

## **Status & Role of women in Kauṭilya's Arthaśāstra**

- P. Vinay

The role of women, not only in the prerequisites of the natural order as such, but also in the general governance of the social order of society, has been vindicated of its justified presence through the ages. Anthropological studies aiming at an understanding of culture, society, norms, economics and administration have been indispensable for the study of the role and the status of women in its endeavour. The interactions of men, with the very dawn of civilization had always accorded a special place, with its own demarcated roles on the side of positivism and oppression alike for the female class. Whatever may be the causes and the attribution-effect for the privilege as well as the degeneration of the women class's status, it nevertheless had a remarkable influence upon the successive array of generations, dynasties and the civilization alike. Hence, it is pertinent that an understanding of the women's stays, more so in the literary works which stand as memories of history, for a fair appraisal of the legacy inherited in our society. It paves way for a natural bridging of the gap between the less known past and the mistaken present standards for a better future with at least less of prejudice. In a way of answering some of the more controversial areas of anti-feministic trends believed to be existent throughout in the past, a study of the women's role shall strive for a balanced view of the social order with gender models playing a pivotal role. With the advent and state of women's studies as a branch of study in the 7<sup>th</sup> decade of the 20<sup>th</sup> century, a more promising state of concentrated research sprung upon for a scientific spirit in the enquiry of gender roles, feminism and women history. Such a need is felt in the study of civilizations of India which had been the topic of serious discussions on the exact nature of handling the role of the female gender. The study of this factor may be more significant from the appraisal of feministic patterns in society at the transitional periods of the ancient and the

medieval times. It not only acts as a prelude to the middle ages' radical changes of role, though wrongly conceived as the dark age with regard to the Indian scenario, but also acts as a mirror to the ancient Indian standards of polity, social norms and administrative roles which are still looked upon with reverence by the Indian mass for ideals and inculcation.

The Arthaśāstra notices definite stereotypes of characterizing the women gender in the regularization of society. Some the notable models as such, though the clear line of compartmentalizing the same can always be overdrawn, the royal class, the common class, the courtesans, the working factors of the society, the denounced and the renounced, together with the miscellaneous play a significant role. As the Arthaśāstra eyes heavily upon the bureaucratic class to a great extent, the royal harem and the inmates therein is a factor of great attention.<sup>1</sup> A distinct place in the royal harem attached to the royal men, for maternity and illness lays importance upon the care of health factor the female gender.<sup>2</sup> As indication, it is a link of the past in the evolution of the civilization to accord a place of honour and reverence to the women class, in this case, the royalty. Additional security was afforded to the royal women at the disposition of the royal guards stationed in the apartments.<sup>3</sup> This cannot be far-fetched to mean a sense of possessiveness, as the tone of security is clearly spelt in the Arthaśāstra, not on the contrary, for the sense of domineering. The Arthaśāstra points at an interesting test of security for the king, before entering the royal harem. It suggests that the harem should be cleared of any possible threats by the old or rather experienced old women.<sup>4</sup> The choice of the "old women" is magnanimous, or rather more wise and respectful for the status of women. It is only in terms of the concept of gender-non-interference that the experienced women, a woman aware of all the snares is chosen. No forceful domination of the male in security checks, however impregnable it may be, has not been chosen in the Arthaśāstra. The factor of security alone is the concern here, but not a

longing for oppression, as the case-examples cited therein are clearly on this tone. Some of the unique factors of prohibition for the royal women are noted as visits of ascetics, magicians and female servants outside the harem.<sup>5</sup> The matter of security is again the prime source of concern as the ascetics can be spies in disguise or unable restrain the lust at the sight of the royal females. The jugglers too can be so with the additional note of necromancy up their sleeves to lure or even destroy the royal women. The note on the prohibition of the female servants is even more so on the note of stress that *even* the females from the outside are not entertained, not to speak of men as noted in the very next lines. A more controversial statement of even the royal family members forbidden for visiting the queens except in times of calamities such as sickness and the maternity<sup>6</sup> seems, at least apparently as more a restrain. However, this may not be the exact sense in the context of internal security. The so-called family members may be related to far-off concerns as the forbidden, except in the sense of security shall have no logic to support itself. The visit of courtesans after a bath of the queens and the royal ward-robe formalities is more a matter of custom rather than to play any role of justice to the place of royal women or the courtesans either.<sup>7</sup> Before a conclusion on the regulation of the royal residence, a debatable topic of ‘chastity of the female’ and ‘fidelity counseling’ is dealt. Aged class in all genders has been entrusted for the task.<sup>8</sup> The exact figures of age is a matter of approximation<sup>9</sup>, worth the deference of 30 years for the male and female counselors is only on the matter of loss of libido on the part of the male counselor and the experience and the sinful disposition of the female and eunuchs. The ‘chastity’ and ‘fidelity’ factors cannot be viewed, at least on the own rights of the Arthaśāstra singularly, as anti-feminism, as the concepts even granted as anti-feminism has been in the epics, heritage and culture of Indian civilization before and even after (the present times!) of the Arthaśāstra.

The system of courtesan-ship in the Arthaśāstra throws light on the custom of legalization of the courtesans. The interesting point of the times of the Arthaśāstra is the role of courtesans and the gender-role in the society. Though the female subjugation alone with regard to gratification as an order of the regularizing the society is likely to be seen, with no male-gender subjugation on the role of the courtesan, it cannot be attributed to the Arthaśāstra alone as responsible for the distinction. Arthaśāstra had only the responsibility of regularizing the order of the day with no adventures to venture upon on its own in matters of its no concern. The order of the days cannot however be forgiven for the even least of gender discrimination even in the so-called light of dharmasāstras which are altogether a different subject. Looking solely at the stance of the Arthaśāstra, it may be seen that even in the systemization of the courtesanship, the Arthaśāstra explicitly states that the courtesans is not a matter of chance, but of choice.<sup>10</sup> Not only are the progeny of courtesans eligible for the *position*, but also the interested others of qualifying standards with regard to beauty, age and persuasions!<sup>11</sup> It must be observed that the courtesans were not looked down upon as sinful, but were accorded a more honourable place in the society. Another notable point for adjudging the place and role of courtesans is the attachment of arts with courtesans being the connoisseurs of it.<sup>12</sup> Thus, it was more a combination of entertainment, aesthetics with the libido as a factor of it. Was it matter of lust or a blend of love, sexuality and aesthetics or even an identity of the two in psychological terms is matter for further research.

The courtesanship was a profession in the times of Arthaśāstra, as the income and expenditure of the 'industry' was accountable. Funds were granted to run the show together with a order of hierarchy to govern the same.<sup>13</sup> The state of motherhood of the seniors of the courtesans is worth noting which adjudge the importance given to the women class, not excluding even the courtesans.<sup>14</sup> A special note of the female servant-courtesan is made to

retire to kitchen with all necessary accounts, as she can be of no more *entertainment* for gallants.<sup>15</sup> It may be observed here that even by subjecting the female-gender alone for prostitution, which though is a lacuna from a feministic point of view; the females are not disposed off as just the objects of lust gratification. They are made to ‘retire’ well with an alternate profession by purely professional attitude and not by oppression on the female class. The courtesanship is highly professional with the award of ornaments not as a personal belonging but as a matter of authority. The fines imposed on the doing away with the ornaments by even own will prove the point.<sup>16</sup> A women’s role, even as a courtesan, is subjected to the law and order without any discrimination from the male gender. The bellicose nature of the courtesan is punishable, together with the physical injury caused.<sup>17</sup> The important stance of the Arthaśāstra with regard to the courtesans treated well may be seen where violence against maidens are punishable. The punishment is maximum for the violence against the will and minimum against the willing resulting in violence.<sup>18</sup> This is to safeguard the interest of women even in the profession of the courtesans. It accords the highest place of honour for the protection of women nay by forgiving the subjugation of women in the profession of courtesans which is more socially motivated independently than pure on the shoulders of the Arthaśāstra. Varies punishments of severe nature are accorded if the courtesans are harmed are even molested.<sup>19</sup> It is clear that even the so-called courtesans are not deprived of women rights in the Arthaśāstra as it can be seen that they are not to be molested as objects of lust, but only treated as professionals, willingly delivering their service in the order of those days. The manner of professionalizing of the women’s role as a courtesan is quite clear with Kauṭilya comparing the profession on par with those of musicians, bards, jugglers, and wanderers. The point of tax payment further justifies this fact.<sup>20</sup> The women are well educated even when taking up the profession of the courtesan.

They are educated in arts and the fine-arts and all their nuances. They are warned of spies and deceit too. The progeny are all well-respected and educated with a place in society.<sup>21</sup>

Two vital aspects may be noted with the punishment accorded to the courtesan. If a courtesan goes back on her duty assigned by the royal authority or rejects after being given the prescribed 'fee', she is punishable under the law.<sup>22</sup> This cannot be viewed as oppression on the female-gender, as the very next lines makes it clear that they are more to do with professional attitude than any bias. The rejection of royal authority is treated as an infringement of the executive whereas the latter is a cheating in business. Of all these analysis on the courtesans, it may be said that the Kauṭilya's Arthaśāstra closely follows the social order of the day in terming the courtesans as professionals rather than sinful or unlawful. The particular subjugation of women to the profession is more borrowed on the same grounds with no innovations of kauliya in that aspect. If at all this is to viewed, to be taken for granted, as anti-feminism, it is more to do with the order of society 'seen' at those times rather than an accusation against kaulitya's Arthaśāstra solely.

Under the vile acts of men<sup>23</sup>, the lust too is being included as a harbinger of calamity to the mass. The indulgence in the 'women' termed her is of vile natured and not to do with the employing of the courtesan which is dealt separately. She is spoken of 'disposable' only in the factor of calamity of the external sort only as *prime facie*.<sup>24</sup> It clearly shows Kauṭilya's aversion to it. However, Kauṭilya warns of retrospective affects of the same when too much of addiction to lust is sought. This is more so to do with the factor of lust itself than the women factor. Even the vice-versa is equally true. Hence, it does not in any downplay the role of women as vile or thorn for the well-being of the society. It may be observed that Kauṭilya rates the indulgence with women in lust as less harmful compared to drinking. The lust in women is at least hailed as bringing about the progeny and protection. Even in

scorning the lust for 'women', it is more a subject of libido in general than the women in particular.<sup>25</sup>

The most important of women model is the family order and the laws governing it. The significant role of the common women folk in family order is crystal clear in the section dealing with the reward of the judiciary.<sup>26</sup> The laws concerning marriage give an insight about the role of women folk in the common man's house. On the very tone of marriage demarcation, drawn from other sources of smṛitis as well, the role of women to a respectable state is seen. Marriage is looked upon as a willing bond than a forceful act of dominating over the women-class. If at all the women class is subjected forcefully, Kauṭilya scorns them as most sinful and punishable. The act of receiving dowry is termed as āsura, which is relevant even today as a matter of social justice. The pleasure and liking of women is given highest priority in the governance of marriage. The women are endowed with the authority to use the wealth of their maintenance for the ongoing activities of the family. There is no limit for the procuring of ornaments by the women, which is a hint to the total liberty accorded to women in terms of her personal belongings and possessions.<sup>27</sup>

Concerning the widowhood, no mean practices of oppression may be seen in the Arthaśāstra. The widow is given all opportunities, within the fold of Arthaśāstra, to remarry in accordance to her will. No body is accorded the rights to rob the freedom of the women of her will to marry again. In terms of inheritance of property and wealth from her late husband, the women cannot claim if she recourses to the second marriage purely for a new life, as it is injustice to the former's family. However, she is accorded the same if she is in calamity to maintain the sons and daughters after the death of the former and marries again. The women's property is hailed as an aid to calamity raising the level of women to the highest in terms of family security. None can seize the women's property expect in case of her death

which is divided within her progeny. The note on daughters' inheriting the same is more so justified for the right place of the women. The note of Kauṭilya that the daughters alone can have the rights for the women's wealth in case of no sons to share it is even more justified an act of women' important role.<sup>28</sup>

In the acts of second or rather further marriages, the laws are more or less of equal stature to both men and women. The laws of remarriage to the male are applicable to the female, in fact with more freedom to marry a man of forbidden sorts in terms of age an already existing family bonds. This is more feministically motivated than the contrary. The women are given enough rights to abandon a husband who is unvisiting, or dangerous or impotent. Hence, the system of marriage as an impregnable bond to lock the women to remain in the gallows for the so-called piety is unknown to Kauṭilya's Arthaśāstra.<sup>29</sup>

It may be apologized that Kauṭilya too is not very far off from the times of his own in terms of religious observance where the equality for the women is deprived. In dealing with the cases of re-marriage, one of the important criteria for the same is the absence of the male progeny. It may be observed that just as a male can re-marry for the male progeny, equal rights are provided for the female counter-part for the same. This may be viewed from two angles, the religious and the internal security. As the religious strains goes, it is the male progeny which is sought of by both the male and female according to Kauṭilya. Another perspective to this may be observed from the fact that Kauṭilya views men as eligible for military activities, as they possesses of natural physical strength and other physical advantages over the counter-parts. In those times of brawn alone as a factor of victory in clash, Kauṭilya must have seen the necessity of the male population at least in terms of security. This shall not, however in any way, an excuse for the highlighting of the male-

gender as the redeemer, with more fault in the evolution of security standards of those days than Kauṭilya alone.<sup>30</sup>

Kauṭilya's approximation of marital age of a girl as twelve, as he himself states, is one on the lines of attaining puberty than oppression. The natural urges are made as a ground for the age of marriage. The male and the female counter part in the family are equally punishable for acts of mutual violence according to Kauṭilya. Mutual co-operation of all sorts are persuaded by Kauṭilya, the violation of which is punishable for both without any discrimination.<sup>31</sup>

Divorce laws are more important to adjudge the role of women in Kauṭilya's Arthaśāstra. Mutual dissatisfaction alone is the factor for the grant of divorce than any one among them. An interesting note on the husband to be divorced not to give away any of the received gifts either for his fault or not seems only terms of expenditure of the same rather than usurp. This is clear from the content of the same. Kauṭilya's note on no breakage of 'pious' marriage is more on religious grounds. The exact nature of 'pious' seems to equivalent to philosophical and religious co-ordination between the husband and the wife, which seems to be unbreakable according to Kauṭilya.<sup>32</sup>

A central aspect of punishments accorded to women for violation may be viewed from the social perspective.<sup>33</sup> It may be observed that the women are not deprived of enjoyment but only restrained for non-coordination with their husbands, with the vice-verse being equally true and valid. Violation of the royal authority as equally so treats the same viewpoint as valid. In case of going with a man, the restrains are not for social practices but only in the regularization of society and marital order. The women are restrained, not for the general visits, but only for provoking activities. The place of women as having equal status is more clear in the section of 'short absence' and 'long absence'. Women are free to re-marry with

due legal sanctions at such times. However, adultery of punishable sort is not tolerated on both sides.<sup>34</sup>

The contrasts with respect to the place of male and the female may be seen across the sections of the Arthaśāstra. In terms of the kingship, military order and legal punishment award, it is the male who plays a major role, probably due to the assumed or rather the more common eligibility in terms of physical strength. In terms of social and family order, both occupy equal footing or even the women having the soft-corner. The violation of women is more than a mirror to this idea. In terms of inheritance, the male is given more priority by Kauṭilya than the women. Courtesanship and the factor of the female alone there is already noted. Following all these, it may be concluded that the role and status of women in Kauṭilya's Arthaśāstra is neither anti-feministic nor rigorously feministic. It is not however without the fault of not striking the golden mean between the two, as it can be observed in the laws of inheritance. These are renewable for Kauṭilya, which may be a modern version of the same genius in a renewed form. The Kauṭilya's Arthaśāstra, being a repository balance of the religious, social existing stance, and justice, may be appraised as the more greater a version of honour towards the women class than it is wrongly believed to be of ancient India depriving the women of her rightful justice.

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## End Notes

- <sup>1</sup> Arthaśāstra I. 20
- <sup>2</sup> Arthaśāstra I. 20
- <sup>3</sup> Arthaśāstra I. 20
- <sup>4</sup> Arthaśāstra I.20
- <sup>5</sup> Arthaśāstra I. 20
- <sup>6</sup> Arthaśāstra I. 20
- <sup>7</sup> Arthaśāstra I. 20
- <sup>8</sup> Arthaśāstra I. 20
- <sup>9</sup> Arthaśāstra I. 20
- <sup>10</sup> Arthaśāstra II. 27
- <sup>11</sup> Arthaśāstra II. 27
- <sup>12</sup> Arthaśāstra II. 27
- <sup>13</sup> Arthaśāstra II. 27
- <sup>14</sup> Arthaśāstra II. 27
- <sup>15</sup> Arthaśāstra II. 27
- <sup>16</sup> Arthaśāstra II. 27
- <sup>17</sup> Arthaśāstra II. 27
- <sup>18</sup> Arthaśāstra II. 27
- <sup>19</sup> Arthaśāstra II. 27
- <sup>20</sup> Arthaśāstra II. 27
- <sup>21</sup> Arthaśāstra II. 27
- <sup>22</sup> Arthaśāstra II. 27
- <sup>23</sup> Arthaśāstra VIII. 3
- <sup>24</sup> Arthaśāstra VIII. 3
- <sup>25</sup> Arthaśāstra VIII. 3
- <sup>26</sup> Arthaśāstra III. 2. 3. & 4
- <sup>27</sup> Arthaśāstra III. 2. 3. & 4
- <sup>28</sup> Arthaśāstra III. 2. 3. & 4
- <sup>29</sup> Arthaśāstra III. 2. 3. & 4
- <sup>30</sup> Arthaśāstra III. 2. 3. & 4
- <sup>31</sup> Arthaśāstra III. 2. 3. & 4
- <sup>32</sup> Arthaśāstra III. 2. 3. & 4
- <sup>33</sup> Arthaśāstra IV. 12
- <sup>34</sup> Arthaśāstra IV. 12

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