

ENCOUNTERS WITH THE WORD

Essays to honour

ALOYSIUS PIERIS s.j.

*on his 70th Birthday
9th April 2004*

editors

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2004

Rhetoric and Reality

Women's Agency in the *Dharmaśāstras*

Patrick Olivelle

The Indian legal treatises called *Dharmaśāstras*, especially that of Manu, have become the focus of attention and controversy, because they are viewed as giving divine sanction and theological justification for the oppression and marginalization of women and the lower classes of society. In 1935 during the first conference of so-called untouchables under the leadership of Dr. B. R. Ambedkar, for example, a resolution was passed to reject Hinduism with the title "To the Untouchable Community: A New Message of a New Manu". Within a month a group of young Dalit men gathered in Nasik to burn a copy of the Manu's treatise (the *Manu-smṛiti*) ceremonially.¹ The eminent women's rights advocate, Madhu Kishwar, in a recent article has also dealt with Manu and the issues relating to marginalized groups based on gender and caste. Kishwar refers to the burning of copies of the *Manu-smṛiti* in the precincts of the Rajasthan High Court on March 25, 2000, and observes: "The protesters believed that the ancient text is the defining document of Brahmanical Hinduism, and also the key source of gender and caste oppression in India."² That these ancient texts contain statements and injunctions relegating the majority of individuals in Indian society to a marginal status is undeniable.

Most of the studies on women either in the *Manu-smṛiti* or more generally in the *Dharmaśāstras*, whether they attempt to portray these texts in a positive or a negative light, have looked at the attitudes and pronouncements of their authors; these studies have, for the most part, simply analyzed the gender and caste ideologies at the heart of these texts. That is not my aim. I am here not focusing on what Manu himself, or other authors of legal codes, thought or had to say about women. Indeed, looking at their pronouncements can only produce a rehashing of well-known platitudes and a very boring paper. The aim of this paper, on the contrary, is to see what light these ancient texts can shed on the lived reality of women's lives in ancient India. Given the constraints of time, I will focus on two issues: the agency of women with respect to economic resources and sexuality.