
May 2022

The Sexual Politics of the Manusmriti: A Critical Analysis with Sexual and Reproductive Health Rights Perspectives

Naseera N. M.

Moly Kuruvilla

Follow this and additional works at: <https://vc.bridgew.edu/jiws>



Part of the [Women's Studies Commons](#)

Recommended Citation

N. M., Naseera and Kuruvilla, Moly (2022). The Sexual Politics of the Manusmriti: A Critical Analysis with Sexual and Reproductive Health Rights Perspectives. *Journal of International Women's Studies*, 23(6), 21-. Available at: <https://vc.bridgew.edu/jiws/vol23/iss6/3>

This item is available as part of Virtual Commons, the open-access institutional repository of Bridgewater State University, Bridgewater, Massachusetts.

This journal and its contents may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden. Authors share joint copyright with the JIWS. ©2022 Journal of International Women's Studies.

The Sexual Politics of The *The Manusmriti*: A Critical Analysis with Sexual and Reproductive Health Rights Perspectives

By Naseera N.M¹, Moly Kuruvilla²

Abstract

The choice of women for reproduction and their free expression of sexuality in India are not separate from religious or cultural beliefs. The ancient legal text, *The Manusmriti* and its law codes had a significant role in creating the Brahmanic Patriarchy, the caste system, and the heteronormative structures of Ancient India. Under the British, the text became instrumental in constructing a complex system of jurisprudence in which ‘general law’ was supplemented by ‘personal law’ determined by one’s religious affiliation. The present study using the qualitative research method, analyses the sexual politics of *The Manusmriti* from women’s Sexual and Reproductive Health Rights (SRH Rights) perspective. Instead of the original Sanskrit text, the English translation of *The Manusmriti* by Wendy Doniger and Brian. K. Smith was taken for the textual analysis and attempted an interpretive analysis of the specific verses coming under the selected six categories. Several of the Sexual and Reproductive Health Rights of women related to the right to bodily integrity, marriage rights, right to contraception, right to divorce, etc., are denied as per the injunctions prescribed in the text. Women are portrayed as sexually promiscuous, secret, sly, and out to capture men. Their bodies are frequently objectified and more often devalued as eliciting disgust. The authors connect the implications of the findings with the present status of women’s sexual and reproductive rights in Indian society and highlight the need for re-reading the religious and cultural texts with a human rights /gender perspective.

Keywords: Religious texts, The Laws of Manu, Hindu code of conduct, Women’s sexuality in India, Right to choose partner, Right to bodily autonomy, Abortion rights

Introduction

Sexual and Reproductive Health Rights (SRH Rights) violations are rampant throughout the world. They have exacerbated during the COVID -19 pandemic, but only limited scientific evidence is available to identify the impacts of the pandemic on Sexual and Reproductive Health (SRH) globally. Situations like humanitarian catastrophes, rivalries, internal conflicts and displacements intensify the preexisting vulnerabilities including the inability to access SRH Rights (Endler et al., 2021). The concept of sexuality is not universal; every region and culture has its own unique and different conception and notion of sexuality. Studies show that religions and their injunctions play an essential role in economic, demographic, marital and sexual behavior, including fertility and marital stability of individuals and families. Many of them have found that religiosity is a significant augur of marital satisfaction (Burchinal, 1957; Burgess & Cottrell, 1939; Margaret & Frederick,

1 Naseera is a Research Scholar of Women’s Studies at the University of Calicut, Kerala, India. She was a journalist in various media outlets in Kerala before joining the doctoral programme and has done several news reports related to women in National and International media. nasineeloth@gmail.com

2 Dr. Moly Kuruvilla is a Professor of Women’s Studies at the University of Calicut, Kerala, India. She is the co-editor of the Handbook of Research on New Dimensions of Gender Mainstreaming and Women Empowerment published by IGI Global, California, in June 2020; and Gendered Experiences of COVID-19 in India published by the Palgrave Macmillan in November 2021. She is an advisor to the Asian African Association for Women, Gender, and Sexuality. molykuruvilla14@gmail.com

1990). Richard A. Hunt and Morton B. King (1978) viewed the connection between marriage and religion as a real-life laboratory in which religious beliefs and values are subjected to testing. Researchers propose religious beliefs and commitments to make a person more rigid and dogmatic in sexual relationships, expressions of gender and behaviors (Laumann et al., 1994). But it is not common to all and not a universal phenomenon. In India, cultural traditions and religious rituals and practices are often quoted to justify violations of SRH Rights of women.

In the context of traditional morality, which is highly influenced by religion, faith has been described as complementary in the sense of marriage and sexual unions. In addition, faith has been found to have a substantial effect on one's decision to be a conjugal accomplice (Sigalow et al., 2012; Thomton et al., 1992), selection of wives (Becker, 1981) and the number and timing of children (Lehrer, 1996a). Religion influences the pattern of sexual activity that one follows, attitudes to fertility (Lehrer, 1996b) and premarital sex (Sweet & Bumpass, 1990), choice of contraceptives, divorce prevalence (Lehrer & Chiswick, 1993; Teachman, 2002) and the division of labor through the life-cycle between partners.

Religion and Women's Sexuality

Religion is the most potent force and institution behind patriarchal social life and structure. The majority of organized religions propagate male supremacy and male control over women and suppress their sexuality, mobility, and reproductive choices. They characterize women as physically, mentally, emotionally and sexually inferior to men. Gerda Lerner (1986) observes:

“Women's sexual subordination was institutionalized in the earliest law codes and enforced by the full power of the state. Women's cooperation in the system was secured by various means: force, economic dependency on the male head of the family, class privileges bestowed upon conforming and dependent women of the upper classes, and the artificially created division of women into respectable and not-respectable women”. (Lerner, 1986, p.9)

Traditionally, female sexuality has been narrowly defined in biological terms or in response to male sexuality. It should be noted that new theories have arisen over the past century about women's sexuality. Inverse voices as a response to it have been heard more clearly from scholars, feminists, and gender activists.

Women and religion are a contested issue and serious discourse among academicians, activists, feminists, and ordinary people. Several feminist writers have challenged the validity of androcentric interpretations of scriptures and religious teachings on women's sexuality, lacking feminine experiences (Bonheim, 1997; Eisler, 1995). Still, women continue to be seen as the customary guardians of religion and morality in the family and society (Bahr & Chadwick, 1985). Religious teachings play a central and systematic role in developing women's sexuality and sexual well being. Studies show that religious commitments are associated with diminished sexual activity, insufficient sexual gratification and sexual guilt among women (Abbott et al., 2016). The way people view themselves as sexual beings continues to be influenced by religious morality and teachings. When it comes to women and other gender minorities, religion plays a vital part. Any action outside the marriage premises is strictly prohibited, and sexual interaction between people outside of the legitimate relationship is often treated as a sin and strictly prohibited, as a way to energize patriarchal agendas, thereby creating alienation between different genders.

The *Manusmriti* as the Hindu Code of Conduct in India

Though India has one of the most extensive and most robust constitutions, and it is a secular state, religion often dominates over the constitutional mandates. Each religious community has its own specific laws and ways of life in the country. The truth is that individual laws or personal laws based on religious texts and religious orders are still acknowledged in terms of marriage, inheritance, adoption, divorce, etc. Indian cultural and religious moralities about sexuality in general and female sexuality, particularly, continue to be dominated by religious perspectives.

Many of the Hindu organizations and individuals cite the text the *Manusmriti* as the basic principle of Hindutva life. Thus, in India, Manu is treated as ‘the father’ of the Hindu legal system, and apart from a legal text of ancient times, the the *Manusmriti* mirrors the socio-cultural, religious, political, judicial and geographical life of the people in that period. It is believed that the *Manusmriti* also known as the *Manusamhita*, or the *Manava Dharmasastras* was written during the period from 200 BCE to 300 CE. It is composed of 2685 verses in twelve chapters.

Ratan Lal Basu (2011) claims that because of its broad coverage and comprehensive instructions on different aspects of human life, the *Manusmriti* occupies a very significant position among the Dharmasastras (law books) in ancient India. Several scholars observe that the *Manusmriti* covers a wide range of ideas related to human life, like the sacraments, the initiation of Vedic study, forms of marriage, rules and codes for women and wives, hospitality and funerary rites, dietary laws, pollution and purification, administrative laws, juridical matters and above all religious matters. Thus, the text has high significance in the life and beliefs of the Hindu community and Indian social life even today. Vinayak Damodar Savarkar (2000) remarks on the *Manusmriti*'s importance to Hindu identity as:

“The *Manusmriti* is that scripture which is most worshipable after Vedas for our Hindu Nation and which from ancient times has become the basis of our culture-customs, thought and practice. This book, for centuries, has codified the spiritual and divine march of our nation. Even today, the rules which are followed by crores (millions) of Hindus in their lives and practice are based on the *Manusmriti*. Today *The Manusmriti* is the Hindu Law. That is fundamental”. (Savarkar, 2000, p. 415-416)

Wendy Doniger and Brian. K. Smith (1991) describe the *Manusmriti* as a ‘pivotal text’ for many reasons:

“The *Manusmriti* is a pivotal text of the dominant form of Hinduism as it emerged historically and at least in part in reaction to its religious and ideological predecessors and competitors. More compendiously than any other text, it provides a direct line to the most influential construction of the Hindu religion and Indic society as a whole. No modern study of Hindu family life, psychology, concepts of the body, sex, relationships between humans and animals, attitudes to money and material possessions, politics, law, caste, purification and pollution, rituals, social practice and ideals, and world-renunciation and worldly goals, can ignore Manu”. (Doniger & Smith, 1991, p.5)

The *Manusmriti*'s conception of women and their role is often problematic. It is important to note that the portrayal of women as seducers and social evils in the text was condemned by

various thinkers such as B.R. Ambedkar, who has been called the 'father of modern India' and chief architect of the Indian Constitution. Dr. B.R Ambedkar (1916) accused the text of its oppressive nature, discriminatory standpoints, and misogynist perspectives on women:

"The view of the women was both an insult and an injury to the women of India. It was an injury because, without any justification, she was denied the right to acquire knowledge which is the birthright of every human being. It was an insult because after denying her the opportunity to acquire knowledge, she was declared to be as unclean as untruth for want of knowledge and therefore not allowed to take sanyas, which was regarded as a path to reach Brahma" (as cited in Rege, 2013, p.121).

The *Manusmriti* and its Sexual Politics

Feminist scholars and women's rights activists raised their voices against the discriminatory, oppressive construction of women, gender, and sexuality in the *Manusmriti*. In discussing the idea of sexual politics, the term "politics" shall refer to power-structured relationships and arrangements whereby one group controls another group of persons. The authors use the term "sexual politics" in a dual sense, the first to connote the power relationship between men and women partners in sexual life and the second in the larger context of conceiving of sexuality as a significant site to control women's lives in patriarchal societies. Women's rights activist and reformers burned the copies of The Manusmriti in front of the Rajasthan High Court on March 25, 2000. The protestors believe that the ancient text is the defining document of Brahmanical Hinduism, and also the key source of gender and caste oppression in India (cited in Olivelle, 2006). Patrick Olivelle's views on the *Manusmriti* as:

"Fame invites controversy, and in India itself, during the 20th century, Manu became a lightning rod for both the conservative elements of the Hindu tradition and the liberal movements intent on alleviating the plight of women and low-caste and outcaste individuals. For the latter, Manu became the symbol of oppression. His verses were cited as the source of legitimization of oppression, even though the same or similar passage is found in other and older documents". (Olivelle, 2005, p. 4)

Indian feminist scholars like Sukumari Bhattacharji (2007) and Uma Chakravarti (2003) have explained through their works how women are vulnerable to their independence and rights under the *Manusmriti's* laws. *The Manusmriti* tries to implement every possible step to control women's right to mobility, production, knowledge generation, reproduction, sexuality and sexual life. Bhattacharji (2007) argues that after following the the *Manusmriti*, women became more helpless and marginalized than during the Vedic period. Prem Chowdhary (2007) observed that the value of honour is tied with women 'in her body and conduct due to her reproductive and procreative capacity' (p. 16-17).

Sexuality is the primary site of control of women by patriarchy. In this context studying the the *Manusmriti* in matters of female sexuality and critically examining it with the SRH Rights perspective would throw light on whether the "Hindu code of conduct" proposes/exhorts/approves/substantiates such control over women. Though several researchers have studied the influence of the *Manusmriti* on various aspects of women's lives, the subject of women's sexuality and that too from the Sexual and Reproductive Health Rights perspective is rare.

Methodological Approach

The authors attempted a content analysis of the *Manusmriti*. Instead of the original Sanskrit version of the *Manusmriti*, we conducted a textual analysis using the English translation by Doniger and Smith (1991) titled *The Laws of Manu* (Penguin Books). We conducted a qualitative content analysis with a critical interpretation of the critical verses that have implications on women's sexuality. The SRH Rights of women formed the basis for the selection of the categories in textual analysis. The right to choose one's partner, the right to bodily integrity, autonomy and dignity, the right to pursue a satisfying, safe and pleasurable sexual life, the right to remain single/decision to be sexually active or not, to decide whether or not, and when to have children, abortion rights and the right to divorce and separation were the themes we explored in the verses of the text.

Women's SRH Rights Violations in the *Manusmriti*

As noted above, the *Manusmriti* depicts women as having a libidinous disposition in need of regulation by men who are their protectors and guardians. Their dharma was to be chaste and obedient, but their fundamental essence was depicted as one of lust that was troubling and uncontrolled. In the *Manusmriti* that the 'sexuality of women is' suppressed for the sake of the male-dominated system. From the point of the *Manusmriti*, the primary purpose of sexual unions and family life is related to procreation. Thus, the Manu urged his followers to marry their girls at a younger age and advised women to be submissive and silent in their family life. When discussing procreation, the *Manusmriti* has presented a woman's body as an agricultural field. The *Manusmriti* relates procreation to agriculture, and women's bodies are portrayed as the fields in which seeds are to be sown. The one who comes to sow the seed in the field should be her husband. The *Manusmriti* assumes that through the union of earth and the seed, all living beings with a body have come into being.

-[33:9] "The woman is traditionally said to be the field, and the man is traditionally said to be the seed; all creatures with bodies are born from the union of the field and the seed."

Several of the SRH Rights violations are implicated in the verses of the *Manusmriti*. The specific verses and their interpretations are listed below:

1. Right to choose a partner

The right to choose a partner is an SRH right recognized conditionally in a few verses but denied in several other verses. The treatment of women's right to decide whether to get married or not, when to marry and whom to marry, etc. were problematic when looked at through a gender perspective.

The *Manusmriti* treats marriage as a means for procreation, and the woman must satisfy her husband in all possible ways. The *Manusmriti* emphasizes the concept of monogamy, which was considered an ideal way of life for couples. At the same time, if he wishes, it permits a man to follow polygamy.

-[67:2] "The ritual of marriage is traditionally known as the Vedic transformative ritual for women; serving her husband is (the equivalent of) living with a guru, and household chores are the rites of the fire".

Marriage is considered as the traditionally pathway for Vedic transformative ritual for women. It promotes the notion that serving a partner is the equivalent of living with a guru, and it presents marriage as compulsory for women. However, the text does not fully address women's marriage rights. Feminist historians such as Uma Chakravarti (1993) have criticized the *Manusmriti's* conception and objectification of women through its conceptualization of marriage and family. As per the text, a son must go through 'upanayana'³ to become a 'dwija'⁴. The concept is premised on the belief that a person is first born physically and at a later date is born for a second time spiritually, usually when he undergoes the ritual of passage that initiates him into a school for Vedic studies. In the case of women, 'upanayana' is the marriage ritual. Marriage is the only road for women to redemption and salvation. So it is compulsory for a religious woman to get married, whereby women are denied the choice to remain single or not.

Marriage in the *Manusmriti* is a contract between the father and the husband. The foundation of marriage contracts and wedding ceremonies is the transition of women from the father's authority to the husband's authority and security. See verse 27 from the 3rd chapter:

-[27:3] "It is said to be the law of Brahmā when a man dresses his daughter and adorns her, and he himself gives her as a gift to a man he has summoned, one who knows the revealed canon and is of good character".

Here in marriage, a woman is said not to live with a man of her own free will; instead, the father gives his daughter as a gift to the man whom he finds worthy. In marriage, women's preferences or desires are not considered. It is the father's interests and choices that determine the future groom for a girl. Nevertheless, the *Manusmriti* also permits a girl to choose a partner on her own in conditions where her people fail to find one for her.

-[90:9] "When a girl has reached puberty she should wait for three years, but after that period she should find a husband like her".

It also allows a woman to choose her life partner if she has reached puberty and remains unmarried in her own house for three years. Instead of permitting women to exercise their desires and choices, the logic behind granting such rights is that women shall not remain unmarried. However, restrictions follow the granting of choice:

-[92:9] "A girl who chooses her own bridegroom should not take with her the jewellery given to her by her father, mother, or brothers; if she took that away, she would be a thief".

A girl who finds a husband of her own free will, according to the text, is not entitled to the gift or property from her father or other gifts received from her relatives. If she takes the gift from her father or family, it would be considered a theft.

Verse 32 of chapter 3 states:

³ Hindu ritual of initiation, restricted to the three upper varnas, or social classes, that marks the male child's entrance upon the life of a student (*brahmacharin*) and his acceptance as a full member of his religious community.

⁴ Twice-born in ancient Indian Sanskrit.

-[32:3] *“It is to be recognized as a centaur marriage when the girl and her lover join with one another in sexual union because they want to, out of desire”.*

The *Manusmriti* does not see sexual relations and choice of marriage of their own free will as human beings. It argues that those who are united out of desire are considered the union of centaurs, half-human and half-horse creatures. A woman, who exercises her right to decide when and whom to marry, deciding for herself about her sexuality without the consent of her family and parents, will not obtain recognition and social acceptance.

The *Manusmriti* views heteronormativity as the social order, and women are pushed into it more than men. This is a blatant breach of the rights of women. With the criminalization of lesbian relationships, lesbians are considered guilty as of sexual deviance. Women who have homosexual identities will no longer be able to survive by revealing their sexuality in a patriarchal culture.

For example, verse 370 of the 8th chapter reads:

- [370:8] *“But if a (mature) woman does it to a virgin, her head should be shaved immediately or two of her fingers should be cut of, and she should be made to ride on a donkey”.*

Being homosexual leads to expulsion from the family and society, and being subjected to cruel punishment.

Girls are not permitted to choose their partners or even recognize their sexual interests or sexuality at a young age. As earlier noted, the *Manusmriti* urges parents to marry their daughters at an early age. Without any fundamental understanding or education regarding marital or sexual life, the *Manusmriti* forcefully transfers them to family duties at an early age, and even more dangerously, destroys girls’ right to education by marrying them off at very young ages.

-[88:9] *“A man should give his daughter, in accordance with the rules, to a distinguished, handsome suitor who is like her, even if she has not reached (the right age)”.*

The father may decide to marry off his daughter if he finds a groom of the same caste who seems worthy of his father’s sense of beauty. The father is advised to present his daughter in a marriage ceremony well-dressed and adorned with ornaments. The selection of the bridegroom is based on his character and wisdom in accordance with the caste hierarchy, whereas the selection of the bride is based only on her beauty.

Regarding marriage age, the *Manusmriti* prescribes a wider age gap between the husband and wife, following its perceptions and gender norms of how the wife should be serving her husband. *The Manusmriti* dictates:

-[94:9] *“A thirty-year-old man should marry a twelve-year-old girl who charms his heart, and a man of twenty-four an eight-year-old girl; and if duty is threatened, (he should marry) in haste”.*

The history of the customary practice of child marriage in Indian social life can be traced back to the ancient period. Child marriage violates the child’s rights to live and explore, and puts girls at high risk of exploitation, abuse, and violence. When religious texts like the

Manusmriti advocate for child marriage, it affects the girls disproportionately. Social norms play an essential role in perpetuating child marriage.

2. Right to Bodily Integrity, Autonomy and Dignity

The *Manusmriti* often treats women as objects of sexual pleasure, especially for upper caste men. Women and girls are repeatedly objectified and their bodies hyper-sexualized in the text. The text frequently reduces women to a derogatory standard as sexual objects, and it is highly condemnable. By claiming that women are capable of misleading men and thus should not befriend or interact with men, the text positions men and women in two extreme poles. In the second chapter, the *Manusmriti* states:

-[213:2] "It is the very nature of women to corrupt men here on earth; for that reason, circumspect men do not get careless and wanton among wanton women".

The *Manusmriti* offers the world a much distorted image of women when it claims that women can destroy ignorant and knowledgeable men (214:2). Women are responsible if a man feels sexually excited and aroused according to the text, so, if there is a woman around him, he recommends that the man never stay unguarded, because women are dangerous. The *Manusmriti* spreads the most unacceptable ideas of women as seducers, and as a result, women are held accountable for any injustice thrown at them. The onus of the blame is placed on women, whether it is rape or molestation or violence.

The *Manusmriti* testifies that even though she is a mother or sister or daughter to a man, the woman is just a sexual object:

-[215:2] "No one should sit in a deserted place with his mother, sister, or daughter; for the strong cluster of the sensory powers drags away even a learned man."

The *Manusmriti* advises men that it is better to protect them "zealously" because women are likely to wander around having sex with someone you cannot imagine.

-[15:9] "By running after men like whores, by their fickle minds, and by their natural lack of affection these women are unfaithful to their husbands even when they are zealously guarded here".

The injunctions of laws that focus on women's fidelity as wives and the obligation of men to protect their women, even by regulating them in any manner, is a way to preserve the purity of their progeny and caste purity.

In verse [44:4], a priest is said to lose his radiant energy by gazing at women putting on their eye makeup, rubbing oil on their bodies, standing nude, or giving birth. What *The Manusmriti* says about the virtues of becoming a priest is significant when it says that looking at a woman who is nude or giving birth will astray him from his path to radiant energy. A woman is seen as just a body even when she gives birth to a child. It sees women only as an object that can arouse a man's cravings for sex.

"A priest who desires brilliant energy should not look at a woman putting on her eye makeup, rubbing oil on herself, undressed, or giving birth".

What the *Manusmriti* says is relevant here when it comes to the ten faults (crimes) that can occur in emotional turmoil for men. Verse 47 of chapter 7 states:

“Hunting, gambling, sleeping by day, malicious gossip, women, drunkenness, music, singing, dancing, and aimless wandering are the group of ten (vices) born of desire”.

Here, too, the woman and her relationship with men is portrayed as something that happens when they become addicted to emotions. As a result, it explicitly curtails women’s freedom, and the verses are misogynist. Women were denied their choice in selecting their sexual and domestic partner, and they lacked decision over their bodies and control over their sexuality.

In verse [221:7], *“When he has eaten, he should take his pleasure with the women in the harem; and when he has taken his pleasure at the proper time, he should think again about the things he must do”*, women are again viewed as a tool for men’s pleasure. In the edicts of the kings, it instructs the king to seek pleasure from the women of his harem once he has finished taking food. Men can quickly seize power and exert it over women through such dangerous equations by depicting women as selfless and irrational. The hidden risk is that based on such dictum, culture empowers men to exert power over women.

3. Right to Pursue a Satisfying, Safe and Pleasurable Sexual Life

The *Manusmriti* allows husbands to deny sex and even bedding to a wife who insults them. However, a wife is never permitted to deny anything to a husband, but instead, to be fully loyal to him at all times. Here, the woman’s right to a pleasurable sexual life depends on how far she is respectful of her husband and how much the husband is worshipped as a God by the wife

-[78:9]“If she transgresses against a husband who is infatuated, a drunk, or ill, he may deprive her of her jewelry and personal property and desert her for three months”.

- [154:5]“A virtuous wife should constantly serve her husband like a god, even if he behaves badly, freely indulges his lust, and is devoid of any good qualities”.

Women are advised to serve the husband even when he is violent or abusive. In other words, it is a granting of the rights to man to harass and abuse the woman in marriage and domestic life. Even the fundamental human right to sexual life without coercion is denied to women here. In addition, there are more significant risks that many violent sexual fantasies will be demonstrated and justified using such claims and rules. It needs special mention that ‘marital rape’ is not considered a crime in India. A peaceful and pleasurable sexual life has been included in the list of human rights of women globally. Nevertheless, the authoritarian system does not see these as women’s rights. Feminism also regards the denial of sex itself an example of sexual violence, and rightfully so.

Progeny and procreation are the two critical conditions associated with marital sex. Although women are portrayed as sexually voracious, it is said that good women should be free from all such thoughts and find stimulation only in their husbands. Here, too, the *Manusmriti* speaks for the man and creates a general impression that the man is one who has decided on sex as well. *The Manusmriti* considers women who dare to talk about sex or sexual life as demonstrating bad conduct. A woman or girl’s freedom to make independent choices about her own body and reproductive roles is at the heart of the concept of equality

and sexual rights of women. In the current Indian scenario, a woman's struggle to openly express her sexuality and sexual interests can be costly.

4. Right to Remain Single/Decision to be Sexually Active or Not

Cultural sanctions will not be granted if a woman chooses to remain single to follow her interests. Remaining single gives women the chance to enjoy freedom and greater personal autonomy than married women. However:

“A priest is prohibited from taking food from: [213:4] nor food which is given disrespectfully or by a woman who has no man, nor that of those who put up with such lovers, or who are dominated by their wives in all things”,

This verse shows that the lack of male companionship would lead to social exclusion for a woman. The *Manusmriti* forbids the priest from even taking food from unmarried women. Marriage and family roles are bundled packages for women. Rearing children and caring for them, caring for elderly parents, and managing the home are all closely linked processes of this package. The *Manusmriti* extends its misogyny by denying women their right to remain single. Once a woman marries, she is forced to put aside all her personal goals to prioritize family duties and responsibilities. The right to decide whether to remain single or not/ whether to be sexually active or not/ whether to get married is an SRH Right of women often violated in the tradition-bound Indian society. *The Manusmriti* overemphasizes marriage as an inevitable institution, especially as a requirement in the life of girls and women and the responsibility to get the daughters married is entrusted with the fathers.

-[4:9] “A father who does not give her away at the proper time should be blamed, and a husband who does not have sex with her at the proper time should be blamed, and the son who does not guard his mother when her husband is dead should be blamed”

Cultural sanctions regulating female sexuality, including the right to choose whether to have a sexual union or not, are visible here. Looking from the SRH Rights perspective, the right to be freely and responsibly in charge of and decide on matters relating to one's sexuality, including sexual and reproductive health, free from coercion, discrimination and violence, is essential. Nothing is mentioned in the *Manusmriti* about women's right to make decisions about their sexuality or sexual life. Instead, again and again, it is urged that when girls grow up, they should be disposed of in marriage without education or employment. Whether the girl is mentally or physically ready or what her interests are, never taken into consideration. On the contrary, all authority is given to the husband and father in matters related to women's authority and sexuality.

-[28:9] “Children, the fulfillment of duties, obedience, and the ultimate sexual pleasure depend upon a wife, and so does heaven, for oneself and one's ancestors”.

The role of religion in affecting the frequency and satisfaction of sexual activity is vital. Sexual interests are strongly connected with social morality and religious teachings, especially in the case of women. Here men's pleasure and emotional satisfaction become a burden for women. She is made responsible for the enjoyment of sex and sexual union

between the couple. Sexual activity retains all benefits for the man, whereas the pleasure and gratification of women are not mentioned.

“There is unwavering good fortune in a family where the husband is always satisfied by the wife, and the wife by the husband. [61:3] If the wife is not radiant she does not stimulate the man; and because the man is unstimulated the making of children does not happen”.

The *Manusmriti* thus advises women to stay indoors and live obediently in connection with household chores. It also conveys that the ideal wife is a woman who lives an obedient life by satisfying her husband and taking on all the family responsibilities. Such injunctions have shaped or deformed the status of women in the family. The categorization of women as ‘good’ or ‘defiled’ has been established with unmistakable clarity in the passage above, highlighting marriage and procreation as the life goal of girls and women.

5. Decide Whether or Not, and When to have Children

Women who choose not to have children in a patriarchal society become labeled as selfish or greedy. In most societies, we can see that women do not have the right to choose not to have children. Women’s role in marriage is primarily connected with procreation and maintaining caste purity as per the *Manusmriti*. The issue of women exercising their right to contraception and procreation remains important in Indian society.

- [81:9] “A barren wife may be superseded in the eighth year; one whose children have died, in the tenth; one who bears (only) daughters, in the eleventh; but one who says unpleasant things (may be superseded) immediately”.

The sanctions to men for polygamy or divorcing wives are explicit in the above lines. The women who speak unpleasant things are not permitted to stay in wedlock. It is ordained that such women should be disposed of immediately. In other words, there is clear cut evidence of how freedom of expression is prohibited for women according to the moral codes of *The Manusmriti*.

-[96:9] “Women were created to bear children and men to carry on the line; that is why the revealed canon prescribes a joint duty (for a man) together with his wife”.

The Manusmriti limits women’s goals in life when it states: ‘women are made for bearing children.’ Having children is not a choice but a duty for women. Since lineage and generation are continued only through children, women are forced to bear children even if they are not ready for it. It is the duty of the man to ensure that there are no disputes and no moral issues regarding the birth of the child and to check whether it is a legitimate child.

-[103:9] “The duty of a man and a woman, which is intimately connected with sexual pleasure, has thus been described to you, as well as the way to obtain children in extremity”.

This verse is contradictory to what has been indicated in the verses sanctioning the right of men to abandon their wives. In the *Manusmriti*, such contradictions are not rare instances. Intense contradictions are associated with women’s role in marriage, divorce, and inheritance.

6. Abortion Rights of Women

The *Manusmriti* indicates a clear stance on abortion. Abortions often affect physically women physically and spiritually; however, instead of offering support that women need, the *Manusmriti* generates feelings of shame concerning abortion. It is a woman's right to decide whether to have children or not. The right to take contraception and decide whether or not to become pregnant and bear children is a fundamental right associated with the SRH Rights of women. Nevertheless, the *Manusmriti* strongly opposes abortion and contraception.

“No ritual of libation should be poured for those who are [90:5] nor for women who have joined a heretical sect, or who live on lust, or have abortions, or harm their husbands, or drink liquor”.

Followers insist that a woman who has had an abortion is not entitled to the Ritual of Liberation, denying religious rights by claiming that abortion is indicative of a lustful life, harming their husbands, drinking, and rejecting their community's religion or beliefs.

7. Right to Divorce and Separation

The institution of marriage and family has become a form of confinement for women. Women are not eligible to get a divorce, remarry or be set free in any situation. For women, the right to get a divorce is conditional. Marriage for a woman is the transfer of her authority from her father to the husband.

-[149:5] “A woman should not try to separate herself from her father, her husband, or her sons, for her separation from them would make both (her own and her husband's) families contemptible”

-[13:9] “Drinking, associating with bad people, being separated from their husbands, wandering about, sleeping, and living in other people's houses are the six things that corrupt women”.

-[46:9] “A wife is not freed from her husband by sale or rejection; we recognize this as the law formulated by the Lord of Creatures long ago”.

As one of the six conditions that make a woman corrupt, divorce is central. Religion and cultural traditions teach men and women to live together in the same home as husband and wife. It simplifies the concept that marriage; instead of the union of minds, marriage is merely the union of two bodies. It is much harder for a woman to get divorced than for a male counterpart. Opposing divorce, the *Manusmriti* contends that it is God's dictum that a woman cannot be set free through selling or rejection. The *Manusmriti* regards women as mere bodies.. Such injunctions are also a means of keeping women indoors, with the impression that divorce is frightening and morally questionable. There is no pathway to freedom from eternal bondage

Conclusion

An analysis of the *Manusmriti* from the SRH Rights perspective reveals how the verses of the text deny women SRH Rights. It gives undue importance to women's purity and chastity. Marriage and motherhood are glorified in the lives of girls and women. Double standards are visible in all aspects of morality and sexuality, with advantages always given to men. The *Manusmriti* narrows women's worlds to their husbands and children. The text offers a distorted and skewed image of women. In many religious texts and literature,

women's bodies are frequently objectified and devalued. Women's bodies are depicted in some parts for admiration and as objects for sexual gratification. Yet, at the same time, these bodies are portrayed as frequently eliciting disgust.

The *Manusmriti* and its portrayal of women are highly important in contemporary society, where politicians and religious authorities continue to argue for accepting the text as a divine code of conduct. Nonetheless, it has been criticized for its sexist, patriarchal values, misogyny and gynopia⁵ towards women, and sidelining the efforts of women. It can be used as an instrument in sexuality studies to recover the prominent discourses on sexuality and perspectives towards gender relations that existed in ancient India and still today. By depicting women as sexually motivated, forever chasing men, the *Manusmriti* asserts a social obligation to regulate women and their sexuality in order to preserve social equilibrium and social morality. Even today, its restrictions and injunctions are followed. Beyond what we have offered here, we recommend a complete re-reading of the *Manusmriti* and similar religious texts from a women's rights perspective, which would expose their sexism and misogyny. The findings should be disseminated, recognized, and rejected for their violations of women's rights.

Acknowledgment

This paper is part of the M Phil dissertation written by the first author under the guidance and supervision of the second author in the Department of Women's Studies, University of Calicut, Kerala, India. The thesis has been uploaded on the UGC website as a mandatory requirement.

This research has received fellowship grants from the University of Calicut and also the Maulana Azad National Fellowship (MANF fellowship) from the University Grants Commission (UGC).

References

- Abbott, D.M., Harris, J., & Mollen, D. (2016). The impact of religious commitment on women's sexual self esteem. *Sexuality & Culture*, 20(4), 1063-1082. <https://doi.org/10.1007/s12119-016-9374-x>
- Ambedkar, B.R. (1916). *Castes in India: Their mechanism, genesis and development*. Scotts Valley, California: Createspace Independent Pub (Reprint in 2017). <https://www.amazon.in/Castes-India-Mechanism-Genesis-Development/dp/1982085347>
- Bahr, H.M., & Chadwick, B.A. (1985). Religion and family in Middletown, USA. *Journal of Marriage and the Family*, 47(2), 407-414. <https://doi.org/10.2307/352140>. <https://www.jstor.org/stable/352140>
- Basu, R.L. (2011). *The Manusmriti, the Hindu law book: Economic ideas*. Los Gatos, California: Smashwords. <https://www.scribd.com/book/206747302/The-Manusmriti-the-Hindu-Law-Book-Economic-Ideas>
- Becker, G. (1981). *Treatise on the family*. Cambridge, M.A: Harvard University Press. <https://www.nber.org/books-and-chapters/treatise-family>
- Bhattacharji, S. (2007). *The Indian theogony: A comparative study of Indian mythology from the vedas to the puranas*. Cambridge: Cambridge University Press. <https://doi.org/10.2307/2052291>

⁵ The inability to see women in social settings and the the inability to understand a women's point of view.

- Bonheim, J. (1997). *Aphrodite's daughter's: Women's sexual stories and the journey of the soul*. New York: Atria Books. <https://doi.org/10.1080/01614576.1998.11074225>
- Bumpass, L. L., & Sweet, J. A. (1990). Religious differentials in marriage behaviour and attitudes (NSFH Working paper no.15). University of Wisconsin, Center for Demography and Ecology.
- Burchinal, L.G. (1957). Marital satisfaction and religious behavior. *American Sociological Review*, 22(3), 306-316. <https://doi.org/10.2307/2088471>
- Burgess, E.W., & Cottrell, L.S., Jr. (1939). *Predicting success or failure in marriage*. Hoboken, New Jersey: Prentice-Hall. <https://doi.org/10.1177/000271624021000171>
- Chakravarti, U. (1993). Conceptualizing brahmanical patriarchy in early India: Gender, caste, class and state. *Economic and Political Weekly*, 28(14), 579- 585. <http://www.jstor.org/stable/439955611>
- Chakravarti, U. (2003). *Gendering caste: Through a feminist lens*. Calcutta, West Bengal: Stree. <https://www.amazon.in/Gendering-Caste-Feminist-Theorizing-Feminism-ebook/dp/B07HK4PZRS>
- Chowdhary, P.(2007). *Contentious marriages, eloping couples: Gender, caste and patriarchy in northern India*. New Delhi: Oxford University Press. <https://global.oup.com/academic/product/contentious-marriages-eloping-couples-9780198063612?cc=jp&lang=en&>
- Doniger, W., & Smith, B. K. (1991). *The laws of Manu*. New Delhi, India: Penguin Classics. <https://www.amazon.in/Laws-Manu-Penguin-Classics/dp/0140445404>
- Eisler, R. (1995). *Sacred pleasure: Sex, myth, and the politics of the body*. San Francisco: Harper Collins. <https://www.harpercollins.com/products/sacred-pleasure-riane-eisler?variant=32207228141602>
- Endler, M., Al-Haidari, T., Benedetto, C., Chowdhury, S., Christilaw, J., El Kak, F., Galimberti, D., Garcia-Moreno, C., Gutierrez, M., Ibrahim, S., Kumari, S., McNicholas, C., Mostajo Flores, D., Muganda, J., Ramirez-Negrin, A., Senanayake, H., Sohail, R., Temmerman, M. and Gemzell-Danielsson, K. (2021). How the corona virus disease 2019 pandemic is impacting sexual and reproductive health and rights and response: Results from a global survey of providers, researchers, and policy-makers. *Acta Obstetrica et Gynecologica Scandinavica*, 571– 578. <https://doi.org/10.1111/aogs.14043>
- Hunt, R.A., & King, M.B. (1978). Religiosity and marriage. *Journal for the Scientific Study of Religion*, 17(4), 369-376. <https://doi.org/10.2307/1385403>
- Laumann, E.O., Gagnon, J.H., Michael, R.T., & Michaels, S (1994). *The social organization of sexuality: Sexual practices in the United States*. Chicago: University of Chicago Press. <https://doi.org/10.1177/136346159503200205>
- Lehrer, E.L., & Chiswick, C.U. (1993). Religion as a determinant of marital stability. *Demography*, 30(3), 385-404. <https://doi.org/10.2307/2061647>
- Lehrer, E L. (1996a). Religion as a determinant of marital fertility. *Journal of Population Economics*, 9(2), 173-96. <https://doi.org/10.1007/s001480050013>
- Lehrer, E.L. (1996b). The determinants of marital stability: A comparative analysis of first and higher order marriages. *Research in Population Economics*, 8, 91-121.
- Lerner, G. (1986). *The Creation of patriarchy*. New York: Oxford University Press. <https://global.oup.com/academic/product/the-creation-of-patriarchy-9780195051858?cc=jp&lang=en&>
- Margaret, D.G., and Frederick, A.K. (1990). Religiosity and marital satisfaction: A research note. *Review of Religious Research*, 32(1), 78-86. <https://doi.org/10.2307/3511329>

- Olivelle, P. (2006). *Manu's Code of law: A critical edition and translation of the Manava-Dharmasastra*. Oxford University Press. https://doi.org/10.1111/j.1748-0922.2008.00281_6.x
- Rege, S. (Ed). (2013). *Against the madness of Manu: B.R.Ambedkar's writings on brahmanical patriarchy*. New Delhi: Navayana. <https://www.amazon.in/Against-Madness-Manu-Brahmanical-Patriarchy/dp/818905953X>
- Savarkar, V.D. (2000). Women in The Manusmriti' in Savarkar Samagar (collection of Savarkar's writings in Hindi), Vol. 4. New Delhi: Prabhat.
- Sigalow, E., Shain, M., & Bergey, M. (2012). Religion and decisions about marriage, residence, occupation, and children. *Journal for the Scientific Study of Religion*, 51(2), 304-323. <https://www.jstor.org/stable/41681787>
- Teachman, J.D. (2002). Stability across cohorts in divorce risk factors. *Demography*, 39(2), 331-351. <https://www.jstor.org/stable/3088342>
- Thornton, A., Axinn, W., & Hill, D. (1992). Reciprocal effects of religiosity, cohabitation, and marriage. *American Journal of Sociology*, 98(3), 628-651. https://www.jstor.org/stable/2781460?seq=1#metadata_info_tab_contents