

***STRĪDHANA* : AS REFLECTED IN THE MANUSMṚTI**

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Abstract

Most of the ancient Indian societies began as patriarchal ones which permit absolute power of the patriarch over the whole family. In such societies women were regarded as unfit for independence and were denied equality with men in cases of social status as well as religious and spiritual practices. They do not deserve equality with men in the matters like inheritance and succession. The laws of inheritance throw a considerable light on the social status of women in the society. In this respect *strīdhana*, i.e. 'wife's own property' plays a significant role in the then Indian society. *Strīdhana* also helps to determine the position of women in the home and society as well. Therefore, attempts have been made here give a brief idea on the concept of *strīdhana*, woman's dominion over it and the devolution of *strīdhana* in the light of *Manusmṛti*.

The *Manusmṛti*, voluminous in contents is said to be the epitome of culture of then India. It relates to the ethical and social laws which govern Hindu manners, customs, traditions, habits and so on. It can undoubtedly be said that there is no work that has had such a great fame and has for centuries been considered to be so authoritative as the Manava-Dharma-Sastra or the *Manusmṛti*, the code of Manu.¹ The *Manusmṛti* is attributed to Manu, one of the foremost authorities on ancient Indian Dharmasastras, who prescribed a code of conduct for individuals, householders and rules for inheritance, rights of men and women and so on. In respect of women and their social status the *Manusmṛti* gives

valuable information. Comprising twelve chapters the contents of the *Manusmṛti* can be divided into four classes, viz. *Ācāra*, *Prāyaścitta*, *Vyavahāra* and *Rājadharmā*. The *Vyavahāra* section of the work deals with the important topic of *strīdhana*, which is significant in determining the status of women in ancient Indian society. There are many diversified opinions as regards the status of women in this work. Women in the age of the *Smṛtis* were treated with mixed feelings. They were on one hand given the highest respect and on the other hand were deprived of enjoying absolute freedom in society.² In the household affairs the status of women was held to be high. It is laid down in the *Manusmṛti* that a mother excels thousand fathers in glory, i.e. ...*sahasraṃ tu pitṛmātā gauraveṇātiricyate*³. Even, gods are pleased with those households where women are held in honour⁴ and it is declared that a husband should be punished by the king if he forsook his wife without any reason. Status of women in any society may be judged by freedom she enjoys for the right to property. Like the male members, the females too, had the right to acquire and own property. Considering the economic need of a woman, legal right to inherit property is not denied to women in the age of the *Manusmṛti*. It is undeniably true that the woman has been given absolute right over *strīdhana* or the property received by her from her relatives on special occasions like marriage.⁵ From the very early age it is seen that women had certain rights to own the property like ornaments, jewelry, etc. All these are regarded as 'special property' for women, which in later ages designated as *strīdhana*. The term *strīdhana* literally means 'women's property' over which she exercises independent control. It is a special kind of property given to women on certain occasions, over which absolute dominion was conceded to women. It can safely be stated that *strīdhana* mainly consisted of gifts given by the relatives, either at the time of marriage or subsequent to it. Gifts from the husbands form an important article in the list of *strīdhana* as envisaged by the Jurists. In due course of time such kind of property went on increasing in

value and extant. This would sometimes even include the whole of the husband's property over which gradually women were allowed to have complete power and authority.⁶ It is thus obvious that gifts given by non-relatives after marriage and the earnings of wife for her labour are not included in the list of *strīdhana*.

The system of making gifts to the bride on the marriage ceremony gave birth to the concept of *strīdhana*. The germs of the concept of *strīdhana* can be traced to the Vedic Literature. Such custom is mentioned for the first time in the *Sūryā Sūkta* of the Ṛgveda.⁷ The *Sūryā Sūkta* or the wedding hymn refers to gifts that were sent to the groom's house with the bride.⁸ On the occasion of marriage, cows and other objects were given to please the girl to be married as interpreted by *Sāyaṇācārya- vahatuḥ/ kanyāpriyārtham dātavyo gavādīpadārtho vahatuḥ*⁹ or *tām sūryam vahatunā saha somāya prāyacchah*/¹⁰. Even the bride is sent by her father to the groom's house with lady attendants.¹¹ There is also a reference to wealth being given away by the spouse's brother to his brother-in-law¹², which indirectly refers to dowry. Such references of gifts indicate the property of the bride which in times popularly came to be known as *strīdhana*. Thus, the custom of bride-price, i.e. *śulka* is also connected with the development of the concept of *strīdhana*. In due course of time gifts received from the near relations and husband even after marriage were included in the list of *strīdhana*. Besides these, in the Vedic age the term *pāriṇāhya* is also used to denote the wedding gifts received by women over which, she had absolute control.¹³ Gifts given on such occasions consisted of ornaments and clothes that could be used by women only.

An elaborate definition of *strīdhana* can be found in the *Manusmṛti*. In the Dharmaśastras the word indicates the special kinds of property given to women on certain occasions or at different stages of her life. Manu gives a comprehensive description of *strīdhana* in the ninth chapter of his work, which consists of six kinds of gifts, i.e.

*adhyagnyadhyāvāhanikam dattam ca prītikarmani /
bhrātrmātrpitṛprāptam ṣaḍvidham strīdhanam smṛtam /*¹⁴

Thus, the different kinds of *strīdhanas* according to Manu are as follows: A gift given by the father, etc., at the time of marriage is called *adhyagni strīdhana*. The property which a woman gets by anybody when leaving her father's house for her husband's are called *adhyāvāhanika strīdhana*. The property given through love or affection to a female by the husband subsequent to the marriage is called *prītidatta strīdhana*. Gifts given by the brother, the father and the mother at any time are also included in the list of *strīdhana*. Besides these, Manu also mentions about *anvādheya*, which perhaps means a sort of woman's property presented to her after marriage by her father's or husband's family or by her husband himself as a token of love, i.e. *anvādneyam ca yaddattam patyā prītena caiva yat*¹⁵.

From the commentary of *Kullūkabhaṭṭa* and other relevant sources it is evident that sage Kātyāyana mentions the same kind of *strīdhana* as stated by Manu. He defines several kinds of *strīdhana* enumerated by Manu, Yajñavalkya, Nārada and Viṣṇu. Some of the views of Kātyāyana about the divisions of *strīdhana* are discussed here.

1. ***Adhyagni*** - The definition of *adhyagni strīdhana* is given by Kātyāyana as- *viṅāhakāle yatstrībhyo dīyate hyagnisamnidhau / tadadhyagni kṛtam sadbhiḥ strīdhanam parikīrtitam /*¹⁶, i.e. the property given to a woman before the nuptial fire at the time of marriage ceremony is regarded as *adhyagni strīdhana* by the wise.
2. ***Adhyāvāhanika*** - *yatpunarlabhate nārī nīyamānā tu paitṛkāt / adhyāvāhanikam nāma tatstrīdhanamudāhṛtam /*¹⁷, i.e. *Adhyāvāhanika strīdhana* includes that part of a wife's property which she receives when led in procession from her father's to her husband's house.

3. ***Prītidatta* (gift through affection)** - This kind of *strīdhana* is defined by Kātyāyana thus, *prityā dattam tu yatkimcit śvaśrō vā śvaśureṇa vā/ pādavandanikam caiva prītidattam taducyate/*¹⁸, i.e. the property or valuables presented to a female through love or affection by the mother-in-law or by the father-in-law on the occasion of doing obeisance at the feet of the elders is designated as *prītidatta strīdhana*.
4. ***Anvādheya* (gift subsequent)**- Defining *anvādheya strīdhana*, Kātyāyana states-*vivāhātparato yattu labdham bhartṛkule strīyā/ anvādheyam taduktam tu sarvabandhukule tathā/*¹⁹, i.e. Property presented after marriage to the wife by her husband's family or by her own relatives.
5. ***Śulka* (bride's fee)**- *Śulka* is declared to be the nuptial gift or price of domestic utensils, household labour, of milch cattle, ornaments and slaves. i.e. *gr̥hopaskaravāhyānām dohyābharanaakarṁtṇām/ mūlyam labdham tu yatkimcicchulkaṁ tat parikīrtitam/*²⁰.
6. ***Saudāyika*** - That article is declared to be *saudāyika strīdhana* which is given to a married woman or a maiden in her husband's or father's house by her brother or by the parents.²¹

Like the *Manusmṛti* the *Nāradaśmṛti* also enumerates six kinds of *strīdhana*, viz., *adhyāgni*, *adhyāvahanika*, *bhartudāya*, and gifts from brother, mother and father.²²

Let us now discuss the extent of power which women possessed over *strīdhana* and the devolution of this kind of property. There are diversified views among the Smṛtikaras about the disposal of *strīdhana*. It is not clear whether women were permitted to dispose of the articles without the consent of their husband or not. From the early period of time women's right to own the movable property like ornaments, household gear, costly apparel, etc., was recommended. Woman is said to be the partner of *pāriṇāhya*, i.e. property received by woman at the time of

marriage. The word *pāriṇāhya*, which means household gear, i.e. *pāriṇāhyasya gṛhopakaranasya.../* has been used by Manu in the *Manusmṛti*.²³ Manu allows a housewife large powers in the household management. She was to control its expenditure and supervise the general arrangements of the household gear (*pāriṇāhya*), as well as religious and secular functions, i.e. *arthasya saṁgrāhe caīnām vyaye caiva niyojayet/ śauce dharmennapaktyam ca pāriṇāhyasya vekṣaṇe/*²⁴. By the relevant passage it is stated that among other matters, the wife should be entrusted with the supervision over the property received at the time of marriage. In this regard the opinions of P.V. Kane deserves mention who states thus, "It appears that the properties, which in early days were held to be owned by women, were presents made at the time of marriage (such as ornaments and costly dresses) and household articles that are generally under the control of woman and that the later smṛti rules about the devolution of *strīdhana* in the female line arose from the peculiar nature of the articles over which dominion was conceded to women".²⁵

Some of the Smṛti writers have given equal status to both sons and daughters to inherit the *strīdhana* of their mother. It is also ordained that the maternal property, i.e. *Strīdhana* should be divided among the daughters. Manu recommends the equal division of mother's property to her children irrespective of sex. Here it is stated that the maternal property should be divided equally among the brothers and sisters born from the same womb after the death of their mother.²⁶ Sage Bṛhaspati says that woman's property pass over to her children and her daughters also get their share from it, i.e. *strīdhanam syādapatyāṇām duhitā ca tadamsini/*²⁷. It is also indicated that some portions of the maternal property should be given to her married daughter out of love or as honorarium and also to her grand-daughter as gift.²⁸ The *Manusmṛti*, also recognizes the mother as an heir by the passage, *anapatyasya putrasya mātā dāyamavāpnuyāt/*²⁹. A son is not allowed to exercise his legal right to claim a partition as long as his mother

is alive. Even after the death of the father, it was the mother, who controlled the household affairs. Manu expressly declares that the *strīdhana* of a woman, married according to the five kinds of marriages, i.e. *Brāhma*, *Daiva*, *Ārṣa*, *Gāndharva* and *Prājāpatya*, would revert to her husband, if she left no issue behind, i.e. *brāhmadaiṅvārṣagāndharvaprajāpatyeṣu yadvasu/ aprajāyāmatītāyām bhartureva tadiṣyati /*³⁰. On the other hand, if a woman died leaving behind no issues, her *strīdhana* would revert to her parents, if she married according to the unapproved types of marriages, i.e. *Āsura*, *Rākṣasa* and *Paiśāsa*.³¹ By such instances the bride's ownership in the *strīdhana* is referred to. Manu states that the heirs of the husband should not divide the ornaments worn by women during the lifetime of their husband. In case they divide them they become liable to sin.³² Manu vehemently criticises those people who would deprive women of their special property after the death of their husband.³³ But in certain cases woman is deprived of her right of absolute equality with man. It seems that though women may be owners of some kind of property, they cannot independently dispose of that property. Manu states that a wife should not hand over or transfer it to anyone even her own property without the permission of her husband.³⁴ It is stated that the sons, wives or servants could not own any property because whatever they acquired would be their husband's property.³⁵ By the relevant passage probably Manu meant that during coverture a woman was subject to the control of the husband as regard her *strīdhana*.³⁶ Thus, in the patriarchal society, where the patriarch was the sole owner and guardian, property rights of women came gradually to be recognized in the age of the *Manusmṛti*. However, it is an unpalatable fact that the right of disposal was not completely recommended during that period.

From the foregoing discussion it is abundantly clear that the *Manusmṛti*, which shed a good deal of light on the position of women in the period of the Smṛtis, convey the impressions that considerable amount of freedom was conferred to women about

her right to property for economic independence and prosperity as well. In legal matters women were accorded certain privileges, i.e. *strīdhana* or 'exclusive property of females' over which sometimes absolute control of women was recognized in the early Hindu societies. Thus, this analysis, in brief, shows the development of the concept of *strīdhana* embedded in the *Manusmṛti*, which also throws considerable light on the position of women that was much improved in the sphere of proprietary rights in the then Indian society.

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3. *Ibid.*, 2.145
4. *Ibid.*, 3.56
5. J.L. Shastri (ed.), *Manusmṛti*, p. xv
6. AS., Altekar, *The Position of Women in Hindu Civilization*, p. 219
7. R.V., 10.85
8. *Ibid.*, 10.85.12, 13, 38
9. Sāyana, *ibid*, 10.85.13
10. Sāyana, *ibid*, 10 .85 38
11. R.V. 10. 5.6
12. *Ibid.*, 1.109.2
13. T.S., 6.2., 1.1
14. *Manusmṛti*, 9.194
15. *Ibid.*, 9.195
16. Kātyāyana, quoted in the commentary of Kullūkabhaṭṭa on Manu, 9.194
17. Kātyāyana, quoted in the commentary of Kullūkabhaṭṭa on Manu.
18. P.V. Kane, *History of Dharmaśāstra*, Vol3, p. 774
19. Kātyāyana, quoted in the commentary of Kullūkabhaṭṭa on Manu, 9.195

20. P.V. Kane, *op. cit.*, Vol.3, p. 774
21. *Ibid.*, pp. 774, 775
22. Nārada, 13.8
23. *Manusmṛiti*, 9.11
24. *Ibid.*
25. P.V. Kane, *op. cit.*, Vol. 3, p. 771
26. *Manusmṛiti*, 9.192
27. Bṛhaspati, quoted in the commentary of Kullūkabhaṭṭa on Manu., 9.192
28. *Manusmṛiti*, 9.193
29. *Ibid.*, 9.217
30. *Ibid.*, 9.196
31. *Ibid.*, 9.197
32. *Ibid.*, 9.200
33. *Ibid.*, 3.52
34. *Ibid.*, 9.199
35. *Ibid.*, 8.416
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