RAJA RAMMOHUN ROY.

# The English Works of Raja Rammohun Roy

Editor
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With an English Translation of TUHFATUL MUWAHHIDDIN

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ascertained by actual observation on a moderate scale. If the result be such as to satisfy all parties, whether friendly or opposed to it, the measure may then be carried on to a greater extent, till at last it may seem safe and expedient to throw the country open to persons of all classes.

()n mature consideration, therefore, I think I may safely recommend that educated persons of character and capital should now be permitted and encouraged to settle in India, without any restriction of locality or any liability to banishment, at the discretion of the government; and the result of this experiment may serve as a guide in any future legislation on this subject.

(Sd.) RAMMOHUN ROY.

LONDON, July 14th, 1832.

TRANSLATION

OF

A CONFERENCE

BETWEEN

AN ADVOCATE FOR.

AND

AN OPPONENT OF. THE PRACTICE

OF

BURNING WIDOWS ALIVE;

FROM

THE ORIGINAL BUNGLA.

CALCUTTA:

1818.

#### CONFERENCE

BETWEEN

#### AN ADVOCATE FOR,

AND

AN OPPONENT OF, THE PRACTICE

OF

# BURNING WIDOWS ALIVE.

Advocate. I AM surprised that you endeavour to oppose the practice of Concremation and Postcremation of widows,\* as long observed in this country.

Opponent. Those who have no reliance on the Sastra, and those who take delight in the self-destruction of women, may well wonder that we should oppose that suicide which is forbidden by all the Sastras, and by every race of men.

Advocate. You have made an improper assertion in alleging that Concremation and Postcremation are forbidden by the Sastras. Hear what Angira and other saints have said on this subject:

"That Woman who, on the death of her husband, ascends the burning pile with him, is exalted to heaven, as equal to Arundhati.

"She who follows her husband to another world, shall dwell in a region of joy for so many years as there are hairs in the human body, or thirty-five millions.

"As a serpent-catcher forcibly draws a snake from his hole, thus raising her husband by her power, she enjoys delight along with him.

"The woman who follows her husband expiates the sins of three races; her father's line, her mother's line, and the family of him to whom she was given a virgin.

<sup>•</sup> When a widow is absent from her husband at the time of his death, she may in certain cases burn herself along with some relic representing the deceased. This practice is called Anumaran or Posteremation.

#### CONFERENCE ON THE PRACTICE

"There possessing her husband as her chiefest good, herself the best of women, enjoying the highest delights, she partakes of bliss with her husband as long as fourteen Indras reign.

"Even though the man had slain a Brahman, or returned evil for good, or killed an intimate friend, the woman expiates those crimes.

"There is no other way known for a virtuous woman except ascending the pile of her husband. It should be understood that there is no other duty whatever after the death of her husband."

Hear also what Vyasa has written in the parable of the pigeon:

"A pigeon, devoted to her husband, after his death entered the flames, and ascending to heaven, she there found her husband."

And hear Harita's words:

"As long as a woman shall not burn herself after her husuand s death she shall be subject to transmigration in a female form."

Hear too what Vishnu, the saint, says:

"After the death of her husband a wife must live as an ascetic, or ascend his pile."

Now hear the words of the Brahma Purana on the subject of Postcremation:

"If her lord die in another country, let the faithful wife place his sandals on her breast, and pure enter the fire."

The faithful widow is declared no suicide by this text of the Rig Veda: "When three days of impurity are gone she obtained obsequies."

Gotama, says:

"To a Brahmani after the death of her husband, Postcremation is not permitted. But to women of the other classes it is esteemed a chief duty."

"Living let her benefit her husband; dying she commits suicide."

"The woman of the Brahman tribe that follows her dead husband, cannot, on account of her self-destruction, convey either herself or her husband to heaven."

Concremation and Postcremation being thus established by the words of many sacred lawgivers, how can you say they are forbidden by the Sastras, and desire to prevent their practice?

Opponent. All those passages you have quoted are indeed sacred law; and it is clear from those authorities, that if women perform Concremation or Postcremation, they will enjoy heaven for a considerable time. But attend to what Manu and others say respecting

the duty of widows: "Let her emaciate her body, by living voluntarily on pure flowers, roots, and fruits, but let her not, when her lord is deceased, even pronounce the name of another man. Let her continue till death fergiving all injuries, performing harsh duties, avoiding every sensual pleasure, and cheerfully practising the incomparable rules of virtue which have been followed by such women as were devoted to one only husband."

Here Manu directs, that after the death of her husband, the widow should pass her whole life as an ascetic. Therefore, the laws given by Angira and others whom you have quoted, being contrary to the law of Manu, cannot be accepted; because the Veda declares, "Whatever Manu has said is wholesome;" and Vrihaspati, "Whatever law is contrary to the law of Manu is not commendable." The Veda especially declares, "By living in the practice of regular and occasional duties the mind may be purified. Thereafter by hearing, reflecting, and constantly meditating on the Supreme Being, absorption in Brahma may be attained. Therefore from a desire during life of future fruition, life ought not to be destroyed." Manu, Yajnavalkya, and others, have then, in their respective codes of laws prescribed to widows, the duties of ascetics only. By this passage of the Veda, therefore, and the authority of Manu and others, the words you have quoted from Angira and the rest are set aside; for by the express declaration of the former, widows after the death of their husbands, may, by living as ascetics, obtain absorption.

Advocate. What you have said respecting the laws of Angira and others, that recommended the practice of Concremation and Postcremation we do not admit: because, though a practice has not been recommended by Manu, yet, if directed by other lawgivers, it should not on that account be considered as contrary to the law of Manu. For instance, Manu directs the performance of Sandhya, but says nothing of calling aloud on the name of Hari; yet Vyasa prescribes calling on the name of Hari. The words of Vyasa do not contradict those of Manu. The same should be understood in the present instance. Manu has commended widows to live as ascetics; Vishau and other saints direct that they should either live as ascetics or follow their husbands. Therefore the law of Manu may be considered to be applicable as an alternative.

Opponent. The analogy you have drawn betwixt the practice of Sandhya and invoking Hari, and that of Concremation and Postcre-

mation does not hold. For, in the course of the day the performance of Sandhya, at the prescribed time, does not prevent one from invoking Hari at another period; and, on the other hand, the invocation of Hari need not interfere with the performance of Sandhya. In this case, the direction of ore practice is not inconsistent with that of the other. But in the case of living as an ascetic or undergoing Concremation, the performance of the one is incompatible with the observance of the other. Scil. Spending one s whole life as an ascetic after the death of a husband, is incompatible with immediate Concremation as directed by Angira and others; and, vice versa, Concremation, as directed by Angira and others, is inconsistent with living as an ascetic, in order to attain absorption. Therefore those two authorities are obviously contradictory of each other. More especially as Angira, by declaring that "there is no other way known for a virtuous woman except ascending the pile of her husband," has made Concremation an indispensable duty. And Harita also, in his code, by denouncing evil consequences, in his ceclaration, that "as long as a woman shall not burn herself after the death of her husband, she shall be subject to transmigration in a female form." has made this duty absolute. Therefore all those passages are in every respect contradictory to the law of Manu and others.

Advocate. When Angira says that there is no other way for a widow except Concremation, and when Harita says that the omission of it is a fault, we reconcile their words with those of Manu by considering them as used merely for the purpose of exalting the merit of Concremation, but not as prescribing this as an indispesable duty. All these expressions, moreover, convey a promise of reward for Concremation, and thence it appears that Concremation is only optional.

Opponent. If, in order to reconcile them with the text of Manu, you set down the words of Angira and Harita, that make the duty incumbent, as meant only to convey an exaggerated praise of Concremation, why do you not also reconcile the rest of the words of Angira. farita, and others, with those in which Manu prescribes to the widow the practice of living as an ascetic as her absolute duty? And why do you not keep aloof from witnessing the destruction of females, instead of tempting them with the inducement of future fruition? Moreover, in the text already quoted, self-destruction with the view of reward is expressly prohibited.

Advocate. What you have quoted from Manu and 1ajnavalkya and the text of the Veda is admitted. But how can you set aside the following text of the Rig Veda on the subject of Concremation? "O fire! let these women, with bodies anointed with clarified butter, eyes coloured with collyrium, and void of tears, enter thee, the parent of water, that they mry not be separated from their husbands, but may be, in unison with excellent husbands, themselves sinless and jewels

amongst women."

Opponent. This text of the Veda, and the former passages from Harita and the rest whom you have quoted, all praise the practice of Concremation as leading to fruition, and are addressed to those who are occupied by sensual desires; and you cannot but admit that to follow these practices is only optional. In repeating the Sankalpa of Concremation, the desire of future fruition is declared as the object. The text therefore of the Veda which we have quoted, offering no gratifications, supersedes, in every respect, that which you have adduced, as well as all the words of Angira and the rest. In proof we quote the text of the Kathopanishad: "Faith in God which leads to absorption is one thing; and rites which have future fruition for their object, another. Each of these, producing different consequences, hold out to man inducements to follow it. The man, who of these two chooses faith, is blessed: and he, who for the sake of reward practices rites, is dashed away from the enjoyment of eternal beatitude." Also the Mundakopanishad: "Rites, of which there are eighteen members, are all perishable: he who considers them as the source of blessing shall undergo repeated transmigrations; and all those fools who. immersed in the foolish practice of rites, consider themselves to be wise and learned, are repeatedly subjected to birth, disease, death, and other pains. When one blind man is guided by another, both subject themselves on their way to all kinds of distress."

It is asserted in the Bhagavad Gita, the essence of all the Smritis, Puranas, and Itihasas, that, "all those ignorant persons who attach themselves to the words of the Vedas that convey promises of fruition, consider those falsely alluring passages as leading to real happiness, and say, that besides tnem there is no other reality. Agitated in their minds by these desires, they believe the abodes of the celestial gods to be the chief object; and they devote themselves to those texts which treat of ceremonies and their fruits, and entice by promises

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of enjoyment. Such people can have no real confidence in the Supreme Thus also do the Mundakopanishad and the Gita state that, "the science by which a knowledge of God is attained is superior to all other knowledge." Therefore it is clear, from those passages of the Veda and of the Gita, that the words of the Veda which promise fruition, are set aside by the texts of contrary import. Moreover, the ancient saints and holy teachers, and their commentators, and yourselves, as well as we and all others, agree that Manu is better acquainted than any other lawgiver with the spirit of the Veds. And he, understanding the meaning of those different texts, admitting the inferiority of that which promised fruition, and following that which conveyed no promise of gratifications, has directed widows to spend their lives as ascetics. He has also defined in his 12th chapter, what acts are observed merely for the sake of gratifications, and what are not. "Whatever act is performed for the sake of gratifications in this world or the next is called Prabartak, and those which are performed according to the knowledge respecting God, are called Nibartak. All those who perform acts to procure gratifications, may enjoy heaven like the gods; and he who performs acts free from desires, procures release from the nve elements of this body. that is, obtains absorption."

Advocate. What you have said is indeed consistent with the Vedas, with Manu, and with the Bhagavad Gita. But from this I fear, that the passages of the Vedas and other Sastras, that prescribe Concremation and Postcremation as the means of attaining heavenly enjoyments, must be considered as only meant to deceive.

Opponent. There is no deception. The object of those passages is declared. As men have various dispositions, those whose minds are enveloped in desire, passion and cupidity, have no inclination for the disinterested worship of the Supreme Being. If they had no Sastras of rewards, they would at once throw aside all Sastras, and would follow their several inclinations, like elephants unguided by the hook. In order to restrain such persons from being led only by their inclinations, the Sastra prescribes various ceremonies, as Syenavaga for one desirous of the destruction of the enemy, Putreshti for one desiring a son, and Jyotishtoma for one desiring gratifications in heaven, &c.; but again reprobates such as are actuated by those desires, and at the same moment expresses contempt for such gratifications. Had the Sastra not repeatedly reprobrated both those

actuated by desire and the fruits desired by them, all those texts might be considered as deceitful. In proof of what I have advanced I cite the following text of the Upanishad, "Knowledge and rites together offer themselves to every man. The wise man considers which of these two is the better and which the worse. By reflecting, he becomes convirced of the superiority of the former, despises rites, and takes refuge in knowledge. And the unlearned, for the sake of bodily gratifications, has recourse to the performance of rites." The Bhagavad Gita says: "The Vedas that treat of rites are for the sake of those who are possessed of desire: therefore, O Arjuna! do thou abstain from desires."

Hear also the text of the Veda reprobating the fruits of rites: "As in this world the fruits obtained from cultivation and labour perish, so in the next world fruits derived from rites are perishable." Also the Bhagavad Gita: "Also those who observe the rites prescribed by the three Vedas, and through those ceremonies worship me and seek for heaven, having become sinless from eating the remains of offerings, ascending to heaven, and enjoying the pleasures of the gods, after the completion of their rewards, again return to earth. Therefore, the observers of rites for the sake of rewards, repeatedly, ascend to heaven, and return to the world, and cannot obtain absorption."

Advocate. Though what you have advanced from the Veda and sacred codes against the practice of Concremation and Postcremation, is not to be set aside, yet we have had the practice prescribed by Harita and others handed down to us.

Opponent. Such an argument is highly inconsistent with justice. It is every way improper to persuade to self-destruction by citing passages of inadmissible authority. In the second place, it is evident from your own authorities, and the Sankalpa recited in conformity with them, that the widow should voluntarily quit life, ascending the flaming pile of her husband. But, on the contrary, you first bind down the widow along with the corpse of her husband, and then heap over her such a quantity of wood that she cannot rise. At the time too of setting fire to the pile, you press her down with large bamboos. In what passage of Harita or the rest do you find authority for thus binding the woman according to your practice? This then is, in fact, deliberate female murder.

Advocate. Though Harita and the rest do not indeed authorize this practice of binding, &c., yet were a woman after naving recited

the Sankalpa not to perform Concremation, it would be sinful, and considered disgraceful by others. It is on this account that we have adopted the custom.

Opponent. Respecting the sinfulness of such an act, that is meretalk: for in the same codes it is laid down, that the performance of a penance will obliterate the sin of quitting the pile. Or in case of inability to undergo the regular penance, absolution may be obtained by bestowing the value of a cow, or three kahans of cowries. Therefore the sin is no cause of alarm. The disgrace in the opinion of others is also nothing: for good men regard not the blame or reproach of persons who can reprobate those who abstain from the sinful murder of women. And do you not consider how great is the sin to kill a woman; therein forsaking the fear of God, the fear of conscience, and the fear of the Sastras, merely from a dread of the reproach of those who delight in female murder?

Though tying down in this manner be not authorized by the Sastras, yet we practise it as being a custom that has been observed throughout Hindustan.

Opponent. It never was the case that the practice of fastening down widows on the pile was prevalent throughout Hindustan: for it is but of late years that this mode has been followed, and that only in Bengal, which is but a small part of Hindustan. No one besides who has the fear of God and man before him, will assert that male or female murder, theft, &c., from having been long practised, cease to be vices. If, according to your argument, custom ought to set aside the precepts of the Sastras, the inhabitants of the forests and mountains who have been in the habits of plunder, must be considered as guiltless of sin, and it would be improper to endeavour to restrain their habits. The Sastras, and the reasonings connected with them, enable us to discriminate right and wrong. In those Sastras such female murder is altogether forbidden. And reason also declares, that to bind down a woman for her destruction, holding out to her the inducement of heavenly rewards, is a most sinful act.

Advocate. This practice may be sinful or any thing else, but we will not refrain from observing it. Should it cease, people would generally apprehend that if women did not perform Concremation on the death of their husbands, they might go astray; but if they burn themselves this fear is done away. Their family and relations are freed from apprehension. And if the husband could be assured

during his life that his wife would follow him on the pile, his mind would be at ease from apprehensions of her misconduct.

Opponent. What can be done, if, merely to avoid the possible danger of disgrace, you are unmercifully resolved to commit the sin of female murder. But is there not also a danger of a woman's going astray during the life-time of her husband, particularly when he resides for a long time in a distant country? What remedy then have you got against this cause of alarm?

Advocate. There is a great difference betwirt the case of the bushand's being alive, and of his death; for while a husband is alive, Whether he resides near or at a distance, a wife is under his control; she must stand in awe of him. But after his death that authority ceases, and she of course is divested of fear.

Opponent. The Sastras which command that a wife should live under the control of her husband during his life, direct that on his death she shall live under the authority of her husband's family, or else under that of her parental relations; and the Sastras have authorized the ruler of the country to maintain the observance of this law. Therefore, the possibility of a woman's going astray cannot be more guarded against during the husband's life than it is after his death. For you daily see, that even while the husband is alive, he gives up his authority, and the wife separates from him. Control alone cannot restrain from evil thoughts, words, and actions; but the suggestions of wisdon, and the fear of God may cause both man and woman to abstain from sin. Both the Sastras and experience show this.

Advocate. You have repeatedly asserted, that from want of feeling we promote female destruction. This is incorrect, for it is declared in our Veda and codes of law, that mercy is the root of virtue, and from our practice of hospitality, &c., our compassionate dispositions are well known.

Opponent. That in other cases you shew charitable dispositions is acknowledged. But by witnessing from your youth the voluntary burning, of women amongst your elder relatives, your neighbours and the inhabitants of the surrounding villages, and by observing the indifference manifested at the time when the women are writhing under the torture of the flames, habits of insensibility are produced. For the same reason, when men or women are suffering the pains of death, you feel for them no sense of compassion, like the worshippers

of the female deities who, witnessing from their infancy the slaughter of kids and buffaloes, feel no compassion for them in the time of their suffering death, while followers of Vishnu are touched with strong feelings of pity.

Advocate. What you have said I shall carefully consider.

Opponent It is to me a source of great satisfaction, that you are now ready to take this matter into your consideration By forsaking prejudice and reflecting on the Sastra, what is really conformable to its precepts may be perceived, and the evils and disgrace brought on this country by the crime of female murder will cease.

# SECOND CONFERENCE

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BETWEEN

AN ADVOCATE FOR,

AND

AN OPPONENT OF THE PRCTICE

OF

BURNING WIDOWS ALIVE.

CALCUTTA:

1820.

## THE MOST NOBLE

# THE MARCHIONESS OF HASTINGS,

COUNTESS OF LOUDOUN, &c., &c.

The following tract, being a translation of a Bengalee Essay published some time ago, as an appeal to reason in behalf of humanity, I take the liberty to dedicate to Your Ladyship; for to whose protection can any attempt to promote a benevolent purpose be with so much propriety committed?

I have the honour to remain, with the greatest respect,

Your Ladyship's

Most obedient servant,

THE AUTHOR.

# ON CONCREMATION;

A SECOND CONFERENCE BETWEEN AN ADVOCATE AND AN OPPONENT OF THAT PRACTICE.

Advocate. Under the title of Vidhayak, or Preceptor, I have offered an answer to your former arguments. That, no doubt, you have attentively perused. I now expect your reply.

Opponent. I have well considered the answer that, after the lapse of nearly twelve months, you have offered. Such parts of your answer as consist merely of a repetition of passages already quoted by us, require no further observations now. But as to what you have advanced in opposition to our arguments and to the Sastras, you will be pleased to attend to my reply.

In the first place, at the bottom of your 4th page you have given a particular interpretation to the following words of Vishnu, the lawgiver:—

"Mrite bhartari brahmacharyam tadanwarohanam va" meaning "after the death of her husband a woman shall become an ascetic, or ascend the funeral pile," and implying that either alternative is optional. To this, you say, eight objections are found in the Sastras, therefore one of the alternatives must be preferred: that is to say, the woman who is unable to ascend the flaming pile shall live as an ascetic. This you maintain is the true interpretation; and in proof you have cited the words of the Skanda Purana and of Angira. I answer. In every country all persons observe this rule that meanings are to be inferred from the words used. In this instance the text of Vishnu is comprised in five words: 1st, Mrite, "on death," 2nd, bhartari. "of a husband," 3rd, brahmacharyam, "asceticism," 4th, tadanwarohanam, "ascending his pile," 5th, va, "or." That is, "on the death of a husband, his widow should become an ascetic, or ascend his pile." It appears, therefore, from asceticism being mentioned first in order, that this is the most pious conduct for a widow to follow. But your interpretation, that this alternative is only left for widows who are

unable to ascend the flaming pile, can by no means be deduced from the words of the text; nor have any of the expounders of the Sastras so expressed themselves.

For instance, the author of the Mitakshara, whose authority is always to be revered, and whose words you have yourself quoted as authority in p. 27, has thus decided on the subject of Concremation:—
"The widow who is not desirous of final beatitude, but who wishes only for a limited term of a small degree of future fruition, is authorized to accompany her husband."

The Smarta Bhattacharya (Raghunandana, the modern law commentator of Bengal) limited the words of Angria, that "besides Concremation there is no other pious course for a widow," by the authority of the foregoing text of Vishnu; and authorized the alternative of a widow living as an ascetic, or dying with her husband, explaining the words of Angira as conveying merely the exaggerated praise of Concremation.

Secondly. From the time that Sastras nave been written in Sanskrit, no author or man of learning has ever asserted, as you have done, that the person who, desirous of the enjoyments of heaven, is unable to perform the rites leading to fruition, may devote himself to the attainment of final beatitude. On the contrary, the Sastras uniformly declare that those who are unable to pursue final beatitude, may perform rites, but without desire; and persons of the basest minds who do not desire eternal beatitude, may even perform rites for the sake of their fruits.

As V sishtna declares :--

"The person who does not exert himself to acquire that knowledge of God which leads to final absorption, may perform ceremonies without expectation of reward.

"To encourage and improve those ignorant persons, who looking only to pleasure, cannot distinguish betwixt what is God and not God, the Sruti has promised rewards."

- \* अतश्च मोचमिनच्छन्त्याः अनित्याल्पसुखरूपस्वर्गार्थेन्या अनुगमनं युक्तमित्रकाम्यानुष्ठानवदितिः सर्वमनवद्यं ।
- † यस्मै न रोचते ज्ञानं श्रध्यातमं मोक्षसाधनं । ईशापितेन चित्तेन यजेशिष्कामकर्मणा ॥
- 1 मूदानां भागदृष्टीन्। त्रात्मानात्मातिवेकिनां । रुचये चाधिकाराय विद्धाति फल श्रुतिः ॥

#### Bhagavaa Gita.

"If you are unable to acquire by degrees divine knowledge, be diligent in performing works with a view to please me, that by such works you may acquire a better state. If you are unable even to perform rites solely for my sake, then, controlling your senses, endeavour to perform rites without the desire of fruition."

Therefore, to give the preference to self-immolation, or to the destruction of others, for the sake of future reward, over asceticism, which gives a prospect of eternal beatitude, is to treat with contempt the authorities of the Vedas, the Vedanta, and other Darsanas, as well as of the Bhagavad Gita and many others. As the Veda says—

"Knowledge and rites both offer themselves to man; but he who is possessed of wisdom, taking their respective nature into serious consideration, distinguishes one from the other, and chooses faith, despising fruition; while a fool, for the sake of advantage and enjoyment, accepts the offer of rites."

Without entirely rejecting the authority of the Gita, the essence of all Sastras, no one can praise rites performed for the sake of fruition, nor recommend them to others; for nearly half of the Bhagavad Gita is filled with the dispraise of such works, and with the praise of works performed without desire of fruition. A few of those passages have been quoted in the former conference, and a few others are here given.

"Works performed, except for the sake of God, only entangle the soul. Therefore, O Arjuna, forsaking desire perform works with the view to please God."

- \* श्रभ्यासेऽप्यसमधौसि मत्कर्मपरमो भव । मदर्घमपि कर्माणि कुर्जन् सिद्धि मवापस्यसि ॥ श्रथतदप्यश्वकीसि कत्तुं मद्योगमाश्रितः । सर्ज्वकर्मफलस्यामं ततः कुरु यतात्मवान् ॥
- † श्रेयश्च प्रेयश्च मनुष्यमेतस्ती सम्परीत्य विविनक्ति धीरः । श्रेयोहि धीरोऽभिप्रेयसी वृषीते प्रेयी मन्दो योगक्षेमाद्वृषीते ॥
- ‡ यज्ञार्थात् कर्म्मणोऽन्यत्र लोकोऽयं कर्म्मबन्धनः। तद्ये कर्म्म कौन्तेय मुक्तसङ्गः समाचरः॥

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"The person who performs works without desire of frution, directing his mind to God, obtains eternal rest. And the person who is devoted to fruition, and performs works with desire, he is indeed inextricably involved."

"Oh, Arjuna, rites performed for the sake of fruition are degraded far below works done without desire, which lead to the acquisition of the knowledge of God. Therefore perform thou works without desire of fruition, with the view of acquiring divine knowledge. Those who perform works for the sake of fruition are most debased."†

"It is my firm opinion, that works are to be performed forsaking

their consequences, and the prospect of their fruits."I

The Gita is not a rare work, and you are not unacquainted with it. Why then do you constantly mislead women, unacquainted with the Sastras, to follow a debased path, by holding out to them as temptations the pleasure of futurity, in defiance of all the Sastras, and merely to please the ignorant?

You have said, that eight objections are to be found in Sastras to the optional alternative deduced from the works of Vishnu. To

this I reply.

First. To remove an imaginary difficulty, a violation of the obvious interpretation of words, whose meaning is direct and con-

sistent, is altogether inadmissible.

Secondly. Former commentators, finding no such objection to the interpretation given to the words of Vishnu, as following the optional alternative of asceticism or Concremation, have given the preference to asceticism. The author of the Mitakshara, quoting this text of Vishnu in treating of Concremation, makes no allusion to such an objection, but finally declares in favour of asceticism.

Thirdly Fien allowing an optional alternative to be liable to the eight objections, former authors have on many occasions admitted such an a ternative. For example:-

Sruth "Oblations are to be made of wheat or of barley." But the sening of this is not, according to your mode of interpretation, "That if it cannot be made of barley, an offering is to be made of wheat "

"Burnt offering is to be made at sunrise or before sunrise." In this instance your mode of explanation may be applied; but no authors have ever given such an interpretation, but all have admitted the alternative to be optional.

# उपासीत जगन्नाथं शिवम्बा जगतां पति ।

Here also, according to your opinion, the meaning would be, that if you cannot worship Siva you should worship Vishnu. But no authors have ever given such an interpretation to those words, and to give more or less worship to Siva than to Vishnu is quite contrary to the decision of all the Sastras.

Fourthly. The following text has also been quoted by you in opposition to the optional alternative in question, taken as you assert from the Skanda Purana:-

"On the death of her husband, if by chance a woman is unable to perform Concremation, nevertheless she should preserve the virtue required of widows. If she cannot preserve that virtue, she must descend to hell. "I To confirm this text you have quoted the words of Angria:—"There is no other pious course for a widow besides Concremation;" § which you have interpreted, that "for a widow there is no other course so pious."

I answer, the words of Angria are express, that there is no other pious course for a widow than Concremation. And the Smarta commentator, having thus interpreted the text in reconciling it with the words of Vishnu already quoted, declares, that it conveys merely exaggerated praise of Concremation.

\* ब्राहिभियंजेत यवैयंजेत। † उदिते जहाति श्रवदिते जहाति ॥ İ श्रतुयाति न भक्तीरं यदि दैवात् कथञ्चन । तथापि शीलं संरक्ष्यं शीलभन्नात् पतस्यभः॥ ६ नान्यो हि धर्म्मो विज्ञेयो मृते भक्ति कर्हिचित् ।

<sup>\*</sup> युक्तः कर्म्मफलं त्यक्ता शान्तिमाप्रोति नेष्ठिकीं। श्रयुक्तः कामकारेग फले सक्ती निवध्यते ॥ † दरेगाह्यवरं कम्म वृद्धियोगाद्धनञ्जय । वदी शरगमन्त्रिच्छ कृपणाः फलहतदः ॥ 🖠 एतान्यपितु कर्माणि सङ्गं त्यक्त्वा फलानि च । कर्त्तच्याचीति मे पार्च निश्चितं मतस्त्रतमं ॥

But you, in opposition to the true meaning of the expression and to the interpretation given by the Smarta commentator, have explained those words to suit your own argument, that there is no other course more pious than that of Concremation. Perverting thus the meaning of the Sastras, what benefit do you propose by promoting the destruction of feeble woman, by holding up the temptation of enjoyments in a future state? This I am at a loss to understand.

If the passage you have quoted from the Skanda Purana really exist, the mode in which the Smarta commentator has explained the words of Angira ("there is no other virtuous course,") must be applied to those of the Skanda Purana, viz., that the text of the Skanda Purana which contradicts Manu, Vishnu, and others, is to be understood as merely conveying exaggerated praise; because, to exalt Concremation, which leads to future enjoyments that are treated as despicable by the Upanishads of the Vedas and Smriti, and by the Bhagavad Gita, above asceticism, in which the mind may be purified by the performance of works without desire, that may lead to eternal beatitude, is every way inadmissible, and in direct opposition to the opinions maintained by ancient authors and commentators.

# SECTION II.

In the latter end of the 7th page you have admitted, that the sayings of Angira, Vishnu, and Harita, on the subject of Concremation, are certainly at variance with those of Manu; but assert, that any law given by Manu, when contradicted by several other lawgivers, is to be considered annulled: --- therefore, his authority in treating of the duties of widows is not admissible, on account of the discord existing between it and passages of Harita, and Vishnu and others. With a view to establish this position you have advanced three arguments. The first of them is, that Vrihaspati says, "whatever law is contrary to the law of Manu, is not commendable," in which the nominative case, "whatever law," as being used in the singular number, signifies, that in case laws, given by a single person, stand in opposition to those of Manu they are not worthy of reverence, but if several persons differ from Manu in any certain point, his authority must be set aside. I reply. It has been the invariable practice of ancient and modern authors, to explain all texts of law so as to make them coincide with the law of Manu. They in no instance declare that the authority of Manu is to be set aside, in order to admit that of any other lawgiver. But you have, on the contrary, set aside the authority of Manu, on the ground of inconsistence with the words of two or three other authors. In this you not only act contrary to the practice of all commentators, but moreover in direct opposition to the authority of the Veda, for the Veda declares, whatever Manu lays down, that is commendable," which text you have yourself quoted in p. 7. And as to what you have said respecting the words of Vrihaspati as being in the singular number, and therefore only applicable to a case in which Manu is opposed by only one lawgiver, it is obvious that the word "whatever," being a general term, includes every particular case falling under it; and therefore his law must be followed, whatever number of authors there may be who lay down a different direction. And the reason of this is expressed in the former part of the verse of Vrihaspati, that "Manu has in his work collected the meaning of the Vedas." From this it follows that whatever law is inconsistent with the code of Manu, which is the substance of the Veda, is really inconsistent with the Veda itself, and therefore inadmissible. Admitting the justice of your explanation of Vrihaspati's text, that the authority of any individual lawgiver, who is inconsistent with Manu, must be set aside, but that when several authorities coincide in laying down any rule inconsistent with his law, they are to be followed, one might on the same principle give a new explanation to the following text:-

"The person who attempts to strike a Brahman goes to the hell called Satnayat, or of a hundred punishments; and he who actually strikes a Brahman, goes to the hell of Sahasrayat, or a thousand

Here, also, the noun in the nominative case, and that in the accusative case also, are both in the singular number; therefore, according to tive case also, are both in the singular number; therefore, according to your exposition, where two or three persons concur in beating a Brahman, or where a man beats two or three Brahmans, there is no crime committed. There are many similar instances of laws, the force of which would be entirely frustrated by your mode of interpretation.

You have argued in the second place that the practice of Concremation is authorized by a text of the Rig Veda, and consequently the

\* यत किञ्चिन्मतुग्वदत्तद्वै भेषजं । श्रुतिः ।

† यो बाह्मणा यावगुरेत्तं शतेन यातयात् योनिहन्यात् तं सहस्रेण । श्रुतिः

<sup>\*</sup> मन्वर्थविपरीता या सा स्मृति ने प्रशस्यते ।

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authority of Manu is superseded by a higher authority. I reply. In the 12th line of the 9th page of your tract, you have quoted and interpreted a text of the Vedas, expressing "that the mind may be purified so as to seek a knowledge of God from which absorption may accrue, by the performance of the daily and occasional ceremonies, without the desire of fruition; therefore, while life may be preserved, it ought not to be destroyed." With this then and all similar texts, there is the most evident concord with the words of Manu. Notwithstanding your admission to this effect, you assert that the authority of the Vedas contradicts the declaration of Manu. From the text already quoted, "that whatever Manu has declared is to be accepted," it follows that there can be no discrepancy between Manu and the Veda. But that is certainly an apparent inconsistency between the text quoted from the ceremonial part of the Rig Veda authorizing Concernation, and that above quoted from the spiritual parts of the Veda to which the celebrated Manu has given the preference, well aware that such parts of the Veda are of more authority than the passage relating to debased ceremonies. He has accordingly directed widows to live, practising austerities. The text of the Rig Veda, of course, remains of force to those ignorant wretches who are fettered with the desire of fruition, which debars them from the hope of final beatitude. This too has been acknowledged by yourself, in p. 11, line 17, and was also fully considered in the first Conference, p. 13, line 18. You cannot but be aware too, that when there is doubt respecting the meaning of any text of the Veda, that interpretation which has been adopted by Manu is followed by both ancient and modern authors. In the Bhavishya Purana, Mahadeva gave instructions for the performance of a penance for wilfully slaying a Brahman; but observing that this was at variance with the words of Manu, which declare that there is no expiation for wilfully killing a Brahman, he does not set aside the text of Manu founded on the Vedas by his own authority, but explains the sense in which it is to be accepted: -- "The object of the declaration of Manu that there is no expiation for the wilful murder of a Brahman, was the more absolute prohibition of the crime; or it may be considered as applicable to Kshatriyas, and the other tribes."

The great Mahadeva, then, did not venture to set aside the word. of Manu, but you have proposed to set up the texts of Harita and Angira as of superior authority.

Thirdly. You have quoted, with the view of doing away with the authority of Manu the text of Jaimini, signifying that if there be a difference of opinion respecting a subject, then the decision of the greater number must be adopted; and therefore, as the authority of Manu, in the present instance, is at variance with several writers, it must yield to theirs. I reply. It is apparent that this text, as well as common sense, only dictates, that where those who differ in opinion are equal in point of authority, the majority ought to be followed: but if otherwise, this text is not applicable to the case. Thus the authority of the Veda, though single, cannot be set aside by the concurrent authorities of a hundred lawgivers; and in like manner the authority of Manu which is derived immediately from the Veda, cannot be set aside by the contradicting authorities of the others either singly or collectively. Moreover, if Angira, Harita, Vishnu, and Vvasa, authorized widows to choose the alternative of Concremation, or of living as ascetics, on the other hand, besides Manu, Yajnavalkya, Vasishtha, and several other lawgivers have prescribed asceticism only. Why, therefore, despising the authorities of Manu and others, do you persist in encouraging weak women to submit to murder, by holding out to them the temptations of future pleasures in heaven?

### Section III.

The quotation from the Mundaka Upanishad and Bhagavad Gita, which we quoted in our first Conference, to shew the light in which rites should be held, you have repeated; and have also quoted some texts of the Vedas directing the performance of certain rites, such as, "He who desires heavenly fruition shall perform the sacrifice of horse."

In page 17 you have given your final conclusion on the subject to this effect: "That rites are not prohibited, but that prous works performed without desire are preferable to works performed for the sake of fruition; and he also who performs those works without desire, is superior to him who performs works for the sake of fruition." If then works without desire are acknowledged by you to

कामती ब्राह्मणवधे यदेतन्मनुनोदितम् ।
 एकान्ततो विप्रवधवर्जनायमुदीरितम् ।
 यद्वा खन्नादिवषयमेतदै बचन बिदुः ॥

be superior to works with desire of fruition, why do you persuade widows to perform work for the sake of fruition, and do not recommend to them rather to follow asceticism, by which they may acquire eternal beatitude? And with respect to your assertion, that "rites are not prohibited," this is inconsistent with the Sastras; for if all the texts of the Vedas and lawgivers, prohibiting rites, were to be quoted, they would fill a large volume; (of these a few have been already quoted by me in pp. 5 and 6.) There are indeed Sastras directing the performance of rites for the sake of fruition, but these are acknowledged to be of less authority than those which prohibit such rites; as is proved by the following text from the Mundaka Upanishad: "Sastras are of two sorts, superior and inferior; of these the superior are those by which the Eternal God is approached."\*

In the Bhagavad Gita Krishna says: "Amongst Sastras, I am

those which treat of God."†

In the Sri Bhagavat is the following text: "Ill-minded persons, not perceiving that the object of the Veda is to direct us to absorption, call the superficially tempting promises of rewards their principal fruit; but such as know the Yedas thoroughly do not hold this opinion."‡

The passages directing works for the sake of fruition are therefore adapted only for the most ignorant. 'Learned men should endeavour to withdraw all those ignorant persons from works performed with desire, but should never, for the sake of profit, attempt to drown them in the abyss of passion. Raghunandana quotes and adopts the following words: "Learned men should not persuade the ignorant to perform rites for the sake of fruition, for it is written in the Purana, that he who knows the path to eternal happiness will not direct the ignorant to perform works with desire, as the good physician refuses to yield to the appetite of his patient for injurious food."\$

> \* द्वे विधे वेदितव्य परा चैवापरा च श्रथ परा यया तदचरमधिगम्यते । श्रध्यात्मविद्या विद्यानां । एवं व्यवसितं केचिदविज्ञाय कुवुद्धयः। फलश्रात कुसुमितां न वेदका वदान्त हि ॥ परिडतेनापि मुर्खः काम्येकर्माणि न प्रवर्त्तियतव्यः, भागवते, स्त्रयं निःश्रेयसं विद्वान न वक्त्यज्ञाय कर्म्म हि। न राति रोगियो पथ्यं वाञ्छतेषि भिषक्तमः ॥

to the Veds, on the general heads of that system as revealed by the holy sages." Ch. xii, v. 106. Vrihaspati. "Let no one found conclusions on the mere words of Sastras: from investigations without reason, religious virtue is lost." As to the second position, I first beg to ask, whether or not it be meant by Jimutavahana's being styled a commentator that he wrote commentaries upon all or any of those sacred institutes. The fact is, that no one of those sacred institutes bears his comment. Should it be meant that the author of the Dayabhaga was so far a commentator, that he culled passages from different sacred institutes, touching every particular subject, and examining their purport separately and collectively, and weighing the sense deducible from the context, has offered that opinion on the subject which appeared to agree best with the series of passages cited collectively, and that when he has found one passage apparently at variance with another, he has laid stress upon that which seemed the more reasonable and more conformable to the general tenor, giving the other an interpretation of a subordinate nature, I readily concur in giving him the title of a commentator, though the word expounder would be more applicable. By way of illustration, I give here an instance of what I have advanced, that the reader may readily determine the sense in which the author of the Dayabhaga should be considered as a commentator.

15. In laying down rules "on succession to the estate of one who leaves no male issue," this author first quotes (Ch. xi, page 158) the following text of Vrihaspati: "In scripture and in the code of law, as well as in popular practice, a wife is declared by the wise to be half the body of her husband, equally sharing the fruit of pure and impure acts. Of him, whose wife is not deceased, half the body survives: how then should another take his property, while half his person is alive? Let the wife of a deceased man, who left no male issue, take his share notwithstanding kinsmen, a father, a mother, or uterine brother, be present," &c., &c. He next cites the text of Yajnavalkya, (p. 190) as follows: - "The wife and the daughters, also both parents, brothers likewise, and their sons, gentiles, cognates, a pupil, and a fellow student: on failure of the first among these, the next in order is indeed heir to the estate of one, who departed for

केवलं शासमाश्रित्य न कर्त्तव्योऽर्थनिर्यायः। युक्तिहीनविचारेण धर्माहानिः प्रजायते ॥ बृहस्पतिः ॥

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"That man who considers the Being that is infinite, incomprehensible, pure, extending as far as space and time and vacuity, to be finite, perceptible by the senses, limited by time and place, subject to passion and anger, what crime is such a robber of Divine majesty not guilty of?" That is, he is guilty of those sins which are considered as the most heinous, as well as of those that are considered ordinary sins. Therefore the words of so sinful a person can have no weight in the discussion of the legality of rites.

#### SECTION VIII.

You have stated in p. 2, that in the same manner as when part of a village or of a piece of cloth has been burnt, the village or piece of cloth is said to be burnt, so if a portion of the pile is inflamed, the whole pile may be said to be flaming. Therefore, it may with propriety be affirmed, that widows do in this country ascend the flaming pile.

I reply. You may afford gratification to those who take delight in woman-murder by such a quibble, but how can you avoid divine punishment by thus playing upon words?—for we find in the text of Harita and of Vishnu, the phrase "Pravivesa hutasanam," which means entering into flames, and the term "Samaroheddhutasanam," signifying ascending the flames. You have interreted these directions in this way;—that, a considerable distance from the pile, fire may be placed, and a piece of grass or rope may connect the fire with the pile; and that thus, by ascending the pile, which has not been in the smallest degree affected by the fire, the widow may fulfil the direction of ascending and entering the flaming pile. But I beg to remark, that both in vulgar dialect and in Sanskrit, the word "Praves" expresses only the introgression of one substance into another; as for example, "Griha prayesh koriachhilam," I entered the house; the word entered cannot be used unless I actually passed into the house. If a long bamboo be attached to the house and a rope be fastened to that bamboo, no one can in any language say, that in merely touching that rope or bamboo he has entered that house. If a single billet of wood belonging to the pile were indeed inflamed, then you might say, according to your

I reply You have stated in page 27, commencing at the 3rd line, that works without desire are preferable to those performed for the sake of fruition; while here again you say, that Concremation is preferable to asceticism. You have, however, assigned as a reason for your new doctrine, that Concremation saves progenitors as well as the husband. I have already shewn, that such promises of reward are merely held out to the most ignorant, in order to induce them to follow some kind of religious observance, and to withdraw from evil conduct. Therefore, to prefer works performed with a desire of fruition, to works without desire, merely on the ground of such exaggerated promises, is contrary to all the Sastras. If, in defiance of all the Sastras, you maintain that such promises of reward are to be understood literally, and not merely as incitements, still there can be no occasion for so harsh a sacrifice, so painful to mind and body. as burning a person to death in order to save her lines of Progenitors; for by making an offering of one ripe plantain to Siva, or a single flower of Karabir, either to Siva or to Vishnu, thirty millions of lines of progenitors may be saved.

"He, who maketh an oblation of a single ripe plantain to Siva, shall with thirty millions of races of progenitors ascend to the heaven of Siva."\*

"By presenting a single Karabir, white or not white, to Vishnu or Siva, thirty millions of races of progenitors are exalted to heaven."

Nor is there any want of promise of reward to those who perform works without desire. In fact, rather more abundant rewards are held out for such works than those you can quote for the opposite practice. "Those who have acquired knowledge in the prescribed mode can, by mere volition, save any number of progenitors; and all the gods offer worship to the devotees of the Supreme Being," #

योऽन्यथा सन्तमात्मान मन्यथा प्रतिषद्यते ।
 किन्तेन न इतं पापं चैारेनात्मापद्वारिषा ॥ स्युतिः ।

एकं सोचाफलं पक्क यः ।शवाय निवेदयेत्
 क्रिकोटिकलसंबुक्कः शिवलोके महीयते ॥

<sup>ि</sup> एकेन करवीरेण सितेनाप्यसितेन वा । इरि वा हरमभ्यर्चेष त्रिकोटिकुलमुहरेत ॥

<sup>ा</sup> सङ्कल्पादेवास्य पितरः समुत्तिष्ठन्ति, सर्वे देवा अस्मै विलमाहरन्ति ।

A volume filled with texts of this kind might be easily written. Moreover, should even the least part of any ceremony performed for reward be omitted or mistaken, the fruits are destroyed, and evil is produced. But there is no bad consequence from a failure in works performed without desire, for the completion of these, even in part, is advantageous. In proof I quote the Bhagavad Gita: "Works without desire, if only commenced, are never without advantage; and if any member be defective, evil consequences do not ensue, as in works performed with desire. And the performance of even a small portion of a work without desire brings safety"

There is evidently a possibility of a failure in some portion of the rite of Concremation or Postcremation, particularly in the mode in which you perform the ceremony contrary to the directions of the Sastras. What connection is there between that mode and the enjoyment of temporary heavenly gratifications—a mode which only subjects the widow to the consequences of a violent death?

#### SECTION VI.

Again in p. 17, line 3, you admit it to be more commendable for a widow to attend to the acquisition of knowledge than to die by Concremation; but afterwards, in order to persuade them to the practice of Concremation, and to prevent them from pursuing the acquisition of knowledge, you observe that women are naturally prone to pleasure, are extremely devoted to works productive of fruits, and are always subject to their passions. To persuade such persons to forsake Concremation, in order to attempt the acquisition of knowledge is to destroy their hopes in both ways. In support of your opinion you have quoted the Gita: "Those ignorant persons who are devoted to works ought not to be dissuaded from performing them."

1 reply. Your object in persuading women to burn themselves may now be distinctly perceived; you consider women, even of respectable classes, as prone to pleasure, and always subject to their passions; and therefore you are apprehensive lest they should lose both prospects of hope, by giving up Concremation, and attempting

to acquire knowledge. For this reason you lead them to the destruction of their lives, by holding out to them the temptation of future rewards. It is very certain that all mankind, whether male or female, are endowed with a mixture of passions; but by study of the Sastras, and frequenting the society of respectable persons, those passions may be gradually subdued and the capability of enjoying an exalted state may be attained. We ought, therefore, to endeavour towithdraw both men and women from debased sensual pleasures, and not to persuade them to the with the hope of thereby obtaining sensual enjoyments, by which after a certain period of gratification. they are again immersed in the pollutions of the womb, and subjected to affliction. The Sastras have directed those men or women, who seek after a knowledge of God to hear and reflect upon this doctrine. that they may escape from the grievous pain of this world: and they have also prescribed daily and occasional rites to be performed without the hope of reward by those who do not seek after divine knowledge in order that their minds may be purified. and prepared to receive that knowledge. We, therefore, in conformity with the Sastra, make it our endeavour to dissuade widows from desiring future base and fleeting enjoyments, and encourage them to the acquisition of that divine knowledge which leads to final beatitude. Widows, therefore, by leading an ascetic life in the performance of duties without desire, may purify their minds and acquire divine knowledge. which may procure for them final beatitude. And consequently there is no reason why they should lose both objects of future hope by forsaking Concremation.

"Oh Arjuna, by placing their reliance on me, women and those of the lower classes of Vaisya and Sudra may obtain the highest exaltation."

You, however, considering women devoted to their passions and consequently incapable of acquiring divine knowledge, direct them to perform Concremation; and maintain that, if any amongst them should not burn with their husbands, according to your final decision from the Sastras, they must lose the hopes that belong to both practices; because according to your opinion, they are entirely incapable of acquiring divine knowledge, and by not adopting

नेहातिक्रमनाशोऽस्ति प्रत्यवायो न विद्यते ।
 स्वल्पमप्यस्य धम्मस्य त्रायते महतो भयात् ॥
 † त बुद्धिभदं जनयेदज्ञानां कर्म्मसङ्गिनां ।

<sup>\*</sup> मां हि पार्थे व्यपाश्चित्य येऽपि स्युः पापयोनयः। स्वियो वैश्या स्तथा शुद्रास्तेऽपि यान्ति परा गतिम् ॥

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Concremation, they give up the prospect of future gratifications. As to your quotation from the Gita, to show that persons devoted to works ought not to be dissuaded from the performance of them, it may be observed that this text applies only to rites offered without desire of rewards, though applied by you to works perfor ned for the sake of future enjoyment, in direct inconsistency with the authority of the Gita. The object of this, as well as of all texts of the Gita, is to dissuade men from works performed with desire. The Gita and its Commentaries are both accessible to all. Let the learned decide the point.

You have quoted the following text of Vasishtha: "He who being devoted to worldly pleasures, boasts, saying, 'I am a knower of God,' can neither obtain the consequences procurable from works, nor attain final beatitude, the fruit of divine knowledge."

I admit the force of this text. For whether a man be devoted to worldly pleasures or not, if he be a boaster either of divine knowledge or of any other acquirement, he is indeed most despicable; but I am unable to see how this text, which forbids vain glory, is applicable to the question before us, which relates to the Concremation of widows.

# SECTION VII

In your 20th page, you have stated for us, that we do not object to the practice of Concremation, but to the tying down of the widow to the pile before setting it on fire. I reply. This is very incorrect, for it is a gross misrepresentation of our argument; because Concremation or Postcremation is a work performed for the sake of future reward, which the Upanishad and the Gita, and other Sastras, have declared to be most contemptible. Consequently, relying on those Sastras, it has been always our object to dissuade widows from the act of Concremation or Postcremation, that they might not, for the sake of the debased enjoyment of corporeal pleasures, renounce the attainment of divine knowledge. As to the mode in which you murder widows by tying them to the pile, we do exert ourselves to prevent such deeds, for those who are witnesses to an act of murder, and neglect to do anything towards its prevention, are accomplices in the crime.

In justification of the crime of burning widows by force, you have stated, towards the foot of the same page, that in those countries where it is the custom for widows to ascend the flaming pile, there cannot be any dispute as to the propriety of following that mode; but where that is not the mode followed, and it is the practice for those that burn the corpse to place a portion of fire contiguous to the pile, so that it may gradually make its way to the pile, and at that time the widow, according to the prescribed form, ascends the pile, in this mode also there is nothing contrary to the Sastras. You have at the same time quoted two or three authorities to shew, that rites should be performed according to the custom of the country. I reply. Female murder, murder of a Brahman, parricide, and similar heinous crimes, cannot be reckoned amongst pious acts by alleging the custom of a country in their behalf; by such customs rather the country in which they exist is itself condemned. I shall write more at large to this purpose in the conclusion. The practice, therefore, of forcibly tying down women to the pile, and burning them to death, is inconsistent with the Sastras, and highly sinful. It is of no consequence to affirm, that this is customary in any particular country-if it were universally practised, the murders would still be criminal. The pretence that many are united in the commission of such murder will not secure them from divine vengeance. The customs of a country or of a race may be followed in matters where no particular rules are prescribed in the Sastras; but the wilful murder of widows, prohibited by all Sastras, is not to be justified by the practice of a few. From the Skanda Purana: "In those matters in which neither the Vedas nor lawgivers give either direct sanction or prohibition, the customs of a country or of a race may be observed."6

If you insist that the practice of a country or of a race, though directly contrary to the directions of the Sastras, is still proper to be observed, and to be reckoned amongst lawful acts, I reply, that in Sivakanchi and Vishnukanchi, it is the custom of the people of all classes of one of those places, whether learned or ignorant, mutually, to revile the god peculiarly worshipped by the people of the other—those of Vishnukanchi despising Siva, and of Sivakanchi in the same manner holding Vishnu in contempt. Are the inhabitants of those

\* न यत्र साक्षाद्विषयो न निषेषाः श्रुतौ स्मृतौ । देशाचारकुलाचारै स्तत्र धर्मो निरूप्यते ॥

सांसारिकसुखासक्तं ब्रह्मज्ञोऽस्मीतिवादिनं ।
 कम्मं ब्रह्मोभयश्रष्टं इत्यादि ।

places, whose custom it is thus to revile Siva and Vishnu not guilty of sin? For each of those tribes may assert, in their own defence, that it is the practice of their country and race to revile the god of the other. But no learned Hindu will pretend to say, that this excuse saves them from sin. The Rajputs, also, in the neighbourhood of the Dooab, are accustomed to destroy their infant daughters; they also must not be considered guilty of the crime of child-murder, as they act according to the custom of their country and race. There are many instances of the same kind. No Pandits, then, would consider a heinous crime, directly contrary to the Sastras, as righteous, by whatever length of practice it may appear to be sanctioned.

You have at first alleged, that to burn a widow after tying her down on the pile, is one of the acts of piety, and have then quoted our argument for the opposite opinion, that "the inhabitants of forests and mountains are accustomed to robbery and murder: but must these be considered as faultless, because they follow only the custom of their country?" To this you have again replied, that respectable people are not to be guided by the example of mountaineers and foresters. But the custom of burning widows you say, "has been sanctioned by the most exemplary Pandits for a length of time. It is the custom, then, of respectable people that is to be followed, and not that of men of no principles." I answer. Respectability and want of respectability, depend upon the acts of men. It people of this province, who have been constantly guilty of the wilful murder of women by tying them to the pile in which they are burnt are to be reckoned amongst the respectable, then why should not the inhabitants of mountains and forests be also reckoned good, who perpetrate murder for the sake of their livelihood, or to propitiate their cruel deities? To shew that the custom of a country should be followed, you have quoted a text of the Veda, signifying that the example of Brahmans well versed in the Sastras, of good understanding, and whose practice is in conformity with reason and the Sastras, not subject to passion, and accustomed to perform good works, should be followed. And you have also quoted the words of Vyasa, signifying that the authorities of the Vedas and Sastras, as well as of reason, being various, the practice pointed out by illustrious men should be adopted. I reply. You have shewn that the example of men versed in the Sastras, and who act in conformity with reason and the Sastras, should be followed; but can you call those who, in defiance of the Sastras, wilfully put

women to death by tying them down to the pile on which they are burnt, illustrious, acquainted with the Vedas, and devoted to acts prescribed by the Sastras and by reason? If not, their example is to be disregarded. If you can call those, who wilfully tie down women to put them to death, righteous and illustrious, then there is no instance of unrighteousness and depravity. I have already said, that when any act is neither directly authorized nor prohibited by the Sastras, the custom of the country or of the race, should be the rule of conduct: but in the present case, the words are express in prescribing that the widow shall enter the flaming pile. But those who, in direct defiance of the authority of the Sastras, act the part of woman-murderers, in tying down the widow to the pile, and, subsequently applying the flame, burn her to death, can never exculpate themselves from the sin of woman-murder. As to the words you have quoted from the Skanda Purana, signifying that the arguments of one who has no faith in Siva and Vishnu can have no weight in the discussion of the legality of facts, I reply, this text is applicable to those who worship images. Those who worship forms under any name, and have no faith in Siva and Vishnu, their worship is vain, and their words to be disregarded. In the same way the words of the Kularnava: "He whose mouth does not give out the smell of wine and flesh, should perform a penance and be avoided, and is as an inferior animal. This is undoubted." These words are applicable only to those who follow the Tantras: and if all such texts are considered otherwise applicable than in relation to the sects to whom they are directed, there is no possibility of reconcilling the variances betwixt the different Sastras. The Sastras, treating of God, contains the following words: "Acts and rites that originate in movements of the hands, and other members of the body, being perishable, cannot effect beatitude that is eternal."†

"Those that worship forms under appellations, continue subject to form and appellation; for no perishable means can effect the acquisition of an imperishable end."

<sup>\*</sup> ग्रामिशासवसीरभ्यहीनं यस्य मुखं भवेत् । प्राथिश्ली म वज्येश्व पशुरेव न संशयः ॥

<sup>†</sup> न राधुवैः प्राप्यते हि धुवं तत । कठश्रुतिः ।

ई ध्यायन्ती नामस्पाणि यान्ति तन्मयता जनाः । श्रधवाहस्तु जाताबि ध्रुवं नैवीपजायते ॥ स्मृतिः ।

6

"That man who considers the Being that is infinite, incomprehensible, pure, extending as far as space and time and vacuity, to be finite, perceptible by the senses, limited by time and place, subject to passion and anger, what crime is such a robber of Divine majesty not guilty of?" That is, he is guilty of those sins which are considered as the most heinous, as well as of those that are considered ordinary sins. Therefore the words of so sinful a person can have no weight in the discussion of the legality of rites.

# SECTION VIII.

You have stated in p. 2, that in the same manner as when part of a village or of a piece of cloth has been burnt, the village or piece of cloth is said to be burnt, so if a portion of the pile is inflamed, the whole pile may be said to be flaming. Therefore, it may with propriety be affirmed, that widows do in this country ascend the

flaming pile.

I reply. You may afford gratification to those who take delight in woman-murder by such a quibble, but how can you avoid divine punishment by thus playing upon words?—for we find in the text of Harita and of Vishnu, the phrase "Pravivesa hutasanam," which means entering into flames, and the term "Samaroheddhutasanam," signifying ascending the flames. You have intepreted these directions in this way; -that, a considerable distance from the pile, fire may be placed, and a piece of grass or rope may connect the fire with the pile; and that thus, by ascending the pile, which has not been in the smallest degree affected by the fire, the widow may fulfil the direction of ascending and entering the flaming pile. But I beg to remark, that both in vulgar dialect and in Sanskrit, the word "Praves" expresses only the introgression of one substance into another; as for example, "Griha pravesh koriachhilam," I entered the house; the word entered cannot be used unless I actually passed into the house. If a long bamboo be attached to the house and a rope be fastened to that bamboo, no one can in any language say, that in merely touching that rope or bamboo he has entered that house. If a single billet of wood belonging to the pile were indeed inflamed, then you might say. according to your

quibble regarding the purning of the cloth and of the village, that the pile was inflamed, and the flaming pile, entered; but even this is by no means the case, in the mode in which your pile is used. Unless, however, the pile is so completely in fire that the flames may surround the whole of her body, the woman cannot be said to enter into the flame. You must then, before you can justify your murder of helpless women, prepare a new dictionary; but there is no great probability of its interpretations being adopted by men of knowledge.

Towards the end of the 28th page you assert, that those wno tie down the woman to the pile according to the custom of the country. are not guilty of violation of the Sastras: for it is to be understood from the words of Harita before quoted, that until her body be burnt. the widow cannot be delivered from female form, which implies that her body ought to be completely consumed; and that it is on this account that those who burn her make her fast to the pile, lest by accident any part of the dead body should fall out of the pile, and fail of being consumed, and in that case the burning be incomplete. This practice of tving down, therefore, is also conformable to the Sastra: and those who, in burning the woman, make her fast to the pile, are not therein guilty of any sin, but rather perform a pious act. In support of this assertion you have quoted the words of Apastamba, signifying that he who performs an act prescribed by the Sastras, or he who persuades or permits another to perform a prescribed act. ascends to heaven; and he who commits an act forbidden by the Sastra, or who persuades or permits another to perform a prohibited action, sinks to hell.

I reply. You mean to say, that it is not in order to avoid the danger of the widow's flying from the pile from fear of the flames, or from pain, that she is made fast-but merely, lest any fragments of the body should fall from the pile unburnt, that she is tied down to the pile while alive. I ask, is it with an iron chain that the woman is made fast, or with a common rope? For by securing the body by means of iron, the danger of portions of it being scattered from the pile may undoubtedly be avoided. But if, on the contrary, the body is bound with a common rope, the rope will be consumed before life has altogether quitted the body and the rope, when so burned, can be of no use in retaining within the pile, the members of the body. So far have Pandits been infatuated, in attempting to give the appearance of propriety to improper actions, that they

<sup>\*</sup> योऽन्यया सन्तमात्मान मन्यथा प्रतिपद्यते । किन्तेन न कृतं पापं चैरिनात्मापहारिणा ॥ स्मृतिः ।

have even attempted to make people believe, that a rope may remain unconsumed amidst a flaming fire, and prevent the members of a body from being dispersed from the pile. Men of sense may now judge of the truth of the reason to which you ascribe the practice of tying down widows. All people in the world are not blind, and those who will go and behold the mode in which you tie down women to the pile, will readily perceive the truth or falsehood of the motives you assign for the practice. A little reflection ought to have convinced you of the light in which such an argument must be viewed, even by those of your friends who have the smallest regard for truth. As for the text you have quoted from Apastamba, it might have, with more propriety been cited by us, because it is established by that passage, that those who commit, persuade to, or permit an improper action, descend to hell; for those that are guilty of wilful woman-murder, by tying women down with ropes, and burning them to death, a practice unauthorized by the Sastras, and considered as most heinous, and those who persuade or permit others to do so, are certainly obnoxious to the denunciation of Apastamba. The pretext of custom of the country, or of the object of preventing portions of the body from being scattered, will not exculpate them.

You have written, in page 29, that those who, by the permission of the widow, increase the flames by throwing wood or straw on the pile, are meritorious: for he who without reward assists another in a pious act, is to be esteemed most meritorious. In confirmation, you have quoted an anecdote of the Matsya Purana, that a goldsmith, by affording his gratuitous assistance in a pious act, obtained a great reward. To this I have already replied: for if those who voluntarily commit woman-murder, by tying down a widow to the pile, and holding her down with bamboos to be burnt to death, are to be reckoned as performers of a pious act, those who assist them in so doing must be esteemed meritorious; but if this be a most heinous and debased crime, the promoters of it must certainly reap the fruits of woman-murder.

In your concluding paragraph you have quoted three texts, to prove the continual observance of this practice during all ages. The first recounting, that a dove entered into the flaming pile of her deceased husband. The second, that when Dhritarashtra was burning in the flames of his hermitage, his wife, Gandhari, threw herself into the fire. The wives of Vasudeva (the father of Krishna), of Balarama,

of Pradyumna, and of others, entered the flaming piles of their respective husbands. Those three instances occurred, as narrated by the Purana writers, within intervals of a few years towards the close of the Dwapara Yuga. You ought then to have quoted other instances, to shew the continual observance of this practice throughout all ages. Let that be as it may, you yourself cannot fail to know, that in former ages there were, as in later times, some who devoted themselves to the attainment of final beatitude, and others to the acquisition of future pleasure. Some too were virtuous, and some sinful; some believers, some sceptics. Amongst those, both men and women. who performed rites for reward, after enjoying pleasures in heaven, have again fallen to earth. Those Sastras themselves declare this fact: but in the Sastras that teach the path to final beatitude, the performance of rites for the sake of reward is positively forbibdden. According to these Sastras, numberless women, in all ages, who were desirous of final beatitude, living as ascetics, attained their object. Evidence of this is to be found in the Mahabharata and other works: "The widows of the heroic Kurus, who fell valiantly with their faces to the foe, and were translated to the heaven of Brahma, performed only the prescribed ceremonies with water," and did not burn themselves on the piles of their husbands. I have, moreover, to request your attention to the fact, that in the three instances you have quoted, the very words "entered into fire" are used. In those three cases, then, it appears that the widows actually entered the flames, and therefore whatever widow in the present time does not enter the fire, but is burnt to death by others tying her down to the pile, has not performed the ceremony according to the ancient practice you have instanced; and from rites so performed she cannot even be entitled to the temporary enjoyment of heavenly pleasures: and those who tie her down, and pressing on her with bamboos, kill her, must, according to all Sastras, be considered guilty of the heinous crime of woman-murder.

#### SECTION IX.

Advocate. I alluded, in page 18, line 18, to the real reason for our anxiety to persuade widows to follow their husbands, and for our endeavours to burn them pressed down with ropes: viz., that women are by nature of inferior understanding, without resolution, unworthy

<sup>\*</sup> उदके क्रियमाणे तु वीराणां वीरपत्नीभिः। इत्यादि।

of trust, subject to passions, and void of virtuous knowledge; they. according to the precepts of the Sastra, are not allowed to marry again after the demise of their husbands, and consequently despair at once of all worldly pleasure; hence it is evident, that death to these unfortunate widows is preferable to existence; for the great difficulty which a widow may experience by living a purely ascetic life, as prescribed by the Sastras, is obvious; therefore, if she do not perform Concremation, it is probable that she may be guilty of such acts as may bring disgrace upon her paternal and maternal relations, and those that may be connected with her husband. Under these circumstances, we instruct them from their early life in the idea of Concremation, holding out to them heavenly enjoyments in company with their husbands, as well as the beatitude of their relations, both by birth and marriage, and their reputation in this world. From this many of them, on the death of their husbands, become desirous of accompanying them; but to remove every chance of their trying to escape from the blazing fire, in burning them we first tie them down to the pile.

Opponent. The reason you have now assigned for burning widows alive is indeed your true motive, as we are well aware; but the faults which you have imputed to women are not planted in their constitution by nature; it would be, therefore, grossly criminal to condemn that sex to death merely from precaution. By ascribing to them all sorts of improper conduct, you have indeed successfully persuaded the Hindu community to look down upon them as contemptible and mischievous creatures, whence they have been subjected to constant miseries. I have, therefore, to offer a few remarks on this head.

Women are in general inferior to men in bodily strength and energy; consequently the male part of the community, taking advantage of their corporeal weakness, have denied to them those excellent merits that they are entitled to by nature, and afterwards they are apt to say that women are naturally incapable of acquiring those merits. But if we give the subject consideration, we may easily ascertain whether or not your accusation against them is consistent with justice. As to their inferiority in point of understanding, when did you ever afford them a fair opportunity of exhibiting their natural capacity? How then can you accuse them of want of understanding? If, after instruction in knowledge and wisdom, a person cannot comprehend or retain what has been taught him, we may consider him

as deficient; but as you keep women generally void of education and acquirements, you cannot, therefore, in justice pronounce on their inferiority. On the contrary, Lilavati, Bhanumati, the wife of the prince of Karnat, and that of Kalidasa, are celebrated for their thorough knowledge of all the Sastras: moreover in the Vrihadaranyaka Upanishad of the Yajur Veda it is clearly stated that Yajnavalkya imparted divine knowledge of the most difficult nature to his wife Maitreyi, who was able to follow and completely attain it!

Secondly. You charge them with want of resolution, at which I feel exceedingly surprised: for we constantly perceive, in a country where the name of death makes the male shudder, that the female, from her firmness of mind, offers to burn with the corpse of her deceased husband; and yet you accuse those women of deficiency in point of resolution.

Thirdly. With regard to their trustworthiness, let us look minutely into the conduct of both sexes, and we may be enabled to ascertain which of them is the most frequently guilty of betraying friends. If we enumerate such women in each village or town as have been deceived by men, and such men as have been betrayed by women, I presume that the number of the deceived women would be found ten times greater than that of the betrayed men. Men are, in teneral, able to read and write, and manage public affairs, by which means they easily promulgate such faults as women occasionally commit, but never consider as criminal the misconduct of men t wards women. One fault they have, it must be acknowledged; which is, by considering others equally void of duplicity as themselves, to give their confidence too readily, from which they suffermuch misery, even so far that some of them are misled to suffer themselves to be burnt to death.

In the fourth place, with respect to their subjection to the passions, this may be judged of by the custom of marriage as to the respective sexes; for one man may marry two or three, sometimes even ten wives and upwards; while a woman, who marries but one-husband, desires at his death to follow him, forsaking all worldly enjoyments, or to remain leading the austere life of an ascetic.

Fifthly. The accusation of their want of virtuous knowledge is an injustice. Observe what pain, what slighting, what contempt, and what afflictions their virtue enables them to support! How many Kulin Brahmans are there who marry ten or fifteen wives-

for the sake of money, that never see the greater number of them after the day of marriage, and visit others only three or four times in the course of their life. Still amongst those women, most, even without seeing or receiving any support from their husbands, living dependent on their fathers or brothers, and suffering much distress, continue to preserve their virtue; and when Brahmans, or those of other tribes, bring their wives to live with them, what misery do the women not suffer? At marriage the wife is recognized as half of her husband, but in after-conduct they are treated worse than inferior animals. For the woman is employed to do the work of a slave in the house, such as, in her turn, to clean the place very early in the morning, whether cold or wet, to scour the dishes, to wash the floor, to cook night and day, to prepare and serve food for her husband, father, mother-in-law, sisters-in-law, brothersin-law, and friends and connections! (for amongst Hindus more than in other tribes relations long reside together, and on this account quarrels are more common amongst brothers respecting their worldly affairs.) If in the prepration or serving up of the victuals they commit the smallest fault, what insult do they not receive from their husband, their mother-in-law, and the younger brothers of their husbaud? After all the male part of the family have satisfied themselves, the women content themselves with what may be left, whether sufficient in quantity or not. Where Brahmans or Kayasthas are not wealthy. their women are obliged to attend to their cows, and to prepare the cow-dung for firing. In the afternoon they fetch water from the river or tank, and at night perform the office of menial servants in making the beds. In case of any fault or omission in the performance of those labours they receive injurious treatment. Should the husband acquire wealth, he indulges in criminal amours to her perfect knowledge and almost under her eyes, and does not see her perhaps once a month. As long as the husband is poor, she suffers every kind of trouble, and when he becomes rich, she is altogether heart-broken. All this pain and affliction their virtue alone enables them to support. Where a husband takes two or three wives to live with him, they are subjected to mental miseries and constant quarrels. Even this distressed situation they virtuously endure. Sometimes it happens that the husband, from a preference for one of his wives, behaves cruelly to another. Amongst the lower classes, and those even of the better class who have not associated with good company, the wife, on the

alightest fault, or even on bare suspicion of her misconduct, is chastised as a thief. Respect to virtue and their reputation generally makes them forgive even this treatment. If unable to bear such cruel usage, a wife leaves her husband's house to live separately from him, then the influence of the husband with the magisterial authority is generally sufficient to place her again in his hands; when, in revenge for her quitting him, he seizes every pretext to torment her in various ways, and sometimes even puts her privately to death. These are facts occurring every day, and not to be denied. What I lament is, that, seeing the women thus dependent and exposed to every misery, you feel for them no compassion, that might exempt them from being tied down and burnt to death.

# **ABSTRACT**

OF .

# THE ARGUMENTS

REGARDING

# THE BURNING OF WIDOWS,

CONSIDERED AS A RELIGIOUS RITE.

CALCUTTA:

1830.

#### **ABSTRACT**

OF

# THE ARGUMENTS, &c.

Several Essays, Tracts, and Letters, written in defence of or against the practice of burning Hindu widows alive have for some years past attracted the attention of the public. The arguments therein adduced by the parties being necessarily scattered, a complete view of the question cannot be easily attained by such readers as are precluded by their immediate avocations from bestowing much labour in acquiring information on the subject. Although the practice itself has now happily ceased to exist under the Government of Bengal, nevertheless it seems still desirable that the substance of those publications should be condensed in a concise but comprehensive manner, so that enquirers may with little difficulty, be able to farm a just conclusion, as to the true light in which this practice is viewed in the religion of Hindus. I have, therefore, made an attempt to accomplish this object, hoping that the plan pursued may be found to answer this end.

The first point to be accertained is, whether or not the practice of burning widows alive on the pile and with the corpse of their husbands is imperatively enjoyed by the Hindu religion? To this question evant the staunch advocates for Concremation must reluctantly give inegative reply, and unavoidably concede the practice to the option of widows. This admission on their part is owing to two principal considerations, which it is now too late for them to fright to overlook First, because Manu in plain terms enjoins a widow to "continue til death forgiving all injuries, performing austere duties, avoiding every semant pleasure, and cheerfully practising the incomparable rules of virtue which have been followed by such women as were devoted to

W.O. Bentinck, Governor-General, Viscount Combermere, Commander-in-Chief, W. ... P-dey, Eq., and Sir C. T. Metcalfe, Members of Council.

C

one only husband." (ch. v., v. 158.) So Yajnavalkya inculcates the same doctrine: "A widow shall live under care of her father, mother, son, brother, mother-in-law, father-in-law, or uncle; since, on the contrary, she shall be liable to reproach." (Vide Mitakshara, ch. i.)† Secondly, because an attempt on the part of the advocates for Concremation to hold out the act as an incumbent duty on widows, would necessarily bring a stigma upon the character of the living widows, who have preferred a virtuous life to Concremation, as charging them with a violation of the duty said to be indispensible. These advocates, therefore, feel deterred from giving undue praise to a few widows, choosing death on the pile, to the disgrace of a vast majority of that class preferring a virtuous life. And in consideration of these obvious circumstances, the celebrated Smartta Raghunandana, the latest commentator on Hindu Law in Bengal, found himself compelled to expound the following passage of Angira, "there is no other course for a widow besides Concremation," as "conveying exaggerated praise of the adoption of that course." §

The second point is, that in case the alternative be admitted, that a widow may either live a virtuous life, or burn herself on the pile of her husband, it should next be determined whether both practices are esteemed equally meritorious, or one be declared preferable to the other. To satisfy ourselves on this question, we should first refer to the Vedas, whose authority is considered paramount, and we find in them a passage most pointed and decisive against Concremation, declaring that "From a desire, during life, of future fruition, life ought not to be destroyed." (Vide Mitakshara, ch. i.) While the advocates of Concremation quote a passage from the Vedas, of a very abstruse nature, in support of their position, which is as follows: "O fire, let these women, with bodies anointed with clarified

\* ग्रासीतामरणात् क्षान्ता नियता ब्रह्मचारिणी ।
यो धर्म्म एकपत्नीनां काङ्क्षन्ती तमनुत्तमं ॥
† पितमातसुतश्रातृश्वश्रूश्वशुरमानुतैः ।
हीना न स्यात् विना भर्त्रा गर्हणीयान्यथा भवेत् ॥
‡ नान्यो हि धर्म्म विज्ञेयो मृते भत्तीर कर्हिचित् ।
§ नान्यो हि धर्म्म इति न सहमरणस्तुत्यर्थे ।
॥ तः ॥दुह न पुरायुषः स्वःकामी प्रेयात् ।

butter, eyes coloured with collyrium and void of tears, enter thee, the parent of water, that they may not be separated from their husbands, themselves siniess, and jewels amongst women."† This passage (if genuine) does not, in the first place, enjoin widows to offer themselves as sacrifices; secondly, no allusion whatever is made in it to voluntary death by a widow with the corpse of her husband; tairdly, the phrase "these women" in the passage, literally implies women then present; fourthly, some commentators consider the passage as conveying an allegorical allusion to the constellations of the moon's path, which are invariably spoken of in Sanskrit in the feminine gender:-butter implying the milky path, collyrium meaning unoccupied space between one star and another, husbands signifying the more splendid of the heavenly bodies, and entering the fire, of, properly speaking, ascending it, indicating the rise of the constellations through the south-east horizon, considered as the abode of fire. Whatever may be the real purport of this passage, no one ever ventured to give it an interpretation as commanding widows to burn themselves on the pile and with the corpse of their husbands.

We next direct attention to the Smriti, as next in authority to the Vedas. Manu, whose authority supersedes that of other law-givers, enjoins widows to live a virtuous life, as already quoted. Yainavalkya and some others have adopted the same mode of exhortation. On the other hand, Angira recommends the practice of Concremation, saying, "That a woman who, on the death of her husband, ascends the burning pile with him, is exalted to heaven as equal to Arundhati." So Vyasa says, "A pigeon devoted to her husband, after his death, entered the flames, and, ascending to heaven, she there found her husband." She who follows her husband to another world, shall dwell in a region of glory for so many years as there are hairs in the human body, or thirty-five

<sup>\*</sup> In Sanskrit writings, water is represented as originating in fire.

<sup>†</sup> इमा नारीरविधवाः सुपत्नीराञ्जनेन सर्पिषा संविधान्त्वनश्रवा श्रनमोरा पुरता आरोहन्तु यामयो योनिमन्ने:।

<sup>‡</sup> मृते भत्ति या नारी समारोहे बुताशनम् । सारुन्धतीसमाचारा स्वर्गलोको महीयते ॥

र् पतिवता सप्रदीप्तं प्रविवेश हुताशनम् । तत्र वित्राहृद्धरं भत्तरिं सान्वपद्यत ॥

millions." Vishnu, the saint, lays down this rule, "After the death of her husband, a wife should live as an ascetic or ascend his pile."† Harita and others have followed Angira in recommending Concremation.

The above quoted passages, from Angira and others, recommend Concremation on the part of widows, as means to obtain future carnal fruition and, accordingly, previous to their ascent on the pile, all widows invariably and solemnly declare future fruition as their object in Concremation. But the Bhagavadgita, whose authority is considered the most sacred by Hindus of all persuasions, repeatedly condemns rites performed for fruition. I here quote a few passages of that book. "All those ignorant persons who attach themselves to the words of the Sastras that convey promises of fruition, consider those extravagant and alluring passages as leading to real happiness, and say, besides them there is no other reality. Agitated in their minds by these desires, they believe the abodes of the celestial gods to be the chief object, and they devote themselves to those texts which treat of ceremonies and their fruits, and entice by promises of enjoyment. Such people can have no real confidence in the Supreme Being."; "Observers of rites, after the completion of their rewards, return to earth. Therefore they, for the sake of rewards, repeatedly ascend to heaven and return to the world, and cannot obtain eternal bliss."§

Manu repeats the same. "Whatever act is performed for the sake of gratification in this world or the next, is called Pravartak, as leading to the temporary enjoyment of the mansions of gods; and those which are performed according to the knowledge respecting

\* तिसः कोटपर्धकोटी च यानि लोमानि मानवे।
तावन्त्यव्दानि सा स्वर्गे भत्तीरं यातुगच्छति ॥
† मृते भत्तीरे ब्रह्मचर्य्ये तदन्वारोहणं वा ।
† यामिमां पुष्पितां वाचं प्रवदन्त्यविपश्चितः ।
वेदवादरताः पार्थ नान्यदस्तीतिवादिनः ॥
कामात्मानः स्वर्गपरा जन्मकम्मेफलप्रदाम् ।
कियाविशेषवहुलां भोगैश्वर्य्यगति प्रति ॥
भोगैश्वर्यप्रसक्तानां तयापहृतचेतसाम् ।
व्यवसायात्मिका बुद्धिः समाधौ न विधीयते ॥
ह ते तं भुक्त्वा स्वर्गलोकं विशालं चिणि पुण्ये मर्त्यलोकं विशन्ति ।
एवं त्रयीधम्ममनुप्रपन्ना गतागतं कामकामा लभन्ते ॥

God are called Nivartak as means to procure release from the five elements of this body; that is, they obtain eternal bliss."\*

The author of the Mitakshara, a work which is considered as a standard of Hindu Law throughout Hindustan, referring on the one hand to the authority of Manu, Yajnavalkya, the Bhagavadgita, and similar sacred writings, and to the passages of Angira, Harita and Vyasa on the other hand, and after having weighed both sides of the question, declares that "The widow who is not desirous of eternal beatitude, but who wishes only for a perishable and small degree of future fruition, is authorized to accompany her husband."† So that the Smartta Raghuandana, the modern expounder of Law in Bengal, classes Concremation among the rites holding out promises of fruition; and this author thus inculcates: "Learned men should not endeavour to persuade the ignorant to perform rites holding out promises of fruition."‡. Hence, Concremation, in their opinion, is the least virtuous act that a widow can perform. §

The third and the last point to be ascertained is whether or not the mode of Concremation prescribed by Harita and others was ever duly observed. The passages recommending Concremation, as quoted by these expounders of law, require that a widow, resolving to die

\* इष्ठ् वामुत्र वा काम्यं प्रवृत्तं कम्मं कीर्त्यते । निष्कामं ज्ञानमूर्ज्ञन्तु निवृत्तमुपदिश्यते ॥ प्रवृत्तं कम्मं संसेव्य देवानामिति सार्ष्णिताम् । निवृत्तं सेवमानस्तु भूतान्यत्येति पञ्च वे ॥

ौ श्रतश्च मोक्षमनिच्छन्त्या श्रनित्याल्पसुखरूपस्वर्गार्यिन्याः सहमरणातु-मरणयोराधिकारः इतरकाम्यातुष्ठानवत् ।

🕽 परिडतेनापि मूर्खः काम्ये कम्मंणि न प्रवर्त्तायतब्यः ।

§ Hindoos are persuaded to believe that Vyasa, considered as an inspired writer among the ancients, composed and left behind him numerous and voluminous works under different titles, as Maha-puranas, Sanhitas, Smritis, &c., &c., to an extent that no man, during the ordinary course of life, could prepare. These, however, with a few exceptions, exist merely in name, and those that are genuine bear the commentaries of celebrated authors. So the Tantras, or works ascribed to Siva as their author, are esteemed as consisting of innumerable millions of volumes, though only a very few, comparatively, are to be found. Debased characters among this unhappy people, taking advantage of this circumstance, have secretly composed forged works and passages, and published them as if they were genulne, with the view of introducing new doctrines, new rites, or new prescripts of secular law. Although they have frequently sucreeded by these means in working on the minds of the ignorant, yet the learned have never admitted the authority of any passage or work alleged to be sacred, unless it has been quoted or expounded by one of the acknowledged and authoritative commentators. It is now unhappily reported, that some advocates for the destruction of widows, finding

after the demise of her husband, should voluntarily ascende and enter the flames † to destroy her existence; allowing her, at the same time, an opportunity of retracting her resolution, should her courage fail from the alarming sight or effect of the flames, and of returning to her relatives, performing a penance for abandoning the sacrifice,‡ or bestowing the value of a cow on a Brahman. § Hence, as voluntarily ascending upon and entering into the flames are described as indispensably necessary for a widow in the performance of this rite, the violation of one of these provisions renders the act mere suicide, and implicates, in the guilt of female murder, those that assist in its perpetration, even according to the above quoted authorities, which are themselves of an inferior order. But no one will venture to assert, that the provisions, prescribed in the passages adduced, have ever been observed; that is, no widow ever voluntarily ascended on and entered into the flames in the fulfilment of this rite. The advocates for Concremation have been consequently driven to the necessity of taking refuge in usage, as justifying both svicide and female murder.

the most heinous of crimes. We should not omit the present opportunity of offering up thanks to Heaven, whose protecting arm has rescued our weaker sex from cruel murder, under the cloak of religion, and our character, as a people, from the contempt and pity with which it has been regarded, on account of this custom, by all civilized nations on the surface of

their ca se unamported by the massages cited by the author of the Mitakshara, by the Smartta Raghunandana, or by other exboundan, or Irradu iaw, nave ungracefully adopted the trick of comme passages in the name of the Puranas or Tantras, conveying doctrines not only directly opposed to the decisive expositions of these celebrated teachers of law, but also evidently at variance with the purport of the genuine sacred passages which they have quoted. The passages thus forged are said to be calculated to give a preference to Concremation over virtuous life. I regret to understand that some persons belonging to the party opposing this practice, are reported to have had recourse to the same unworthy artifice, under the erroneous plea that stratagem justifies stratagem

- \* समारोहेबुताशनम् । Angira.
- † पतित्रता सम्प्रदीतं प्रविवेश हुताशनम् । Vyasa.
- ‡ चितिश्रष्टा तु या नारी मोहाद्विचितिता भवेत्। प्राजापत्येन शुद्धेतु तस्माद्धि पापकर्मणः॥
- § प्राजापत्यव्रताशक्ती धेनुं द्वात् प्यस्त्रिनीम् । घेनोरभावे दातः यं तत्यं मूल्यं न संशयः॥

# **BRIEF REMARKS**

REGARDING

# MODERN ENCROACHMENTS

ON THE

ANCIENT RIGHTS OF FEMALES.

ACCORDING TO THE

# HINDU LAW OF INHERITANCE.

CALCUTTA:

1822.

In 1856, Babu Rumaprusad Roy, son of the illustrious author, reprinted this treatise with the following introduction:—

"At this moment, when thousands of my countrymen have openly come forward to invoke the assistance of the Legislature to suppress the abominations of Kulin Polygamy, I have deemed it proper to re-print the following small Tract, published by the late Rajah Rammohun Roy in 1822. Those who have joined in the application to the Legislative body, will have the satisfaction to see that my revered father, so far back as 1822, entertained sentiments on the subject of Kulin Polygamy similar to those which have now moved them to act in a way so independent of their prejudices, and so well fitted to confer incalculable benefits on the Hindu Community.

CALCUTTA, July 12, 1856.

RUMAPRUSAD ROY."

#### BRIEF REMARKS

#### REGARDING

# MODERN ENCROACHMENTS

ON THE

## ANCIENT RIGHTS OF FEMALES.

WITH a view to enable the public to form an idea of the state of civilization throughout the greater part of the empire of Hindustan in ancient days, and of the subsequent gradual degradation intro-

At an early age of civilization, when the division into castes was first introduced among the inhabitants of India, the second tribe, who were appointed to defend and rule the country, having adopted arbitrary and despotic practices, the others revolted against them; and under the personal command of the celebrated Parasuram, defeated the Royslists in several battles, and put cruelly to death almost all the males of that tribe. It was at last resolved that the legislative authority should be confined to the first class who could have no share in the actual government of the state, or in managing the revenue of the country under any pretence; while the second tribe should exercise the executive authority. The consequence was, that India enjoyed peace and harmony for a great many centuries. The Brahmans ha ing no expectation of holding an office, or of partaking of any kind of political promotion, devoted their time to scientific pursuits and religious austerity, and lived in poverty. Freely associating with all the other tribes they were thus able to know their sentiments, and to appreciate the justness of their complaints, and thereby to lay down such rules as were required, which often induced them to rectify the abuses that were practised by the second tribe. But after the expiration of more than two thousand years, an absolute form of government came gradually again to prevail. The first class baying been induced to accept employments in political departme. became entirely dependent on the second tribe, and so unimportant in themselves, that they were obliged to explain away the laws enacted by their fore-fathers, and to institute new rules according to the dictates of their contemporary princes. They were considered as merely nominal legislators, and the whole power, whether legislative or executive, was in fact exercised by the Rajputs. This tribe exercised tyranny and oppression for a period of about a thousand years, when Musulmans from Ghuznee and Ghore, invaded the country, and finding it divided among hundreds of petty princes, detested by their respective subjects, conquered them all successively, and introduced their own tyrannical system of government, destroying temples, universities and all other sacred and literary establishments. At present the whole empire (with the exception of a few provinces) has been placed under the British power, and some advantages have already been derived from the prudent management of its rulers, from whose general character a hope of future quiet and happiness is 'ustly entertained. The succeeding generation will, however, be more adequate to pronounc on the real advantages of this government.

duced into its social and political constitution by arbitrary authorities, I am induced to give as an instance, the interest and care which our ancient legislators took in the promotion of the comfort of the female part of the community; and to compare the laws of female inheritance which they enacted, and which afforded that sex the opportunity of enjoyment of life, with that which moderns and our cotemporaries have gradually introduced and established, to their complete privation, directly or indirectly, of most of those objects that render life agreeable.

All the ancient lawgivers unanimously award to a mother an equal share with her son in the property left by her deceased husband, in order that she may spend her remaining days independently of her children, as is evident from the following passages:

Yajnavalkya. "After the death of a father, let a mother also inherit an equal share with her sons in the division of the property left by their father."

KATYAYANA. "The father being dead, the mother should inherit an

ecual share with the son."†

NARADA. "After the death of husband, a mother should receive a share equal to that of each of his sons."

VISHNU THE LEGISLATOR. "Mothers should be receivers of shares

according to the portion allowed to the sons."\$

VRIHASPATI. "After his (the father's) death a mother, the parent of his sons, should be entitled to an equal share with his sons; their step-mothers also to equal shares: but daughters to a fourth part of the shares of the sons."

VYASA. "The wives of a father by whom he has no male issue, are considered as entitled to equal shares with his sons, and all the grand-mothers (including the mothers and step-mothers of the father), are said to be entitled as mothers."

\*पितुरुद्धे त्रिभजतां माताप्यंशं समं हरेत् ।

र्वं साता च पितरि प्रेते पुत्रतुल्यांशहारिणी ।

रिक्षांशहारिणी माता पुत्राखां स्यान्मृते पेते।

प्रमातरः पुत्रभागानुसारभागहारिण्यः ।

तदभावे तु जननौ तनयांशसमांशिनी ।

समांशा भातरस्त्वेषां तुरीयांशास्त्रं कन्यकाः ॥

श्रिसुतास्त्र पितुः पत्न्यः समानांणाः प्रकीर्तिताः ।

पितामद्यश्र ताः सर्वा माद्यत्त्याः प्रकीर्तिताः ॥

This Muni seems to have made this express declaration of rights of step-mothers, omitting those of mothers, under the idea that the latter were already sufficiently established by the direct authority of preceding lawgivers.

We come to the moderns.

The author of the Dayabhaga and the writer of the Dayatattwa. the modern expounders of Hindu law (whose opinions are considered by the natives of Bengal as standard authority in the division of property among heirs) have thus limited the rights allowed to widows by the above ancient legislators. When a person is willing to divide his property among his heirs during his lifetime, he should entitle only those wives by whom he has no issue, to an equal share with his sons; but if he omit such a division, those wives can have no claim to the property he leaves. These two modern expounders lay stress upon a passage of Yajnavalkya, which requires a father to allot equal shares to his wives, in case he divides his property during his life, whereby they connect the term "of a father," in the above quoted passage of Vyasa, viz., "the wives of a father, &c.," with the term "division" understood, that is, the wives by whom he has no son, are considered in the division made by a father, as entitled to equal shares with his sons; and that when sons may divide property among themselves after the demise of their father, they should give an equal share to their mother only, neglecting step-mothers in the division. Here the expounders did not take into their consideration any proper provision for step-mothers, who have naturally less hope of support from their step-sons than mothers can expect from their own children.

In the opinion of these expounders even a mother of a single son should not be entitled to any share. The whole property should, in that case, devolve on the son; and in case that son should die after the succession to the property, his son or wife should inherit it. The mother in that case should be left totally dependent on her son or on her son's wife. Besides, according to the opinion of these expounders, if more than one son should survive, they can deprive their mother of her title, by continuing to live as a joint family (which has been often the case,) as the right of a mother depends, as they say, on division, which depends on the will of the sons.

Some of our contemporaries, (whose opinion is received as a verdict by Judicial Courts,) have still further reduced the right of a

object of the new seminary. Therefore their more durgent curtivation, if desirable, would be effectually promoted, by holding out premiums and granting certain allowances to their most eminent professors, who have already undertaken on their own account to teach them, and would by such rewards be stimulated to still greater exertion.

From these considerations, as the sum set apart for the instruction of the natives of India was intended by the Government in England for the improvement of its Indian subjects, I beg leave to state, with due deference to your Lordship's exalted situation, that if the plan now adopted be followed, it will completely defeat the object proposed, since no improvement can be expected from inducing young men to consume a dozen years of the most valuable period of their lives, in acquiring the niceties of Vyakaran or Sanskrit Grammar, for instance, in learning to discuss such points as the following: khada, signifying to eat, khadati he or she or it eats, query, whether does khadati taken as a whole convey the meaning he, she or it eats, or are separate parts of this meaning conveyed by distinctions of the words, as if in the English language it were asked how much meaning is there in the eat and how much in the s, and is the whole meaning of the word conveyed by these two portions of it distinctly or by them taken jointly?

Neither can much improvement arise from such speculations as the following which are the themes suggested by the Vedarta,—in what manner is the soul absorbed in the Deity? What relation does it bear to the Divine Essence? Nor will youths be fitted to be better members of so icty by the Vedantic doctrines which teach them to believe, that all visible things have no real existence, that as father brother, &c., have no actual entity, they consequently deserve no real affection, and therefore the sooner we escape from them and leave the world the better.

Again, no essential benefit can be derived by the student of the Mimansa from knowing what it is that makes the killer or a goat sinless by pronouncing certain passages of the Vedanta and what is the real nature and operative influence of passsages of the Vedas, &c.

The student of the Nyaya Sastra cannot be said to have improved his mind after he has learned from it into how many ideal classes the chicces in the universe are divided and what speculative relation the all blars to the body, the body to the soul, the eye to the ear. &c.

It is not from religious prejudices and early impressions only, that Hindu widows barn themselves on the piles of their deceased husbands, but also from their witnessing the distress in which widows of the same rank in life are involved, and the insults and slights to which they are daily subjected, that they become in a great measure regardless of their existence after the death of their husbands: and this indifference, accompanied with the hope of future reward held out to them, leads them to the horrible act of suicide. These restraints on female inheritance encourge, in a great degree, polygamy, a frequent source of the greatest misery in native families; a grand object of Hindus being to secure a provision for their male offspring, the law, which relieves them from the necessity of giving an equal portion to their wives, removes a principal restraint on the indulgence of their inclinations in respect to the number they marry. Some of them, especially Brahmans of higher birth, marry ten, twenty or thirty women, either for some small consideration, or merely to gree fv their brutal inclinations, leaving a great many of them, both during their life-time and after their death, to the mercy of their own paternal relations. The evil conseque ces arising from such polygamy, the public may easily guess, from t e nature of the fact itself, without my being reduced to the mortification of particularising those which are known by the native public to be of daily occurrence.

To these women there are left only three modes of conduct to pursue part the death of their husbands 1st. To live a miserable life as sons, but and slaves to others, without indulging any hope of support from at totalbusband. 2ndly. To walk in the paths of unrighteousness for their maintenance and independence. 3rdly. To die on the funeral pile of their husbands, loaded with the applause and honour of their neighbours. It cannot pass unnoticed by those who are acquainted with the state of society in India, that the number of female suicides in the single province of Bengal, when compared with those of any other British provinces, is almost ten to one: we may safely attribute this disproportion chiefly to the greater frequency of a plurality of wives among the natives of Bengal, and to their total neglect in providing for the maintenance of their females.

<sup>\*</sup> The horror of this practice is so painful to the natural feelings of man that even Madhab Singh, the late Rajah of Tirhoot, (though a Brabman himself), through compassion, took voon himself (I am told) within the last half century, to limit Brahmans of his estate to four wives only

**C**--

This horrible polygamy among Brahmans is directly contrary to the law given by ancient authors; for Yajnavalkya authorizes second marriages, while the first wife is alive, only under eight circumstances: 1st. The vice of drinking spirituous liquors. 2ndly. Incurable sickness. 3rdly. Deception. 4thly. Barrenness. 5thly. Extravagance. 6thly. The frequent use of offensive language. 7thly. Producing only female offsprings. Or, 8thly. Manifestation of hatred towards her husband.\*

Manu, ch. 9th, v. 80th. "A wife who drinks any spirituous tiquors, who acts immorally, who shows hatred to her lord, who is incurably diseased, who is mischievous, who wastes his property, may at all times be superseded by another wife."

81st. "A barrer wife may be superseded by another in the eighth year; she, whose children are all dead, in the tenth; she, who brings forth only daughters, in the eleventh; she, who is accustomed to speak unkindly, without delay."

82nd. "But she, who, though, afflicted with illness, is beloved and virtuous, must never be disgraced, though she may be superseded by another wife with her own consent."

Had a Magistrate or other public officer been authorized by the rulers of the empire to receive applications for his sanction to a second marriage during the life of a first wife, and to grant his consent only on such accusations as the foregoing being substantiated, the above Law might have been rendered effectual, and the distress of the female sex in Bengal, and the number of suicides, would have been necessarily very much reduced.

According to the following ancient authorities a daughter is entitled to one-fourth part of the portion which a son can inherit.

VRIHASPATI. "The daughters should have the fourth part of the portion torchich the sons are entitled."

VISHNU. "The rights of unmarried daughters shall be proportioned according to the shares allotted to the sons."

Manu, ch. 9th, v. 118. "To the unmarried daughters let their brothers give portions out of their own allotments respectively. Let each give a fourth part of his own distinct share, and they who feel disinclined to give this shall be condemned."

YAJNAVALKYA. "Let such brothers as are already purified by the essential rites of life, purify by the performance of those rites the brothers that are left by their late father unpurified; let them also purify the sisters by giving them a fourth part of their own portion."

KATTAYANA. "A fourth part is declared to be the bore of unmarried daughters, and three-fourths of the sons; if the fourth part of the property is so small as to be inadequate to defray the expenses attending their marriage, the sons have an exclusive right to the property, but shall defray the morriage ceremony of the sisters."

But the commentator on the Dayabhaga sets aside the right of the daughters, declaring that they are not entitled to any share in the property left by their fathers, but that the expenses attending their marriage should be defrayed by the brothers. He founds his opinion on the foregoing passage of Manu and that of Yajnavalkya, which as he thinks, imply mere donation on the part of the brothers from their own portions for the discharge of the expenses of marriage.

In the practice of our contemporaries a daughter or a sister is often a source of emolument to the Brahmas of less respectable caste, (who are most numerous in Bengal) and to the Kayasthas of high

<sup>\*</sup> सुरापी व्याधिता घृत्ती वन्ध्यार्थध्न्याप्रयंवदा । स्रोप्रसुश्वाधिवेत्तव्या एम्बद्रोषणः तथा ॥

<sup>ौ</sup> मद्यपासायुवृत्ता च प्रतिकूला च या भवेत् । व्याधिता वाधिवेत्तव्या हिस्तार्थन्नी च सर्व्वदा ॥

<sup>‡</sup> वन्ध्याष्टमेऽधिवेदाराज्दे दशमे तु मृतप्रजा। एकादशे चीजननी सद्यस्विप्रयविदेनी ॥

<sup>§</sup> या तीर्गणी स्यानु हिता सम्पन्ना चैव शीलतः । सानुकाप्याधिवत्तव्या नावमान्या च कर्षिचित ॥

<sup>\*</sup> तुरीयांशास्त कन्यकाः।

<sup>†</sup> श्रनूडाश्च दुहितरः पुत्रभागानुसारा·।

<sup>‡</sup> स्वेभ्योऽशंभ्यस्तु कन्याभ्यः प्रदशुर्श्रांतरः पृथक् । स्वात् स्वादंशाचतुर्भागं पतिताः स्युरादेत्सवः॥

चसंस्कृतास्तु संस्कार्य्या भ्राद्धभिः पूर्व्यसंस्कृतैः ।
 भगिन्यश्व निजादंशाद्दलांशन्तु तुरीयकम् ॥

कन्यकाना मदत्तानां चतुर्थीभाग उच्यते । पुत्राणाञ्च तयो भागाः स्वाम्यं स्वल्पधने स्मृतम् ॥

caste. These so far from spending money on the marriage of their daughters or sisters, receive frequently considerable sums, and generally bestow them in marriage on those who can pay most. Such Brahmans and Kayasthas, I regret to say, frequently marry their female relations to men having natural defects or worn out by old age or disease, merely from pecuniary considerations, whereby they either bring widowhood upon them soon after marriage or render their lives miserable. They not only degrade themselves by such cruel and unmanly conduct, but violate entirely the express authorities of Manu and all other ancient law-givers, a few of which I here quote.

Manu, ch. 3rd, v. 51. "Let no father, who knows the law, receive a gratuity, however small, for giving his daughter in marriage; since the man, who, through avarice, takes a gratuity for that purpose; is a seller of his offspring."

Ch. 9th, v. 98. "But even a man of the servile class ought not to receive a gratuity when he gives his daughter in marriage, since a father who takes a fee on that occasion, tacitly sells his daughter.";

V. 100. "Nor, even in former births, have we heard the virtuous approve the tacit sale of a daughter for a price, under the name of nuptial gratuity."

Kasapa. "Those who, infatuated by avarice, give their own daughters in marriage, for the sake of a gratuity, are the sellers of their daughters, the images of sin, and the perpetrators of a heinous iniquity."

- † न कन्यायाः पिता विद्वान् गृङ्गीयात् शुल्कमण्वपि। गृङ्गन् हि शुल्कं लोभेन स्यान्नरोऽपत्यविक्रयी ॥
- 1 त्राददीत न शूदोपि शुल्कं दुहितरं ददत् । शल्कं हि गृहन् कुरुते कन्नं दुहितविकयं ॥
- § नानुशुश्रम जात्वे तत पूर्व्वेष्विप हि जन्मधु । शुल्कसंज्ञेन मूल्येन छत्रं दुहित्यिक्रयं ॥
- शुल्केन ये प्रयच्छन्ति स्वसुतां लोभमोहिताः ।
   कल्याविक्रियः पापा महाकित्विषकारियाः ॥

Both common sense, and the law of the land designate such a practice as an actual sale of females; and the humane and liberal among Hindus, lament its existence, as well as the annihilation of of female rights in respect of inheritance introduced by modern expounders. They, however, trust, that the humane attention of Government will be directed to those evils which are the chief sources of vice and misery and even of suicide among women; and to this they are encouraged to look forward by what has already been done in modifying, in criminal cases, some parts of the law enacted by Muhammadan Legislators, to the happy prevention of many cruel practices formely established.

How distressing it must be to the female community and to those who interest themselves in their behalf, to observe daily that several daughters in a rich family can prefer no claim to any portion of the property, whether real or personal, left by their deceased father, if a single brother be alive: while they (if belonging to a Kulin family or Brahman of higher rank) are expessed to be given in marriage to individuals who have already several wives and have

no means of maintaining them.

Should a widow or a daughter wish to secure her right of maintenance, however limited, by having recourse to law, the learned Brahmans, whether holding public situations in the courts or not, generally divide into two parties, one advocating the cause of those females and the other that of their adversaries. Sometimes in these or other matters respecting the law, if the object contended for be important, the whole community seems to be agitated by the exertions of the parties and of their respective friends in claiming the verdict of the law against each other. In general, however, a consideration of the difficulties attending a law suit, which a native woman, particularly a widow, is hardly capable of surmounting, induces her to forego her right; and if she continue virtuous, she is obliged to live in a miserable state of dependence, destitue of all the comforts of life; it too often happens, however, that she is driven by constant unhappiness to seek refuge in vice.

At the time of the decennial settlement in the year 1793, therewere among European gentlemen so very few acquainted with Sanskrit and Hindu law that it would have been hardly possible to have formed a committee of European oriental scholars and learned Brahmans, capable of deciding on points of Hindu law. It was, therefore, highly judicious in Government to appoint Pandits in the

Rajah Krishnachandra, the great-grandfather of the present ex-Rajah of Nadia, prevented this cruel practice of the sale of daughters and sisters thoughout his estate.

different Zillah Courts of Appeal, to facilitate the proceedings of Judges in regard to such subjects. But as we can now fortunately find many European gentlemen capable of investigating legal questions with but little assistance from learned Natives, how happy would it be for the Hindu community, both male and female, were they to enjoy the benefits of the opinion of such gentlemen, when disputes arise, particularly on matters of inheritance.

Lest any one should infer from what I have stated, that I mean to impeach, universally, the character of the great body of learned Hindus, I declare positively, that this is far from my intention. I only maintain, that the Native community place greater confidence in the honest judgment of European gentlemen than in that of their own countrymen. But, should the Natives receive the same advantages of education that Europeans generally enjoy, and be brought up in the same notions of honour, they will, I trust, be found, equally with Europeans, worthy of the confidence of their countrymen and the respect of all men.

ESSAY

ON

# THE RIGHTS OF HINDOOS

OVER

ANCESTRAL PROPERTY,

ACCORDING TO

THE LAW OF BENGAL.

CALCUTTA:

1830.