

## The King's Household: Structure and Space in the Sastric Tradition

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I

Recent decades have witnessed a growing interest in the nature of the household. This is to a great extent related to the development of feminist perspectives which envisage the household as one of the most important institutions wherein and whereby gender relations are structured, enforced, and perhaps possibly contested. Exploring the nature of the household has, moreover, enriched our understanding of its specificities, leading to an awareness that relations both within the household and between the household and society vary considerably over space and time. Analyses of such variations are in turn closely related to our understanding of patriarchies. While the possibility and the need for wide-ranging analyses of the household are obvious, I will narrow my focus for the present to an exploration of definitions of the royal household within the *sastric* tradition, examining the treatment of the institution in the Dharma Sastra ascribed to Manu, the Manusmṛti, the Arthasastra ascribed to Kautilya, and the Kamasutra ascribed to Vatsyayana.

Each of these texts has evoked, deservedly or otherwise, considerable interest amongst the educated elite in the present century and, in some cases, have been more or less systematically popularised amongst other strata as well. As such, they retain a certain relevance in spite of the millenia which separate us from the age when they were composed or compiled, although what is made of the texts at present is clearly located in a context which is different from their original one.

Reconstructing, or claiming to reconstruct, the 'original context' is a somewhat hazardous operation. That it has been undertaken time and again speaks both for the optimism of historians of early India and the uncertainties involved in the enterprise. In terms of chronology, the Manusmṛti is generally placed between the second century B.C. and the second/fourth century AD,<sup>1</sup> the Arthasastra between the fourth/third century BC

and the second century AD,<sup>2</sup> and the Kamasutra between the second and fourth centuries AD.<sup>5</sup> In other words, each text was probably compiled over a period ranging from two hundred to five hundred years or more. As it is unlikely that such long spans of time were uneventful in terms of institutional developments, the possibility must be borne in mind that different segments within texts pertain to different periods. At another level, the fact that the texts attempt to codify practices and prescribe normative behaviour points to an awareness of change, and an attempt to come to terms with it.

In terms of regional focus, the Manusmṛti<sup>4</sup> relates to *drydvarta* defined as the land between the two mountains, that is, the Himalayas and the Vindhya, and the two seas. However, both the Arthasastra and the Kamasutra refer to virtually all the regions of the country, and as such are more difficult to localise, although, given their chronological position, it is likely that they pertain to north India, as the Sanskrit tradition in south India began somewhat later.

The codifiers, almost inevitably, were men. While a near-divine status was ascribed to some of them,<sup>5</sup> the Arthasastra and Kamasutra were ascribed to compilers who claimed to be collating material which had been handed down traditionally.<sup>6</sup> The sources of traditional knowledge, as acknowledged in the *sastras*, are remarkably varied. While Vedic learning or the *śrutis*, the *smṛtis* or remembered lore, and the practices of those recognised as good were regarded as sources of *dharma*,<sup>7</sup> knowledge of *artha* was recognised as implicit in *dnyvtsikl* or philosophy, including the systems of Samkhya, Yoga, and Lokayata, the three Vedas, and *vdrttd* or the means of livelihood.<sup>8</sup> The Kamasutra was thought to have originated from the dicta of Prajapati, the creator god,<sup>9</sup> and also includes a section which was supposedly compiled separately owing to a request made by the *ganikds* or courtesans of Pataliputra.<sup>10</sup> Knowledge of the text could, moreover, be acquired from the *ndgaraka* or urbane man, and was regarded as important for both men and women, the latter being ideally taught by members of their own sex.<sup>11</sup> As opposed to this, knowledge of the *sastra* embedded in the Manusmṛti was confined to those for whom *samskdras* or rites of passage were performed with *mantras* or chants,<sup>12</sup> a provision which would have excluded women and sudras, while knowledge of the Arthasastra was regarded as especially valuable for those aspiring to acquire and control the

earth, that is, the rulers.<sup>13</sup>

However, there seems to have been a certain discrepancy between the explicit and implicit audience for whom these texts were composed or compiled. If one examines the style of composition, the relative use of verse and prose is probably an indicator of sorts. The Manusmṛti is composed almost entirely of couplets in the *anustubh* metre (also commonly used in the epics and Puranas), and as such, could have been memorised and recited fairly easily. The Arthasastra and Kamasutra on the other hand, are primarily prose works. The texts are, moreover, replete with technical terms. However, virtually every chapter of the texts ends with a couplet or a set of verses, which provide what is apparently a somewhat idiosyncratic summary of the preceding prose section. As in the case of the Manusmṛti, such verses may have had a wider circulation than the prose portions, knowledge of which may have been confined to a restricted circle of specialists.

The distinction between statements intended for widespread dissemination and those meant for a more select audience is probably significant. While both categories of statements constituted an instrument of communicating information, it is also likely that they would have been formulated, to some extent at least, in consonance with the perceptions of the specific audience for whom they were intended.

It is also possible to distinguish descriptive and prescriptive statements within the texts. The former very often tell us about the assumptions underlying prescription, whereas the latter can be graded as positive prescription, statements permitting (but not recommending) certain practices, and prohibition. Such distinctions are at least occasionally significant.

There is another, basic distinction amongst the texts - that of perspective. While each of the texts is characterised as a *sastra* (that is, a compendium of authoritative knowledge, often implicitly injunctive), and while all pertain centrally to the life of man (and incidentally to the lives of women as well), the *sdstras* are viewed as interrelated but distinct. In fact, each text represents one of the three fold divisions, the *trivarga*, consisting of *dharma*, *artha*, and *kdma*, recognised as legitimate domains of activity for a man, who was ideally expected to strike a balance amongst them.<sup>14</sup> As may be expected, the nature of the balance envisaged varies according to the perspective of the particular *sastra*. For instance, the Arthasastra<sup>15</sup> regards *artha* as the *mula* or

root of *dharma* and *kdma*.

The variations implicit and occasionally explicit in the *sdstras* provide some indications of the complexities of social relations. While the manifestation and implications of these variations are many, I focus primarily on those envisaged within the royal household. This was a central institution from the perspective of both state and society. It constituted the physical and social locus for the functioning of the monarch, and was, in a very literal sense, associated with sources of power. The relations between the royal household and the rest of society derived from its association with state power and can be explored on at least two levels. On the one hand, the royal household was probably perceived as a model, although by no means the only one. On the other hand, the king was expected to intervene in the affairs of other types of household and as such, may have provided a certain amount of support to these institutions.<sup>16</sup> At the same time, the latter retained a degree of autonomy.

A variety of terms are used in texts to denote houses or households. Some, such as *dgdra*, *said*, *vesman*, *avasatha*, *vdstu*, refer almost exclusively to physical structures, whereas others, such as *grha*, *kula*, *kutumba*, encompass the sense of both an architectural and a social unit. This is probably related to what has been defined as 'the structure of domestic groups' which 'comprises a number of partly overlapping units, the family (the conjugal unit), the household (the consumption unit), the enterprise, often focusing on the farm (the production unit), and dwelling group.'<sup>17</sup> The connections amongst these facets and between the domestic and other realms are clearly significant. However, the present focus will be mainly on relations *within* the royal household: on the physical nature of the residential unit and its environs, the typical features associated with it, the relations envisaged amongst members, and the criteria for membership or access to the unit. Finally, I will explore the relationship envisaged between the ruler and two other forms of the household, those of the courtesan and of the common household.

## II

The physical aspects of the ideal royal residence are laid down at great length in the Arthasastra, where it was conceived of as constituting the literal and figurative centre of the polity. The

place and its environs were to include a core consisting of the residence of the priest and the preceptor, ministerial residences, houses for merchants and physicians, workers' quarters, a place for performing sacrifices, a kitchen, stables for elephants, mules, camels, cattle and horses, a granary, treasury, record room, store for forest produce, armoury, work room, and sheds for vehicles and chariots.<sup>18</sup> Beyond this, ideally, were the residences or workplaces of flower sellers, perfumers, grain merchants, craftsmen, warriors, owners of taverns, prostitutes, weavers, cane workers, leather workers, armourers, smiths, jewellers, the temple of the god of the city and king, and the four *varnas*.<sup>19</sup>

Within this vast complex, the *stmnivesa* or the women's place was ideally to be in the furthest interior,<sup>20</sup> with the residence of the royal children beyond it.<sup>21</sup> This was to be enclosed by pleasure grounds, the sacrificial precincts, offices, amongst all of which there was provision for armed guards.<sup>22</sup>

In contrast to the Arthasastra, the Manusmṛti envisages the royal residence as a fort, which could be protected by either a desert, the earth, water, trees, men or a mountain, of which the last-named was considered to be the best.<sup>23</sup> The features of the fort which were focused on, viz. natural or physical barriers, emphasised the social and political distance between those living within and without. Given the stylistic difference between the two texts, referred to earlier, it is likely that the ruler's household was perceived by or portrayed for commoners as a relatively remote but powerful institution.

Some light is thrown on the nature of the activities expected of the ruler in the discussion on the functions prescribed for a captive prince. These were presumably what were recognised as minimal, and included engaging in *cvdha-vivdha*, that is, receiving and giving women in marriage, performing the *abhiseka* or installation for his son, acquiring horses and elephants, and performing sacrifices in every instance.<sup>24</sup> These indicate that translating kinship ties into relationships of power, acquiring the bases for military strength, and religious or ideological support were regarded as constituting the bare essentials of kingship. The household would have constituted the locus of at least two of the three activities. This is, to an extent, corroborated by the functions recommended for the ruler in the Manusmṛti, which include marrying according to norms, performing sacrifices, collecting taxes and supervising the administration.<sup>25</sup>

While the vast household associated with the ruler would have enabled him to perform the functions expected of him, it is the relationship between the king on the one hand, and his wives and sons on the other which are focused on,<sup>26</sup> with the ruler being expected to protect himself from them. The possibility of rebellion by a son, brother, or member of the family was recognised,<sup>27</sup> and the measures of protection envisaged were occasionally rather drastic. For instance, the crown prince or *yuvadja* who rebelled could be confined or killed, especially if the ruler had another virtuous son.<sup>28</sup>

As in the case of sons, the relationship between the king and queen was also perceived of as fraught with danger. The king was told to approach his wife only after she had been 'purified' by old women.<sup>29</sup> This may have involved a thorough screening of her person, as the prescription was reinforced with a list of kings who came to a sticky end on account of not having taken adequate precautions. As an extension of this, regulation of the contact of the queen with outsiders was recommended. Ascetics and slave women were denied access to her, while contact with courtesans was encouraged.<sup>30</sup> Besides, her servants were to consist of men over eighty and women over fifty years of age.<sup>31</sup> Thus she was permitted to associate with men and women who could not pose a threat to the sexual rights of the ruler, while she was discouraged from meeting those who may have given her access to alternative perspectives, including information about the outside world.<sup>32</sup> More concretely, guarding royal women, especially when they were potentially and legitimately procreative, was justified as being in the interest of the kingdom.<sup>33</sup>

In spite of such precautions, the *subhagd* or king's favourite wife was regarded as even more dangerous than the *kumdra* or prince, as the latter could be controlled by ministers or priests, unlike the former.<sup>34</sup> This perception is reiterated in a couple of verses in the Ramasutra,<sup>35</sup> which state that a princess or daughter of a minister, possessing knowledge of the arts recommended in the text, could bring her husband under control even if there were thousands (of women, presumably) in the inner apartments (*antahpurd*). Besides, she could maintain herself in a different country, even under difficult circumstances, in the absence of her husband. The inclusion of a list of queens who destroyed their husbands in the versified Manusmṛti, along with the prohibition on discussing affairs of the state with women,<sup>36</sup> indicate that the

dangerous queen was more central to popular perceptions than the dangerous or rebellious prince. If one assumes that royal families tended to marry into one another, then the well-trained woman from one point of view may have been a dangerous enemy from another. This possibility was reinforced through the list of legendary or mythical rulers who were destroyed on account of their passions. The list includes a certain Dandakya, Indra, Kicaka, and Havana.<sup>37</sup> Thus, the king as patriarch was not perceived of as invulnerable - on the contrary, his exercise of power had to be accompanied by constant watchfulness.

The pleasures which the king was thought to be entitled to in his inner apartments<sup>38</sup> were thus to be enjoyed with caution and suspicion.<sup>39</sup> Even when he ate food prepared by cooks in this danger zone, the food had to be tested for poisoning.<sup>40</sup> Sexual intercourse was not only fraught with such dangers for the king but could be coercive for women as well and often became a battle. Most of the instances of women dying as a result of violent intercourse listed in the Kamasutra<sup>41</sup> refer to kings as protagonists.

An ambiguous attitude is also implicit in the justification for the payment prescribed for such kinsfolk. A payment of forty eight thousand *panas* or coins was recommended for the priest, preceptor, minister, commander in chief, crown prince, and chief queen, as a means of ensuring that they were not hostile and did not attempt to challenge the ruler.<sup>42</sup> Incidentally, these are the highest salaries recommended. As opposed to this, other officials and employees were paid far less substantial amounts as a means of ensuring their efficiency.<sup>43</sup>

Part of the tensions inherent in the relationship between the king and the kinsfolk who formed part of his household centred on their conflicting or contradictory relationship to power. While his kinsfolk could, and probably did, claim access to power on account of their closeness to him, and could thus pose a challenge to his position, the transmission of power from one generation to the next rested on these very personnel. This is evident in the provision that in case of calamities befalling the king, his loyal ministers were to install a prince, princess or pregnant queen in his place, with the support of kinsfolk, friends, and messengers.<sup>44</sup> In such a situation, defining what was a calamity, and the course of action to be adopted in it, would have opened up possibilities of reversing or at least bypassing the

prescribed norms which were expected to govern relations within the royal household.

Even under normal circumstances, the transmission of power may not have been simple. This is evident from the emphasis on training a prince, and the need to search for alternatives in case he was not fit for the purpose.<sup>45</sup> If anything, the situation was further complicated by the fact that mothers were expected to support and further the interests of sons.<sup>46</sup> Thus, although a unified household was viewed as ideal for the kingdom,<sup>47</sup> this was not regarded as natural, but as a situation which had to be created.

The creation or disruption of such a situation was thus a never-ending process. However, the extent to which specific kinsfolk may have been able to take advantage of the fluidity implicit in the royal household was in all likelihood determined by the value ascribed to them. It is in this context that the fact that sons and daughters were not regarded as equivalent acquires importance. This is evident from the prescriptions regarding hostages, with the aggressor being advised to take the son rather than the daughter, as the daughter had no claims to inheritance, and was meant for others.<sup>48</sup> On the other hand, from the point of view of the victim, it was thought to be better to surrender oneself, if one was no longer capable of producing a son, rather than to part with a capable, well-trained prince.<sup>49</sup> The fact that sons were conceived of as more valuable may have, paradoxically, made them more vulnerable as well, especially in situations of crisis.

Somewhat surprisingly, there is very little discussion on the nature of rituals or celebrations which may have accompanied royal births, deaths or marriages, occasions which are often viewed as significant in terms of marking points of entry into or exit from the household. Virtually all these events were dealt with at length in the context of the common household, and it is likely that some of these may have been valid for royalty as well. For instance, the rites during pregnancy, generally recommended for married women, were explicitly prescribed for the chief queen<sup>50</sup> and, on the birth of a son, the *putrasarhskdrawas* to be performed by the *purohita*.<sup>51</sup>

The few details available indicate that royal marriages, at least, were fairly flexible, with the four relatively unorthodox forms of marriage being recognised for the ksatriya.<sup>52</sup> These included the *dsura*, where the bridegroom was expected to give wealth to the

bride and her kinsfolk,<sup>53</sup> the *gndharva*, where both the bride and the groom desired one another,<sup>54</sup> and the *rdksasa* and *paisaca*,<sup>55</sup> which involved the abduction of the bride through force and deceit respectively. While there was a preference for wives belonging to the same *varna* as the ruler,<sup>56</sup> the possibility of him marrying women of other, lower *varnas* was recognised.<sup>57</sup>

What is significant is that each of these forms of marriage violated the ideal of the unconditional gift of the daughter,<sup>58</sup> which was regarded as constituting the basis of *svdmya* or the ownership of the woman by her husband in the ideal domestic situation.<sup>59</sup> At another level, the woman's relationship to property in each of these forms of marriage was relatively non-patriarchal. For instance, on her 'death, the property of the wife married according to the approved forms was supposed to accrue to her husband, whereas for the forms recognised for the ksatriya, this was to revert back to her parents.<sup>60</sup> Moreover, if the *strldhana* (that is, woman's wealth) was used by a husband whose wife had been married according to the *gndharva* form, he was expected to return it with interest, whereas if the man took the wealth of a wife married in the *paisaca* fashion, he was liable to punishment for theft.<sup>61</sup> While the provisions in the *dharma* and *artha* traditions are not identical, they at least suggest that women married through these forms may have had some control over wealth.

That the relations established through such marriages were less patriarchal is also indicated by the importance attached to the consent of the bride's mother,<sup>62</sup> and in the recognition of divorce by mutual consent, somewhat tellingly referred to as *moksa* (literally liberation)<sup>63</sup> as a means of terminating such unions. Once again, the metrical Manusmṛti provides a broadly similar, though by no means synonymous understanding of these forms of marriage, by characterising the offspring born from them as opposed to *brdhmadharma*.<sup>64</sup>

If the possibilities envisaged for royal marriages deviated from strictly patriarchal norms, the ritual value assigned to some rites of passage was virtually reversed in the royal context. For instance, the period of impurity following death was considered to be inapplicable to the ruler, this being explicitly linked to his near-divine status.<sup>65</sup> Given the importance of rites of passage as occasions for underscoring patriarchal values, the fact that courtly ritual need not have necessarily conformed to the brahminical prescriptions in all respects, may have, in fact, created a situation

where commoners were exposed to alternative patterns of ordering social relations, as exemplified in the context of a highly visible household.

Apart from rites of passage, other means of entry into the royal household were also envisaged. While the ruler was normally expected to maintain the sanctity of other households,<sup>66</sup> he was permitted access to women whom he found attractive, being expected to use slave women to lure them into the palace,<sup>67</sup> with the use of force being prescribed in case of resistance.<sup>68</sup> The message was reinforced by a list of kingdoms where the ruler was customarily granted access to the wives of either officials or men in general,<sup>69</sup> concluding with a verse indicating the different ways by which kings of different countries could gain access to the wives of others.

Perhaps even more interesting (and less expected) are the provisions for men entering the palace in order to gratify royal women, who could, moreover, satisfy one another's sexual urges as well. While the Kamasutra prescribes precautions to be taken,<sup>70</sup> the conditions under which entry may have been possible were versified.<sup>71</sup> Once again, this is accompanied by a list of countries where men were supposed to have access to the palace.<sup>72</sup>

The second situation was, however, perceived as problematic, and was sought to be resolved through the provision for appointing loyal, fearless, incorruptible guards,<sup>73</sup> and through generally dissuading men from trying to gain access to others' wives, concluding with a set of rather ingenious verses which attempted to explain the discussion on how to win another's wife as being in fact a means of understanding how to protect one's own wife and the purity of one's offspring.<sup>74</sup> The attitude towards the problem was probably less ambiguous in the Arthasastra,<sup>75</sup> which suggested that the man who approached the king's wife ought to be cooked alive.

It will be obvious that the attempt to define the kingly household as patriarchal, evident in the *sdstic* tradition, was not uniform. Apart from differences amongst the strands of the tradition, there were niches in the structure where patriarchal ideals were probably ineffective. If, as I have suggested, the royal household was conceived of as providing a model for the rest of society, the model could have been interpreted in more ways than one. The possibility of plurality is reinforced when one examines the relationship between the ruler and other household forms.<sup>76</sup>

## III

The setting up of the brothel was recognised as a state activity in the Arthashastra. This was a task ascribed to the *ganikddhyaksa*, the official in charge of courtesans or prostitutes, who was expected to appoint the chief courtesan (and her deputy), preferably a young, beautiful woman, well-versed in the arts.<sup>77</sup> In case of her death, or if she ran away, her daughter or sister could take over the establishment, designated as the *kutumba*, a common word for the household, or her mother could appoint another courtesan.<sup>78</sup> If none of these alternatives<sup>79</sup> worked out, the ruler could once again assert direct control.

This notion of the establishment by the state is, to an extent, challenged by the Kamasutra. Given the stylistic and terminological similarities between the Arthashastra and the Kamasutra, which have been remarked on frequently,<sup>80</sup> this difference is especially significant, more so as this particular section of the latter text consists of terminal verses, which were possibly more open to a relatively wider audience. According to the Kamasutra,<sup>81</sup> a prostitute (*vesya*) possessed of the requisite virtues, looks and qualities, obtains the title of *ganikd* or courtesan in the assembly of the people (*janasamsad*), and is worshipped and praised by the ruler and those who are qualified.<sup>82</sup> Thus, the Kamasutra points to the possibility of the ruler intervening in rather than exerting total control over the courtesanal establishment. The recruitment of the common prostitute is also viewed somewhat differently in the Kamasutra. Here, the role of the mother in initiating her daughter was envisaged as crucial.<sup>83</sup>

A number of points of exit from the brothel were recognised. For the most highly valued courtesans, the means of exit included death or running away,<sup>84</sup> or being ransomed. The figure fixed for the ransom was rather high, twenty four thousand *panas*.<sup>85</sup> For the slave women of the courtesan, at the lowest rung of the hierarchy, exit from sexual exploitation was marked by entry into the royal household, where she could be employed either in the granary or store room, or in the kitchen.<sup>86</sup>

This control over the personnel of the priest's household was envisaged as extending to a part of its resources as well. These included the monthly tax which was to be twice the fees charged by the prostitute for a single occasion.<sup>87</sup> Besides, the keeper of the brothel, the *bandhakiposaka*, was expected to supply a young and beautiful woman who could be employed as a servant, to the

treasury.<sup>88</sup> More generally, the prostitute was classified as a source of income,<sup>89</sup> and the *ganikddhyaksa* was expected to keep an eye on her fees, property, income and expenditure.<sup>90</sup>

Once again, the Kamasutra views the situation from a slightly different perspective, with the prostitute being portrayed as similar to the ruler, in that wealth was important for both.<sup>91</sup> If this perception is valid, the prostitute was probably a contender for resources, and the prescriptions of the Arthashastra may have been less effectively implemented in practice. Besides, while the Kamasutra prescribed what the prostitute ought to do with her wealth, including funding 'good works', and investing in her house and her appearance,<sup>92</sup> there is no reference to the payment of taxes or any intervention by the state in this respect. There are also virtually no parallels to the range of fines or punishments prescribed in the Arthashastra for violations of the terms of contract by either prostitutes or clients.<sup>93</sup>

At another level, the discussion on prostitution in the Kamasutra allows for the agency of the prostitute, especially in determining whether to encourage or expel her clients.<sup>94</sup> Significantly, the entire discussion ends with a set of verses, according to which the prostitute who has intercourse with a man after testing him, and then pleases him, obtains *artha* once he is attached, after which she can aspire to *moksa* (that is, liberation from this particular client), this strategy being described as a means of both avoiding being deceived and of obtaining plenty of wealth.<sup>95</sup>

The *raja's* relationship to the household of the prostitute was thus conceived of in rather divergent terms in the Arthashastra and the Kamasutra.<sup>96</sup> As suggested earlier, this would probably indicate that more than one possible pattern for organising relations within such households, and between them and the state were envisaged, and were available within the *sdstric* framework.

## IV

The household, defined as the *grha* or the *kula*, was recognised as one of the basic units of both state and society.<sup>97</sup> It was often viewed as a unit of taxation and revenue collection,<sup>98</sup> and as such its continued existence was of crucial importance to the monarch, who was expected to encourage settlement in tax-paying villages in particular<sup>99</sup> and to protect the order based on *varnas* and *dsramas* in general.<sup>100</sup> Hence, it is not surprising that the king was

expected to intervene in and to safeguard the structure of the household at a number of levels.

The interventions envisaged for the ruler included the levying of fines and the administration of punishments for offences by members of the household and by outsiders, the absence of a *danda-vrieldmg raja* being graphically portrayed as resulting in a situation where the crow would eat the sacrificial offering, rights of ownership would not be protected, and where there would be confusion between high and low.<sup>101</sup> However, in almost every case, alternative methods of coping with such situations were envisaged, especially in the Manusmṛti. Given the accessibility of the text, it is obvious that the king's prescribed intervention was not regarded as the only means of regulating relations within the household.

The ruler was supposed to protect the physical structure of the house, with a fine of five hundred (presumably *panas*) being prescribed for one who took another's *grha*.<sup>102</sup> Moreover, violation of the norms for constructing the house, or obstructing others from using specific areas, or destroying them, could be punished by fines ranging from twelve to ninety six *panas*.<sup>105</sup> Besides, the man who used the house of another without having been given it, was thought to incur a quarter of the sins of the latter.<sup>104</sup>

Maintaining harmonious relations within the household was also brought within the ruler's jurisdiction, with fines being prescribed for defaming<sup>105</sup> or abandoning<sup>106</sup> one's close kinsfolk,<sup>107</sup> and death by burning for killing them.<sup>108</sup> At the same time, the avoidance of such disputes by the male householder was praised as being conducive to immense spiritual merit.<sup>109</sup> The exploration of alternative means, viz. threats and persuasion, to ensure more or less similar ends probably indicates that punishments to be administered by the king were either ineffective or inoperative.

Similar variations are discernible in the treatment of adultery, defined as approaching the wife of another, and hence as an intrusion within the household, where the prescribed punishment in certain cases could include death.<sup>110</sup> At the same time, the deterrent effect (if any) of the punishment was reinforced by treating the offence as one which automatically destroyed the longevity of the offender.<sup>111</sup>

However, this was not the only perspective available on such relations. In contrast to the Dharmasastra and the Arthasastra, the Kamasutra<sup>112</sup> actually prescribes ways and means of seducing the

married woman, the discussion concluding with verses summarizing the attributes of women who should not be won over.<sup>113</sup> These include women who are afraid or apprehensive and would imply that other women could participate in such relationships more or less legitimately.

Women (and men) who attempted to break out of the household were also dealt with in an identical fashion. On the one hand, they were to be subjected to fines, imposed for instance on the woman who drank,<sup>114</sup> and more severe punishments, including the loss of *stndhana* if they went against the ruler or ran away,<sup>115</sup> with death by being pulled apart by bullocks being recommended for women who killed their husbands, elders, or children.<sup>116</sup> On the other hand, they were denied access to the funeral offering of water, which symbolised the transcendental nature of kinship ties, and underscored the bonds amongst living and dead kinsfolk.<sup>117</sup>

At another level, the ruler was envisaged as taking over the functions of the male householder by default. For instance, According to the Manusmṛti<sup>118</sup> he was expected to protect the poor widow who had been devoted to her husband (*pativrata*) if she was barren, without a son, and without a home, a notion reiterated in a more prosaic manner in the Arthasastra.<sup>119</sup> Nevertheless, there is neither condemnation of, nor punishment for the ruler who may not have followed such prescriptions.

## V

What do these variations imply in terms of our understanding of patriarchies? I would suggest that these are significant at a number of levels.

In the first place, it is important to bear in mind that all three strands of the *sdstric* tradition are firmly entrenched within patriarchal notions, in the sense that they not only emerged in a context of gender inequality, but were conceived of as reinforcing the system of stratification in a variety of ways. Hence, the divergences discernible amongst them are by no means directly related to any kind of feminist agenda.

If the divergences are not intrinsic to the perspectives of the tradition, then the only explanation one can offer for their existence and incorporation within the tradition is in terms of a complex, changing, social order. This was an order in which the king was expected to be a patriarch, ruling over his *praja* (a term

meaning both offspring and subject), but where he was, at the same time, envisaged as contracting marital unions which were by no means as overtly patriarchal as could be desired. It was also a situation where the notion that the king ought to be in control of his household was subject to challenges from within, from sons and wives in particular. At the same time, diplomatic marriages and the support of (or at least the avoidance of hostility with) kinsfolk was regarded as one of the crucial facets of royalty. There was thus a conflict between the recognised and legitimated aspirations to establish a consolidated patriarchal state and ground-level institutions, which were less patriarchally oriented, but nonetheless powerful. Although the existence of such sources of power, was only indirectly acknowledged within the *sdstric* tradition, they could evidently not be wished away.

The inability to resolve the problem of the relationship between patriarchal norms and the monarchy in terms of a total identity between the two is also reflected in the treatment of the policies prescribed for the king vis-a-vis households. What is significant is that although the household of the prostitute and the household as a productive unit were possibly poles apart in terms of personnel, functions, and resources, the policy envisaged for the ruler vis-a-vis each of them was characterised by a certain dichotomy. This is evident in the conflicting, or at least diverging prescriptions pertaining to the prostitute's establishment, reflected in the Arthashastra and the Kamasutra. It is also apparent in the tendency to reinforce or substitute punishments or fines by less tangible threats, which emerge when one compares the treatment of violations of household norms in the Manusmṛiti and the Arthashastra. In other words, although an attempt was made to erect a consistent monolithic edifice of patriarchal norms and practices, this had its limitations.

If one considers monarchy (or more broadly, the state) as one of the crucial agencies for enforcing patriarchal norms or upholding patriarchal values, the situation which emerges was evidently problematic. Clearly, a monarch whose household organisation suggests that he derived at least some power from non-patriarchal networks would have been able to enforce patriarchal norms only up to a point.

At another level, the implications of the communication of verified statements, presumably accessible even to a non-literate, non-elite audience, need to be explored. As my essay indicates,

knowledge of the problems in defining and enforcing patriarchy within the *sdstric* tradition would have been available to this audience as well, and may in fact reflect at least some of its perceptions or concerns. As such, the issues at stake were not restricted or esoteric.

Thus the *sdstric* tradition, in spite of its intrinsic attempts to homogenise and iron out differences, points to a situation where patriarchal and non-patriarchal possibilities co-existed, even if somewhat uneasily. In recognising the strengths of the latter, in particular, we can move towards a fuller understanding of socio-political processes in general and gendered relations in particular, in early India.

#### NOTES

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1. *The Laws of Manu* (1886), Vol XXV, Sacred Books of the East, tr. G. Buhler, Delhi, Motilal Banarsidass, rpt. 1964, p. 330.
2. *Kautiliya Arthashastra*, ed. R.P. Kangle, Part III, Bombay, University of Bombay, 1965, pp. 98-106.
3. *Kamasutra of Vdtsyaydna*, tr. S.C. Upadhyaya, Bombay, Taraporevala, 1961, p. 53.
4. *Manusmṛiti* (hereafter MS), Vol. II, (comprising Books VII-XII), ed. Ganganatha Jha, Calcutta, Asiatic Society of Bengal, 1939, II. 22. (References for Sanskrit texts are cited according to *khanda* (Book) and *sutra* (verse) in the case of the *Manusmṛiti*, and according to *khanda*, *adhyaya* (chapter) and *sutra* in the cases of the *Arthashastra* and the *Kamasutra*).
5. For example *Manu* in MS, ed. Ganganatha Jha, Vol. I (comprising Books I-VI), 1932, I. 33.
6. For example in the *Arthashastra* (hereafter AS), ed. R.P. Kangle, Part I (comprising the Sanskrit text), Bombay, University of Bombay, 1960, I.1.1.
7. MS. I. 108.
8. AS 1.2.10; I. 3.4; I. 2.1. Incidentally all of these were specifically recommended for the *raja* in the MS (VIII.43). *Dharma* signifies a combination of ethics and norms, *artha* a means of livelihood and *kdma* sexual desire. All three are located within the framework of the *varnashrama* system. The texts attempt to systematise the contents of each of these domains. Sarhkhyā, Yoga and Lokayata represent three philosophic traditions of early India. Of these the Sarhkhyā



recognised the duality of mind and matter; Yoga focussed on meditation as a means of achieving unity with the supreme reality, while Lokayata was probably materialistic. Invoking these divergent traditions as sources of authority and legitimacy may have been a means of marginalising the conventional recognition of the Vedas as the basis of all knowledge.

9. *Kdmasiitra* (hereafter *KS*), ed. Madhavacharya, Bombay, Laxmi Venkateshwara Steam Press, 1934. (All further references to the *KS* are from this volume.)
10. *KS* 1.1.11.
11. *KS* 1.2.13, 1.3.1, 1.3.12, 1.3.14. The *Kdmasiitra* is also somewhat unique in envisaging the three goals of *dharmā*, *artha* and *kdma* as being accessible to women - whether belonging to respectable families, remarried women, prostitutes or those who had intercourse with only a single man, provided, of course, they served one man faithfully (/25FV. 1.48). This verse, in a sense, both opens and closes doors for women, but in attempting to do both, at least indicates a relatively less structured situation.
12. MS 11.16.
13. AS 1.1.1; R.P. Kangle, *AS*, Part III, p. 14.
14. For example AS I. 7.4, and MS 11.224.
15. AS I. 7.7.
16. This is expressed in an analogy in the *Kdmasutra* (1.3.10) where the all-pervasive authority attributed to the *sdstras* is compared to that of a king, whose presence, even if remote, prevents people from transgressing the law.
17. J. Goody, *The Oriental, the Ancient and the Primitive*, Cambridge, Cambridge University Press, 1990, p. 21.
18. AS 11.4.8, 10, 12, 14. The basic elements are summarised in a verse in the MS (VII.75) where the royal fort was thought to include weapons, wealth, grain, means of transport, priests, artisans, and water.
19. AS 11.4.9, 11, 13, 15.
20. AS I. 20.10. The notion of the women's quarters as a zone of relative safety for the ruler was reiterated in the context of his camp during warfare, where provision was made for a *halatra sthdna*, literally a place for women, which was envisaged as a retreat for the ruler (AS X.2.8).
21. AS 1.20.11.
22. AS 1.20.12-13.
23. MS VII.70-71.
24. AS VII. 15.22. The prescriptions regarding the daily routine of the king found in the MS are somewhat similar. The ruler was expected to arrange for the gifting away of his daughter, and the protection of his son (MS VII. 152).

25. MS VII.77-81.
26. AS 1.17.1.
27. AS IX.3.15.
28. AS IX.3.14.
29. AS 1.20.14.
30. AS 1.20.18, 20.
31. AS 1.20.21.
32. That this was a possibility is evident from the prescribed use of both male and female ascetics and slave women as spies (AS 1.12.4). Although not identical, the provision for appointing those who were scared, possibly cowards, as guards of the inner apartments (MS VII.62) would have served a similar purpose.
33. AS V.6.42.
34. AS VHI.4.26.
35. *KS* 1.3.19, 20.
36. MS VII. 153 and VII. 149, 150.
37. AS 1.2.35, 36.
38. *KS* IV 2.56-65.
39. MS VII.221.
40. MS VII.217, and AS 1.21.4.
41. *KS* 11.7.28 etc.
42. AS V.3.3, 4.
43. AS V.3.6.
44. AS V.6.36.
45. AS 1.17.27-51.
46. AS 1.18.13.
47. AS 1.17.53.
48. AS VIII. 17.15-17.
49. AS VII. 17.28, 31.
50. AS 1.17.24.
51. AS 1.7.26. *Putrasamskdra* is in a sense an appropriate if unusual name for this particular rite of passage. This is usually referred to as *janamakarman*. But seeing that it had to be performed without *mantras* for the girl child, it was in its complete form a ritual exclusively for the son.
52. MS III.23. The *raja* was ideally to be a ksatriya versed in the Vedas (MS VH.2).
53. MS 111.31.
54. MS 111.32.
55. MS 111.33-34.
56. MS VII.77, 152.
57. MS 111.13.
58. MS IX.98.
59. MS V.151.
60. MS IX. 196-197.

61. AS HI.2.18.
62. AS HI.2.10.
63. AS III 3.17,19.
64. MS 111.41. KS (III.5.29-30) is somewhat unique in recommending only the *gndharva* form of marriage, which was viewed as conducive to love and happiness. Versification in this context would have opened up this recommendation to popular scrutiny. *Brdhmadharma*, literally the *dharma* of brahmanas, was regarded as the highest form of *dharma*. The contents of *dharma* varied according to *varna* and the implicit recommendation of forms of marriage conducive to patriliney for brahmanas reflect the understanding that this was essential for maintaining the *varna* order.
65. MS V. 93.
66. For example AS 1.7.2, KS V.5.1. In fact, violation of this prescription was supposed to have led to the loss of life of two kings (KS V. 5.29).
67. KS V.5.11-21.
68. KS V.5.26.
69. KS V.5.31-35.
70. KS V.6.11.
71. KS V.G. 27-28.
72. KS V.6.29-38.
73. KS V.6.42.
74. KS V.6.46-48.
75. AS V.13.33.
76. Only two household forms have been selected for the present study. These have the advantage of being divergent, and are hence useful in exploring the range of possible relations envisaged between the ruler and households.
77. AS 11.27.1.
78. AS H.27.2.
79. AS II.27.3.
80. For example T.R. Trautmann, *Kautilya and the Arthasastra*, Leiden, EJ. Brill, 1971, p. 73.
81. KS 1.3.17.
82. KS 1.3.18.
83. KS VH.1.13-21.
84. AS II.27.1.
85. AS II.27.6.
86. AS 11.27.10.
87. AS H.27.27.
88. AS V.2.28.
89. AS II.6.2.
90. AS 11.27.10.
91. KS 1.2.15.
92. KS VI.2.28-30.

93. The prostitute was liable to a fine of four and a half *panas* if she gave her ornaments to someone other than her mother (AS III.27.11). She was to be fined twice her fees if she displayed hatred towards a client after receiving payment (*ibid.*, H.27.20) and could be required to mount the funeral pyre or die by drowning if she killed him (*ibid.*, 11.27.22). A man who stole a prostitute's ornaments could be fined eight times their value (*ibid.*, II. 27.23). If he violated the daughter of a prostitute, he could be fined fifty four *panas* and was liable to pay sixteen times the fees prescribed for a visit to her mother as well (*ibid.*, IV 12.26), the fine for approaching a prostitute kept by another was forty eight *panas* (*ibid.*, III.20.15), that for killing a mother, daughter, or slave woman of the establishment ranged from five hundred to a thousand *panas* (*ibid.*, 11.27.17), while for killing the prostitute herself it was as high as three times the ransom money, that is, seventy two thousand *panas* (*ibid.*, II.27.16). The only provision of the *Arthasastra* which is broadly corroborated by the *Kdmasutra* is the one threatening the prostitute who does not approach a man when ordered to do so by the king. She was liable to a thousand whiplashes or a fine of five thousand *panas* (*ibid.* 11.27.19). The KS (VI.5.38) contains a verse advising the prostitute to unite with men whom it is dangerous to avoid, and who are well placed.
94. KS VI. 3.27. The means envisaged for these ends were thought to rest solely with the prostitute herself and did not require the intervention of any outside agency.
95. KS VI.3.45-46.
96. The discussion on prostitution is marginal in the MS and is generally condemnatory.
97. MS 111.78.
98. AS H.35.3, and MS VIL119.
99. AS III. 10.12, 13.
100. MS VII.35, AS 1.4.16. As this information was incorporated in a verse in the *Arthasastra*, it probably reflected the popular perception of the function of royalty.
101. MS VIII.21.
102. MS VIII.264. The fines prescribed in the *Arthasastra* vary between forty eight to a thousand *panas*, depending on the nature and time of the offence (AS FV.13.3.4.)
103. AS III.8.7, 26,27.
104. MS IV.202.
105. MS VIII.275.
106. AS 111.20.18.
107. AS II. 1.28, 29. The fines range from a hundred *panas* in the first case to between forty eight to a thousand *panas* (depending on the circumstances of abandonment) in the second case.

108. AS IV.11.13.
109. *MS* IV.181. The treatment of the violation of ritual norms expected of the householder was somewhat similar. While the *AS* (*III*. 20.16) prescribed a fine for men who entertained Sakyas (possibly Buddhists), Ajlvakas, and other ascetics during rituals meant for the gods or patrilineal ancestors, the *MS* (111.72) condemned householders who could perform prescribed rituals but did not do so.
110. *MS* VIII. 359. *AS* (IV.10.10) recommends shaming the woman by cutting her ears and nose and imposing a fine of five hundred *panas*, with double the fine for the men.
111. *MS* IV.134.
112. *KS* V.2.
113. *KS* V.2.27-28.
114. *MS* IX.84.
115. *AS* III, 3.32. Both the provisions were versified and could probably be quoted to deter women from attempting to challenge or escape from their situation.
116. *AS* IV.11.19.
117. Women who were to be denied the offering included those who supported heretic beliefs, who wandered according to their own will, who were drunkards, and hostile towards embryos (presumably women who had abortions) and husbands. Men in the same category included those born from inter-varna unions, ascetics, and those who committed suicide (*MSV*. 88-89).
118. *MS* VIII.28.
119. *AS* II.1.26.