth century. In the family the position of the mother was higher than that of the father. According to Manu she is entitled to a thousand times greater respect and reverence than the father. She was in supreme control of the house and at the helm of household affairs, including finances.

Hindu law recognizes the rights of the mother, of the widow, of the daughter, and of the sister to possess property in their own right, with exclusive control over it, even when a member of a joint family. A mother has an equal right with the father to the guardianship of her children. On the death of the father her right is absolute. An ideal Hindu wife is never expected to earn her livelihood. She has been exempted from this burden by virtue of the superiority of her mother-function. Male members have been made responsible even for the maintenance, etc. of unmarried girls and widows, though the latter are not debarred from acquiring property by inheritance, by gift, or by their own skill. In no case have males any legal control over the property of females.

The Hindu marriage is a sacrament, and as such, in theory, indissoluble. Says Manu:

"The whole duty, in brief, of husband and wife towards each other is that they cross not and wander not apart from each other in thought, word and deed until death, And the promise is that they who righteously discharge this duty here shall not be parted hereafter, by the death of the body, but shall be together in the worlds beyond also".

Swami Dayanand interprets the ancient Rishis as disapproving of second or third marriages on the death of husbands and wives (Manu is supposed to lay this injuction on widows only). In any case, Dayanand does not lay down any rule for women which he does not apply to men also, and in so doing he is merely following the spirit of the ancient lawgivers. There are certain conditions in which men are permitted to remarry even in the lifetime of the lawful spouse; for example, if she be barren, or addicted to strong drink or guilty of immorality, or even when where is complete incompatibility of temperament. In similar conditions the wife, too, has the option of remarrying in the lifetime of her husband; for example, if he be impotent, or deserts his wife, or falls into dissolute