

The Problem of Gender Discrimination and Position of Women in Medieval Mithila: 1150 to 1450 A.D.

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Abstract: *This is an ambitious article; my aim is to bring “a gendered perspective” to the social and cultural history of North Indian Mithila (Bihar) region in the medieval period. An introductory analysis providing a cultural framework for the Mithila region in the period of the twelfth to fifteenth centuries, treatment of the presence of women in the available primary sources, and a short summary of the findings for this region. We have many such references which point to the degraded status of women in medieval societies through the Dharmasstras, Arthasashtra, Smritis, Jytriswar’s Varratnakar, with some reference to Vidyapati’s writing to 20th Century text the position of women has changed a lot. This position actually changed in many respects and the change can be studied from various angles. One among them is financial position of a woman. Thus, in this paper an attempt is made to look into the Gender equality and position of women as reflected in the concept of Kulinism, Panji-Parbandh, stridhana and to see what one can observe after studying the same. These are bracketed by a general introduction and a brief conclusion, which emphasizes the variations in the roles and influence of women among the Mithila region. Gender functions as an organizing principle for society because of the cultural meanings given to being male or female. Culture, in Mithila, is closely interwoven with its social structure.*

Keywords: Gender, Discrimination, position, women, Kulinism, Panji-Prabanha and stridhana

1. Introduction

This is an ambitious article; my aim is to bring “a gendered perspective” to the social and cultural history of North Bihar (India) in the medieval period, “not merely to locate important women figures in Indian History but to acknowledge the women in any context”. Sharply critically of other historical studies which have the effect of “invisibilizing the identities of women” challenge the apparent irrelevance of women to the cultural and social order of medieval times. An introductory analysis providing a cultural framework for the Mithila region in the period of the twelfth to fifteenth centuries, treatment of the presence of women in the available primary sources, and a short summary of the findings for this region. exclusively on Jytriswar’s Varratnakar, with some reference to Vidyapati. For Mithila, but literature provides the bulk of the primary-source material employed, especially Jytriswar’s and Vidyapati, writing. In the case of Mithila region and Bihar, literary material being relatively sparse, more use is made of epigraphical sources. The analysis of inscriptions relevant to the author’s aims; even though these sources are the foundation for the treatment of Mithila-Bihar from “a gendered perspective” the number of evidence in the entire writing which are concerned with the presentation and discussion. These are bracketed by a general introduction and a brief conclusion, which emphasizes the variations in the roles and influence of women among the Mithila region. I am absolutely sympathetic to her impatience with this mode of presentation, removing women from “real” history.

2. Body of the paper

When we about “Culture” we often mean intellectual and creative products, including literature, music, painting, norms and values. Another use of “Culture” is to describe the beliefs and practices of another society, particularly where these are seen as closely linked with tradition or religion. This more comprehensive approach is proposed in the definition of culture adopted at the World Conference on

Cultural Policies (Mexico, 1982) and used in ongoing discussions on culture and development: “Culture is the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or a social group. It includes not only arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs.” (UNESCO Website,..)

Expectation about attributes and behaviors appropriate to women or men about the relations between women and man- in other words, gender- are shaped by culture. Gender identities and gender relations are critical aspects of culture because they shape the way daily life is lived in the family, but also in the wider community and the workplace. Gender functions as an organizing principle for society because of the cultural meanings given to being male or female. This is evident in the division of labour according to gender. While the specific nature of gender relation varies among societies, the general pattern is that women have less personal autonomy, fewer resources at their disposal, and limited influence over the decision- making processes that shape their societies and their own lives. This pattern of disparity based on gender is both a human rights and a development issue. Societies and cultures are not static. They are living entities that are continually being renewed and reshaped. As with culture more generally, gender definitions change over time. Change is shaped by many factors.

Culture, in Mithila, is closely interwoven with its social structure. It is based on the twin concepts and practices of Kulinism and Panji-Prabanha, (R.K.Choudhary..pp-380-410) where emphasis is placed on maintaining the pristine purity of race and to keep scriptural religion and culture intact, as assigned to each caste or Varna by the Brahminical tradition of Hinduism. Though this applies to every caste of Mithila, it is the most prominent and strictly interaction and marriages, by the karna kayasthas. Followed, In social Maithil Brahmins and Panji detailed and is a system of maintaining and exhaustive genealogical records keeping to prohibit marriages within a forbidden degree of relationship as well as to instill a sense of pride among the individuals in

Volume 8 Issue 9, September 2019

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the institution of family, its tradition and achievements. Gradation of sub-castes or sub-sub castes is generally based on birth, religious accomplishments of character. This also decides the social status of a person, especially of a Maithil Brahmin and Karan Kayastha. These considerations also lay down the foundation of Kulinism in Mithila. (Jyotirswar's Varratnakar, pp-37-52) The practice of maintaining genealogical records and subsequent gradation within a caste was, for the first time, scientifically institutionalized by the last great Ksatriya ruler of the Karnata dynasty of Mithila Raja Harisimhadeva. (Avinash Kr. Jha, presented paper for Indian History Congress, & Ph.D. Thesis, P,U, Patna, 2004)

On the basis of the Panji System Brahmins have broadly been divided into four sub-castes, Srotriyas ranked first in the scale, followed in order by Yogyas, Panjibadhas and Jaibaras. Similarly, the Karan- Kayasthas are also divided into two broad divisions: First Kulina i.e. of the high birth, and Grahastha i.e. of ordinary birth other name in Jyotirswar's Varratnakar "Bhadra Jati" and "Mand Jati". So far the other caste of Mithila are concerned; they too are divided into various sub castes in order to avoid marriage within a forbidden degree. However, in this case division within a caste is not exclusively due to any particular religious considerations as one finds among the Brahmins and Karan Kayasthas. (Avinash Kr. Jha, presented paper for Indian History Congress, Year-2000) The ideology of Kulinism, i.e. maintenance of racial, social and cultural purity, has left an indelible mark on the social and religious life of Mithila. It has obstructed the process of social assimilation of common culture, Gender equality and consolidation of a separate cultural identity, even though there exists many distinct cultural patterns which are regionally exclusive to Mithila, that is, those not found elsewhere in India.

These two legendary figures have become synonyms with Mithila linguistic identity. They are epitome of Mithila's cultural identity as well. They led to popularization of the middle period folk-language into an independent language. They are the centre around which myths of Maithili identity is constructed. Their works have become a reference for the antiquity of Maithili language and culture. Jyotirswara Thakur (C1280-1340): The earliest undisputed writer of Maithili is Jyotirswara Thakur also known as kavisekhara. He was known for his poetical talents. He was bilingual. He wrote in Sanskrit as well as in Maithili. From the perspective of the growth and development of Maithili language and culture his famous work Varnaratnakara is very important. It is an extensive compendium of conventional prose descriptions, and probably the earliest prose work in any of the modern languages of northern India.

If one throws even a cursory look at the status of women in medieval times, in Mithila societies. One finds that it was not very different from one another, A general statement that the status of women was degraded in all these societies, women were looked down upon and were dominated by men in all respects and were far from having any equal status with men. We have many such references which point to the degraded status of women in medieval societies. To come to Mithila society, it is believed that the status of women was high in early period. Though it is difficult to ascertain,

exactly when the absolute change took place, one can observe, after the early period – through the Dharmasutras, Arthashastra, Smritis to 20th Century text the position of women or gender discrimination has changed a lot. This position actually changed in many respects and the change can be studied from various angles. One among them is financial position of a woman. Thus, in this paper an attempt is made to look into the position of women as reflected in the concept of stridhana and to see what one can observe after studying the same.

The first term of my paper namely 'Gender' 'Discrimination' than 'position' has a bearing upon property. In other words, status or position of person is judged by his or her financial condition among other factors. How much property one has or how much wealth one has collected, perhaps, decides the financial status of a person. Another pertinent point in this connection is: whether the person is free to utilize the property possessed by him or her. Can the person distribute his or her property as per his or her will in or her life-time or even after the death is also a pertinent question here, just because the position of the person is clear beyond doubt.

Thus, let us look into the concept of stridhana from these angles. To divide our paper into the following parts.

- 1) Concept of Gender Description through Stridhana in Vidyapati's Vibhagsar, or Dharmasutras, Kautilyasa Arthashastra, Visnumrti, Manusmrti, Yajnavalkyasmrti.
- 2) Medieval Mithila Nibandhakas Statement.
- 3) Relevance.

Concept of Stridhana in Vidyapati's texts:

Coming to the ancient period, as the Dharmasutras are law-books, one finds more direct reference to the status of women. Let us now confine ourselves to the Vidyapati's Vibhagsar (ed. Sri Govind Jha : 115), namely, the status of women as reflected through the concept of stridhana.

Gautama says : $vLorU=k/kesZ L=hA ufrpjsnHkrkkZjeA$ (asvanta dhrme stri, ntischredbhatrm.)

About $L=h/ku$ (Stridhan) Gautama states:

$L=h/kua$ $nqfgr.kkeizrkukeizfrf'Brkuka$ pA ($xkSre/keZlw=- 3-10-22$)

$firekrlqrHkzkrnr;/xU;qikxreA$

$vf/kosnfudk|a p L=h/kua ifjdhrZeAA bfr ;kKoYD;%A$ (stridhan duhitana pratisithitanan ch. (Gotamdharmasutra. 3.10.22) (pitmatsubhratdatmadhyanyupagatam. Adhivednikadhyan ch stridhan prikirtim. Iti yagyvlykyvh.)

Gautama, without defining the concept of stridhana, states only how to divide the same after the death of a woman. Gautama observes, the stridhana of a woman should be distributed among her daughters who are not well off. Haradatta, the commentator of Mitaksara adds: When a woman passes away, her stridhana should be divided among her unmarried daughters. If all are married then among those who are not well settled. He (the commentator) further explains: if some daughters are married and some unmarried, then the unmarried ones get the property of their mother. If some are well settled and some are not, then unsettled ones get it. (ed. Sri Govind Jha : 10),

It seems that both these sutrakaras do not grant freedom to women in the financial matters. Nevertheless, the mention of jewelers of a mother going to the daughters by tradition is made by Baudhayana.

rLrekr fL=;ks fuffjUnz;k vnk;knk% bfr rSfrjh;dJqfr %says LefrpfUnzdkA (tastmat striyo nirindrya adayada eti tetiriykshrtu: saya smritichndrika)

One finds yaska (III.4) and even Baudhayan stating the same.

In the Apastambhs Dharmasutra (Apa.dha.su.) one finds:

dqVqfEcukS /kuL;s'kkrSA

r;ksjuqersvf rf)rs'kq orsZjuA Apa.dha.su.2.11.29.4)

(kutumbino dhnsyeshate. Tyorumteapi tdhiteshu vrteran)

Both husband and wife are the owners of the wealth. They should spend the same with the consent of each other.

Kautilya's Arthasastra: The first mention of the term stridhana is probably found in the Arthasastra of Kautilya. According to hom the Vrtti of more the twenty thousand made by the husband to a wife and her ornaments together were known as stridhana (vide: ofrjkcU;/ka ok L=h/kueA ijf}lkgL=k LFkkl;k ofrj vkcU;/kfu;e%A(vatirabandhyan va stridhanam. Pardhusahstra sthapyā vati abndhyaniam) (Arthasastra 3.2.14-15)

Kautilya further states:

vki/keZ fg L=h/kueA m/oZ n;kn xPNsrA (aapdharm hi stridhanam urdhv dyad gchchhet) (Arthasastra 3.2.34-35)

He also talks about the division of the same:

thofr HkrZfj erk;k iq=k nqfgrj'p L=h/kua foHktsju] viq=k;k nqfgrj% rnHkkos HkkrkZA (jivti bhrtri mataya putra dhuhrshch stridhan vibhjeran, aputryay duhrth tdbhave bharta.) (Arthasastra 3.2.36)

If a women dies when her husband is still alive her sons and daughters should distribute her stridhana, If woman has no sons then it will be distributed among her daughters and if there are no daughters then her husband should get it.

A husband was not supposed to touch the stridhana in the asura or the gandharva form as of marriage. In the Arthasatra one finds eight forms of marriage mentioned by Kautilya which are so accepted by all the later Smrtikars. And it seems that the rules regarding stridhana were different as per the different forms of marriage. The difference in the forms of marriage itself explains why there is difference in the rules regarding stridhana. (edt. Sri Govind Jha : 115),

Visnu has defined stridhana as:

fir'ekr`lqrHkzkr`nYke /;XU;qikxreA (Pitrimatrisutbharatridattam dyagnyupagtam.)

vf/kosnfuda cU/kqnYka "kqYdeUok/ks;dfefr L=h/kueAA (Visnu.17.18)

(adhivednik bandhudattan shulkamanvadyekmiti stridhnam)

This means is given to girl by father, mother, son, brother at the time of marriage, whatever is obtained by her in the srcond marriage of her husband, whatever is given to her by relatives after her marriage is know as 'woman's property i.e. stridhana.

After defining women's property in this manner Visnu simply talks about the distribution of this property after the woman's death. First he talks about the property of a childless women. He states : czkākfn"qk prq"qkZ fookgs"oiztk;kerh rk;ka rnHkrqZ% (brahmadishu chtushru vivaheshvprjayamati) (Visnu 17.19) If a woman dies childless, and she was married by any of the first four forms of marriage then her property will go to her husband.

'Manu begins with the topic by saying:

tuU;ka lafLFkrk;ka rq lea losZ lgksnj% A HktsjUekr`da fjDFkS HkfxU;p lekHk;%A (jnnyan sasthitayan tu sm srve shodra, bhjernmatrik rivthe ginyshch amamyh.) (Manu 9.192)

When mother passes away all sons should divide her wealth in equal shares and also the daughters of the woman. A woman's property is : that which is given to her at the time of marriage; that which is given to her with love; that which is given to her by her brother, mother and by her father. These are six types of woman's property. He then talks about the division of woman's property in three verses which run like:

vUok/ks; p ;nna iR;k izhrs pSo ;rA iR;S thofr o`rk;k% iztk;kLr)ua HkosrAA

czkgenSok"KZxkU/koZiztkiR;s"qk ;}lqA viztk;kerhrka HkrqZjso rfn";rsAA ;RoL;k% L;k)ua nra

fookgs"oklqjkn"qkA

viztk;kerhrk;ka ekrkfi=ksLrfn";rsAA (Manu 9.195-97)

(anvadhya ch yddtan patya priten chev yat, patye jiviti vritay prjayastdhdn bhvet, bramdevvarshgandhrvprajapyeshu ydvsu, aprjayamtita bhrturev tdishte, yatvasya syadhnn datan vivaheshvasuradishu, aprjayamtitayan matritpitrostsdshyte. Manu 9.195-97)

Whatever the woman received after marriage, whatever she was given by her husband lovingly should be divided among her children if she passes away while the husband is still alive. If childless woman dies, and she was married by any of the five forms of marriage namely, brahma, daiva, arsa, gandharva or prajapatya then her property belong to her husband (after her death).

But if a childless woman dies and was married by the forms of marriage, namely, asura etc. then her property goes to her parents (after the death) (edt. Sri Govind Jha : 134), Yajnavalkya:

When we come to the law of Yajnavalkya we find that he defines stridhana by saying:

fir'ekr`lqrHkzkr`nre;/XU;qikxreA vf/kosnfudk|a p

L=h/kua ifjdhrZreAA (Yajnavalkya 8.143)

(pitrimatrisutbharatridattamdyagnyupagtam. Adhivednikadh n ch stridhan prikirtitam.)

Whatever is given to a girl at the time of marriage by her father, mother, husband, brother and whatever she receives at the time of the second marriage of her husband, is known as stridhana.

If a childless woman dies, whatever was given to her by her relatives should be divided among them. In case a woman

dies childless and she was married by any of the four forms of marriage, namely brahma etc, her property will go her husband, if she has children then it will go her daughters and in case she is childless and was married by the remaining forms of marriage the property will go to her father.

While discussing the issue of woman's entitlement of performing a Vedic sacrifice, the point whether a woman owns any property has been discussed in the purvamimansa Darsana. Because, if a person does not own, does not possess any property, there is no question of his or her entitlement to perform a sacrifice because the performance of the ritual involves a lot of expenditure. Here, the stand taken by the opponent is that woman does not possess any property just because they themselves are sold and purchased by their father and husband respectively. There are some more arguments put forth from the opponent's side. (edt. Sri Govind Jha: 134-80).

3. Relevance of the Discussion Today

Supreme court judges delivered a judgement which is significant for women who wish to reclaim their after separation from their husbands. Justice Fazal Ali cited authorities like Manu to show that in classical Hindu Law, a married woman had absolute ownership rights over all gifts given to her at marriage and that this stridhan could be used by her husband only in times of crisis but the same had to be repaid to her.

A woman's right to her stridhan is protected under law. Section 14 of the Hindu Succession Act, 1956, read with section 27 of hindu Marriage Act, 1955, make a Hindu female an absolute owner of the stridhan property. Thus, to sum up, a Hindu married woman is an absolute owner of her stridhana and can deal; with it in any manner she likes. She may spend the whole of it, or given it away as per her own sweet will by gift or by will without a reference to her husband.

If one attempts to observe the journey of the status of woman in general and their financial status in particular through ages one may say:

- 1) Women were treated at par with men as the voice of women is not suppressed in the early period, through the lawgiver's statement. Intellectually also they were at par with men in the early period.
- 2) From the references, from Dharmasutras which we looked into, one may conclude the women did possess some property which was exclusively 'woman's property'.
- 3) As one comes to the Vibhagsar of Vidyapati one finds more specific rules regarding stridhana. One also observes that there is significant connection between the form of marriage by which a woman was married and the heirs of her stridhan. This shows that in the time of difficulty only the stridhan was to be taken away by husband of course, it was an exclusive property of a woman but did play the role of security in hard time.
- 4) The modern thought regarding the financial position of woman, so far as the Hindu law is concerned, based directly on the smrti texts such as that of manu etc. This shows again that the dharmasastrakarar even in their

times did take care of the financial security of a woman. Even if some times in some other matters the law gives seem to be a little discriminating they have provided a woman at least minimum security which she may need in adverse situations.

The Hindu succession Amendment Act, 2005 gave woman equal rights in the ancestral property. It actually, is an important step in bringing the Hindu law of inheritance in accord with the constitutional principle of equality.

4. Conclusion

Finally, remember that we are directing attention to gender equality because it is an important development (and human rights) issue, not because we have the answer about what a society based on gender equality would be. Nor will women and man in other societies necessarily make the same choices we do. When development initiatives start with a commitment to work towards greater gender equality, they can play an important role in increasing awareness of inequalities, in supporting a constructive search for solution and enabling women to have an effective voice in this process.

The conclusions are not such that one will disagree with them. But then what should be the way out? At times changed the scope of economical rights of woman is broadened which is the need of the hour. Nevertheless, the basis for all these amendments improvisation was accorded by our dharmasastrakarar.

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