

Gutama 18

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GUATAMA CHAPTER XVIII.

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1. A wife is not independent with respect to (the fulfilment of) the sacred law.
2. Let her not violate her duty towards her husband.
3. Let her restrain her tongue, eyes, and (organs of) action.
4. A woman whose husband is dead and who desires offspring (may bear a son) to her brother-in-law.

[XVIII. 1. Manu V, 155. This Sutra refers in the first instance to the inability of wives to offer on their own account Srauta or Grihya-sacrifices, or to perform vows and religious ceremonies prescribed in the Puranas, without the permission of their husbands. As the word stri means both wife and woman, its ulterior meaning is, that women in general are never independent; see Manu V, 148; IX, 3; Yagnavalkya I, 85.

2. Apastamba II, 10, 27, 6; Manu IX, 102.

3. Manu V, 166; Yagnavalkya I, 87.

4. Apastamba II, 10, 27, 2-3; Manu IX, 59-60; Yagnavalkya I, 68. Apati, 'she whose husband is dead,' means literally, 'she who has no husband.' But as the case of a woman whose husband has gone abroad, is discussed below, it follows that the former translation alone is admissible. It must, of course, be understood that the widow has no children.]

5. Let her obtain the permission of her Gurus, and let her have intercourse during the proper season only.

6. (On failure of a brother-in-law she may obtain offspring) by (cohabiting with) a-Sapinda, a Sagotra, a Samanapravara, or one who belongs to the same caste.

7. Some (declare, that she shall cohabit) with nobody but a brother-in-law.

8. (She shall) not (bear) more than two (sons).

9. The child belongs to him who begat it,

10. Except if an agreement (to the contrary has been made).

11. (And the child begotten at) a living husband's (request) on his wife (belongs to the husband).

12. (But if it was begotten) by a stranger (it belongs) to the latter,

13. Or to both (the natural father and the husband of the mother).

14. But being reared by the husband, (it belongs to him.)

[5. The Gurus are here the husband's relatives, under whose protection the widow lives.

6. Regarding the term Sapinda, see above, XIV, 13; a Sagotra is a relative bearing the same family name (laukika gotra) removed seven to thirteen degrees, or still further. A Samanapravara is one who is descended from the same Rishi (vaidika gotra).

8. Colebrooke V, Digest 265. Haradatta explains atidvitiya, 'not more than two

(sons),' to mean 'not more than one son' (prathamam apatyam atitya dvitiyam na ganayed iti). But see Manu IX, 61.

9. Apastamba II, 6, 13, 6-7.

10. Manu IX, 52.

11. Manu IX, 145. Such a son is called Kshetraga, see below, XXVIII, 32.

12. Manu IX, 144.

13. Yagnavalkya II, 127. Such a son is called dvipitri or dvyamushyayana.]

15. (A wife must) wait for six years, if her husband has disappeared. If he is heard of, she shall go to him.

16. But if (the husband) has renounced domestic life, (his wife must refrain) from intercourse (with other men).

17. (The wife) of a Brahmana (who has gone to a foreign country) for the purpose of studying (must wait) twelve years.

18. And in like manner if an elder brother (has gone to a foreign country) his younger brother (must wait twelve years) before he takes a wife or kindles the domestic fire.

19. Some (declare, that he shall wait) six years.

20. A (marriageable) maiden (who is not given in marriage) shall allow three monthly periods to pass, and afterwards unite herself, of her own will, to a blameless man, giving up the ornaments received from her father or her family).

21. A girl should be given in marriage before (she attains the age of) puberty.

22. He who neglects it, commits sin.

[15. Manu IX, 76. 'When the husband has disappeared, i.e. has gone to a foreign country, his wife, though childless, shall wait for six years. After (the lapse of) that (period) she may, if she desires it, produce a child (by cohabiting with a Sapinda), after having been authorised thereto by her Gurus. If the husband is heard of, i.e. that he dwells in such and such a country, she shall go to him.'--Haradatta. Kshapana, 'waiting,' is ambiguous, and may also mean being continent or emaciating herself.

17. I.e. before she goes to live with a Sapinda, or tries to follow her husband, in case his residence is known.

20. Manu IX, 90-92; Yagnavalkya I, 64.

21. Manu IX, 88.

22. Manu IX, 4; Yagnavalkya I, 64. 'He who,' i.e. the father or guardian.]

23. Some (declare, that a girl shall be given in marriage) before she wears clothes.

24. In order to defray the expenses of a wedding, and when engaged in a rite (enjoined by) the sacred law, he may take money (by fraud or force) from a Sudra,

25. Or from a man rich in small cattle, who neglects his religious duties, though he does not belong, to the Sudra caste,

26. Or from the owner of a hundred cows, who does not kindle the sacred fire,

27. Or from the owner of a thousand cows, who does not drink Soma.

28. And when he has not eaten (at the time of six meals he may take) at the time of the seventh meal (as much as will sustain life), not (such a quantity as will serve) to make a hoard,

29. Even from men who do not neglect their duties.

30. If he is examined by the king (regarding his deed), he shall confess (it and his condition).

31. For if he possesses sacred learning and a good character, he must be maintained by the (king).

[24. Manu XI, 11, 13. Haradatta explains dharmatantra, 'a rite prescribed by the sacred law,' here, as well as Sutra 32, by 'the means,' i.e. a sacrificial animal and the like required by one who is engaged in performing a sacred duty, i.e. a Pasubandha-sacrifice and the like.

25. Manu XI, 12. 26-27. Manu XI, 14.

28. Manu XI, 16; Yagnvalkya III, 43-

30. Manu XI, 7; Yagnvalkya III, 43-44.

31. Manu XI, 21-22. Haradatta adds that a Brahmana who acts thus, must, of course, not be punished.]

32. If the sacred law is violated and the (king) does not do (his duty), he commits sin.

[32. Haradatta refers this Sutra to the case where 'a sacrificial animal or other requisites for a sacrifice are stolen from a Brahmana. It seems, however, more probable that it refers to the duty of the king to prevent, by all means in his power, a violation of the sacred duty to perform Srauta- sacrifices, and that it is intended to prescribe that he is to assist a man who is engaged in them and too poor to finish them.]