

GAY MARRIAGE & HINDUISM

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Unlike the Abrahamic religions, God has spared the Hindus the burden of His “perfect laws” revealed through imperfect prophets and subject to interpretation by imperfect self-appointed legislators operating in His name.

Instead He/She has bequeathed to us Dharma teachings based upon universal wheel and common sense.

The Mahabharata advises: A wise man with controlled mind should rely on reason to decide what is dharma and what is not. (visvamitra-svapaca samvade) The Bhagavad Gita concurs: “Take refuge in reason”. (Gita 2:49)

Some Parameters

There are 4 sources of Dharma or Sacred Law

The Veda, tradition, the conduct of virtuous people and one's own conscience,
This is declared to be the distinct four-fold source of Dharma. (Manu 2:12)

If one is seeking a Dharmic teaching or injunction on any subject one should first consult the Vedas — if there is no clear injunction found there one may then consult the Law Books (Dharma Shastra). Again if no clear injunctions or guidance is given therein, one may then consult the learned and pious people of the community and failing their lead, one should then follow one's own conscience in the matter.

Another principal of Hindu Law is that the local laws, customs and traditions must prevail over Vedic Law.

“Any (so-called) Dharma which will not later result in happiness and which is (generally) condemned in the world (loka-vikrusta) must be abandoned”. (Manu 12;105-106)

Yajnavalkya, confirms this, “A (so-called) Dharma detested by the world (loka-vidvasta) must not be practised”. (6:156)

According to the Mahabharata, actions opposed by the generality of the people (loka-viruddha) are as sinful as those condemned by the Veda (Veda-viruddha).

There is no universal consensus on any matter in Hinduism for the following 3 reasons:—

1. Each sect is completely independent and has their own customs.
2. Each pontifical seat within each sect has complete independence.
3. Each guru of every sect has complete independence.

So let us proceed to discuss the matter of “Gay marriages” (being defined as a marriage ceremony

conducted for members of the same gender.)

Definition of Marriage.

There are 2 ways of looking at the sacrament of marriage in a Hindu context.

1. Marriage (*Vivaha*) is the initiation of the bride into Dharma.

There was a time when Hindu girls and boys both underwent the sacrament of initiation (*upanayana*) and received the sacred thread and also undertook the study of the Veda. Since the time of Manu and most of the other Lawgivers girls were exempt from Vedic study and therefore formal initiation therein. The marriage ceremony then became her formal induction ceremony into the Dharma practice. Many of the ceremonies that are performed at the time of a boy's initiation by his guru are repeated in the wedding ceremony with the groom acting as the "guru" and the bride the "shishya" or student. For example –

- Presenting a set of clothing.
- the holding of hands
- the stepping on the grinding stone
- applying the *mangala-sutra* as the substitute for the sacred thread.

When this reasoning is applied then it is essential that the groom undergo the formal initiation ceremony (Upanayana) before his marriage, he then has the right to initiate his wife into the *grhastha ashramam* or estate of the householder.

1. Marriage (*panigrahana*) is the formal union of a couple for the purpose of procreation.

Producing offspring is a duty to the ancestors and necessary for the continuation of the lineage and a requirement for one's own post mortem obsequial offerings (*shraddha*).

Marriages in modern Hindu society are of both types. The former being prevalent among Brahmins and the latter among non-brahmins.

Generally speaking the purpose of marriage as declared in the marriage contract (*kanya-dana sankalpa*) is :—

- *Praja* — offspring for the liberation of the ancestors
- *Sahatva* — companionship
- *Karma* — performing of social and religious duties for the benefit of society and the world.

According to the *Apastambiya vivaha paddhati* the groom takes the bride's hand and says:—

“I take your hand for good offspring

According to the *Paraskariya vivaha paddhati* the groom says:—

“I take you hand for well-being

The case for offspring is also made during the crucial and decisive part of the ceremony when the couple take seven steps together. Some *paddhatis* have the fifth step associated with offspring and

some of them have it associated with investments (cattle).

The *homam* that is done is also an invocation of the grace of the gods for good offspring and the couple are also blessed with many children and grandchildren.

The Eight types of “Marriage”.

1. Brahma (Creator) Rite

ācchādya cārcayitvā ca śruti śīlavate svayam |
āhūya dānaṃ kanyāyā brāhmo dharmāḥ prakīrtitaḥ ||

The presentation of a daughter, well-bedecked in ornaments and clothing to a man learned in the Veda and of good conduct who has been invited and duly honoured is known as the Brahma rite. (Manu 3;27)

brāhme vivāhe bandhu śīla śruta arogyāṇi buddhvā prajā sahatva karmabhyaḥ pratipādayet-śakti
viṣayeṇa- alaṅkṛtya || 17 ||

At the Brahma-marriage, he shall give away [his daughter] for procreation and performing the duties that must be performed together [by a householder], after having investigated [the bridegroom's] family, character, learning, and health, and after having given [to the bride] ornaments according to his power. (Apastamba 2:6:11:17)

2. Daiva (Divine) Rite;

daive yajña tantra ṛtvije pratipādayet ||

At the wedding called Daiva, [the father] shall give her to an officiating priest, who is performing a śrauta-sacrifice. (Apastamba 2:6:11:19) (Manu 3;28)

3. Ārṣa (Sagely) Rite;

ārṣe duhitṛmate mithunau gāvau deyau ||

At the marriage called Ārṣa, the bridegroom presents to the father of the bride a bull and a cow. (Apastamba 2:6:11:18)

ekaṃ go-mithunaṃ dve vā varādādāya dharmataḥ |
kanyā pradānaṃ vidhivad ārṣo dharmāḥ sa ucyate ||

The presentation of a daughter according to the rule, to a groom (who wishes to fulfill his religious duties) who gives a pair of cattle — a bull & cow in return; is known as the arsha rite. (Manu 3;29)

4. Prājāpatya (The Lord of Beings) Rite.

sahobhau caratāṃ dharmam iti vācā'nubhāṣya ca |
kanyā pradānam abhyarcya prajāpatyo vidhiḥ smṛtaḥ ||

The presentation of a daughter well adorned, according to the rule with the recitation of the text "may both of you perform together your duties", to a groom who has been duly honoured, is called the Prajapati Rite. (Manu 3;30)

5. Āsura (Jealous God) Rite.

jñātibhyo draviṇaṃ dattvā kanyāyai caiva śaktiḥ |
kanyāpradānaṃ svāñchandyād āsuro dharmā ucyate ||

The acceptance of a maiden by the groom after having given as much wealth as he could afford to the kinsmen of the bride of his choosing is called the Asura Rite.

śakti viṣayeṇa dravyāṇi datvā vaheṇa sa āsuraḥ || 1 ||

If a suitor pays money [for his bride] according to his ability, and marries her [afterwards], that [marriage is called] the Asura-rite. (Apastamba 2:6:12:1.) (Manu 3.31)

6. Gāndharva (Heavenly) Rite.

icchayā'nyonya saṃyogaḥ kanyāyāśca varasya ca |
gāndharvasya tu vijñeyo maithunaḥ kāma saṃbhavaḥ ||

The Gandharva Rite is that in which the couple meet each other of their own accord and the meeting is consummated in copulation born of mutual passion. (Manu 3;32)

mithaḥ kāmāt saṃvartete sa gāndharvaḥ || 20 ||

If 2 lovers unite themselves through mutual passion, that is called the Gāndharva-rite. (Apastamba 2:6:11:20)

7. Rākṣasa (Demonic) Rite.

duhitṛmataḥ prothayitvā vaheṇa sa rākṣasaḥ || 2 || (prothayitvā'āvaheṇa)

2. If the [bridegroom and his friends] abduct [the bride] after having overcome [by force] her father [or relations], that is called the Rākṣasa-rite. (Manu 3:33; Yajñ. 1:61.)

8. Piśāca (Ghostly) Rite.

suptāṃ mattāṃ pramattāṃ vā raho yatropagacchati |
sa pāpiṣṭho vivāhānāṃ paiśācāṣṭhamo'dhamaḥ ||

The seduction or rape of a sleeping, intoxicated or deranged girl who is incapable of protecting her virtue is the lowest and most sinful rite known as ghostly. (Manu 3;27-34)

The last 2 are expressly forbidden although considered as “marriages” for the sake of legitimising the offspring of such unions.

The Case Against Gay Marriage

In view of the above it is difficult to make the case for gay “marriage” as **sacrament** (*vivaha*, *panigrahana*, *udvaha* etc.) in the Hindu context is especially for the sake of offspring — all the forms of legal marriage as sacrament are the union of a man and a woman.

Reciting sacred texts in support of offspring for a same-sex couple is not an option without the intervention of a 3rd party which then mitigates the principal of monogamy. The sacred texts expressly refer to the couple themselves procreating without the assistance of a 3rd party. Therefore the *vivaha samskara* per se can only be performed for a heterosexual couple who are desirous of offspring.

Case in favour of Commitment Ceremonies

Although *vivaha* per se cannot be performed for same sex couples there is the option of a **commitment ceremony** or a **sacred union**. There are hints at such ceremonies in the sacred literature.

The first such ceremony is found mentioned in the Kaushitaki Brahma Upanishad.

II-4. Now the intense longing of love stimulated by the gods.

If one should desire to become beloved of a man or of a woman or of men or of women, at one of these same points of time, having built up a fire, he offers in exactly the same manner, oblations of melted butter, saying:—

‘Your speech I sacrifice in me, you so and so; Hail !

Your vital Breath I sacrifice in me, you so and so; Hail !

Your eye I sacrifice in me, you so and so; Hail !

Your ear I sacrifice in me, you so and so; Hail !

Your mind I sacrifice in me, you so and so; Hail !

Your intelligence I sacrifice in me, you so and so; Hail !

Then having inhaled the smell of the smoke, having rubbed his limbs over with a smearing of the melted butter, silently he should go forth and desire to approach and touch or he may simply stand and converse with him from windward. He becomes beloved indeed.

A commitment ceremony is actually described in the Ramayana:—

Sugriva said to Rama

"If you desire my friendship here I extend my hand, take my hand into yours, thus let us confirm the bond." . [4-5-11]

Rama was elated to hear all those words said by Sugriva, and then grasping Sugreeva's hand in his, took a vow of friendship and they joyfully embraced each other very firmly. [4-5-12, 13a]

Then the vanquisher of enemies Hanuman, discarding the guise of ascetic assumed his original monkey form, and proceeded to produce the sacred fire by attrition, he then kindled the fire, decorated and worshipped it with flowers, then joyfully and devoutly placed that fire in between Rama and Sugriva. [4-5-13b,14,15a]

Then Rama and Sugriva performed circumambulations of that blazing ritual fire, and thus, entered into a pact of friendship. [4-5-15, 16a]

And then gladdened at heart were those two, that monkey and Raghava, they gazed long at each other eye-to-eye, but were not satiated. [4-5-16b, 17a]

Sugrīva said to Raghava with great joy, "you are my beloved friend, henceforth our joy and sorrows are the same for us." [4-5-17b, 18a]

In view of the fact that Rama is “*Maryada Purushottama*” that is, an exemplar of good conduct there is no objection to us too following his example and performing commitment ceremonies for same sex couples who wish to confirm their bond to each other in a sacramental format.

According to Hindu custom and astrological direction, certain individuals who have negative prospects for their first marriage with secondary marriages indicated, are first married to a pot (*kumbha-vivaha*) or to a tree. This constitutes their primary marriage, they are then divorced from said tree or pot and remarried to a real person. If this custom is perfectly acceptable to the right-wing orthodox why then is a real commitment ceremony between two loving and committed individuals condemned?

Summary

In all modern democratic western societies Homosexuality is perfectly acceptable and in fact legal, there are laws prohibiting discriminating against homosexuals. There are openly gay politicians, high court judges, lawyers, doctors, actors, policemen, sportsmen and women, teachers and clergy etc. They all pay taxes and are entitled to full protection under the law and to access all the privileges available to all other tax-paying members of the community. Since the generality of people in the west accept gays as they are and object to discrimination based on gender orientation, and there are laws legalising and protecting gay rights, any objection that we may have on a spurious “Dharma” basis can be overridden.

Many gays enter into a mutual domestic arrangement and live together as couples for as long as heterosexual couples do. Many heterosexual couples choose not to legalise their union and live in a *de facto* relationship which in most countries has the same recognition under the law as formal marriage.

Now many countries in Europe have legalised same sex civil unions, a few states in USA and Australia are following this trend. There are a number of churches and synagogues that already offer “blessing” ceremonies for same-sex couples. As this becomes increasingly acceptable, more and more of the expatriate Hindu communities are going to be affected by this trend. The young gay Hindu men and women are going to be requesting commitment or blessing ceremonies and we as elders, leaders and priests of the Hindu community need to clarify our position on this matter and be ready with a positive and constructive response.

It is also beneficial to be mindful of the fact that none of the great Acharyas ever addressed the subject of homosexuality. The reason being the higher teachings of Hinduism are focussed on spiritual ignorance which causes suffering and the liberation from suffering and *samsara* through self-realization.

All forms of sexuality are relegated to the realm of *samsara* and are intrinsically sources of suffering. The obstacle to spiritual fulfilment is not sexuality *per se* but the attachment and clinging (*sanga and trishna*) which arises from sex.

Whatever our personal views are on homosexuality we need to make our decisions regarding others based on Dharma and not upon personal preferences.

The Dharma “key words” in this debate are;

- *Ahimsa* — non-injury in word, deed or thought
- *Advesha* — non-prejudice against any being.
- *Maitri* — friendship — a loving kindness which embraces others.
- *Karuna* — compassion which takes the form of alleviating the suffering of others.

- *Mudita* — empathetic joy, rejoicing in the happiness of others.
- *Sama-drshthi* — seeing the divine in all beings alike.
- *Loka-sangraha* — ensuring the welfare of the entire society and world.

The final Sukta of the Rik Veda 10,191:2,3,4.is the Prayer for Unity and harmony in society.

Meet together, talk together, let your minds comprehend in harmony; In like manner as the ancient gods concurring, accepted their portion of the sacrifices.

May you pray together in harmony, may you strive for common goals with a common purpose, may you have associated desires. I repeat for you a common prayer, I offer for you a common oblation.

United be your intention, united be your hearts, united your thoughts, so that there may be a thorough harmony among you.

“GAY MARRIAGE” & THE SHASTRA CONUNDRUM

Importance of following Shastra

In the Gītā Chapter 16 Kṛṣṇa declares:—

yaḥ śāstra vidhim utsrjya vartate kāma kārataḥ |
na sa siddhim avāpnoti na sukhaṁ na parāṁ gatim || 23 ||

23. *Whoever disregarding the ordinances of the Scriptures, acts under the influence of personal desire, attains neither perfection nor happiness, nor the Supreme State.*

tasmāt śāstra pramaṇaṁ te kāryākārya vyavasthitau |
jñātvā śāstra vidhān-oktaṁ karma kartum ihārhasi || 24 ||

24. *Therefore, let the Śāstra be your authority for determining what should be done and what should not be done. Having learnt what is enjoined in the Śāstra, you should act.*

Shastra and Marriage

Now Shastra doesn't have much to say about “Gay marriage” per se. Laws are only devised for addressing current social and political problems and apparently “Gay marriage” was never an issue that the ancients had to legislate about.

In modern society the institute of marriage is directly related to social and financial privileges bequeathed and safe-guarded by State and enforced by Law. In the time of the Grhya Sūtras and in most of rural India – all domestic and familial matters were managed and arbitrated by the village or caste Panchayat not by the state. The rules and customs of marriage differed from caste to caste and region to region. Some castes allowed widow remarriage, some didn't. Some allowed divorce and multiple wives (polygamy), some didn't. Some even approved of multiple husbands for one woman (polyandry). Some approved of serial monogamy through the institution of temporary “marriages” called *sambandham* others didn't. In South India one could marry one's maternal cousin, in North India it was forbidden and considered incest.

There is one verse in Manu which could be read as addressing the matter.

pāṇi-grahaṇikā mantrāḥ kanyāsveva pratiṣṭhitāḥ |
nā kanyāsu kvacin nṛṇāṁ luṭta dharma kriyā hi tāḥ ||

The nuptial texts are applied solely to virgins, nowhere among men to females who have lost their virginity, for such females are excluded from religious ceremonies. (Manu 8;226)

Variant reading;

The nuptial texts are applied solely to (real) virgins, nowhere among men who are non-virgins (trans-sexuals) as they are to be excluded from religious ceremonies.

Now, while not having much to say on the matter of gays marrying each other the Śāstra is very clear about the prohibition of inter-caste marriages particularly Brahmins and Sudras.

Manu Chapter 3

14. A Sudra woman is not mentioned even in any (ancient) story as the (first) wife of a Brahmana or of a Kshatriya, though they lived in the (greatest) distress.

15. Twice-born men who, in their folly, wed wives of the low (Sudra) caste, soon degrade their families and their children to the state of Sudras.

16. According to Atri and to (Gautama) the son of Utathya, he who weds a Sudra woman becomes an outcast, according to Saunaka on the birth of a son, and according to Bhrigu he who has (male) offspring from a (Sudra female, alone).

17. A Brahmana who takes a Sudra wife to his bed, will (after death) sink into hell; if he begets a child by her, he will lose the rank of a Brahmana.

18. The manes and the gods will not eat the (offerings) of that man who performs the rites in honour of the gods, of the manes, and of guests chiefly with a (Sudra wife's) assistance, and such (a man) will not go to heaven.

19. For him who drinks the moisture of a Sudra's lips, who is tainted by her breath, and who begets a son on her, no expiation is possible.

And even more strident are the laws against *Parivedana* marriages in which the younger sibling marries before the elder. The priest who presides over such marriages going to hell! (How many of us are guilty of this????)

dārāgnihotra samyogaṃ kurute yo'graje sthite |
parivettā sa vijñeyaḥ parivittistu pūrvajaḥ ||

A parivetta is one who marries before his elder brother, or sets up the sacred fires before his elder brother or begins performing the five daily sacrifices before his elder brother has done so.

parivittiḥ parivettā yayā ca parividyate |
sarve te narakam yānti dātṛ yājaka pañcamāḥ ||

The elder brother in such marriages, the younger brother, and the wife, together with the person who gives her, as well as the priest - all five go to hell. (Manu 3.171,172).

One may of course argue that since no “setting up of sacred fires” is involved this prohibition does not apply. But the other may object that the sole purpose of marriage is the performance of the Pancha-Maha-Yajnas and if this is not being done then marriage itself becomes redundant!

So if we are going to apply Shastra to modern life and situations, we as Hindu priests would have to seriously re-consider our role in modern marriages (and also our source of income!!).

In my personal situation most of the weddings I perform are against Shastra since most of them are inter-caste marriages or Hindu girls of various castes marrying western men, sometimes even Muslims, and certainly I have presided also knowingly over *parivedana* marriages.

The question is simple — if we denounce and proclaim gay-marriages to be against Shastra are we not being hypocrites to joyfully perform all the other inter-caste weddings and weddings of Hindus with Mlecchas and Yavanas? And these too, on temple premises in temple halls and with the chanting of Vedic mantras, before the sacred fire as witness ?

Wedding ceremonies

There are hundreds of variants of the Hindu Wedding ceremony again differing from caste to caste, region to region.

There are 8 classical forms of valid marriage mentioned in the Dharma Shastra, the *Gandharva Vivaha* being one of them. The Gandharva Vivaha is defined as the union of two lovers who live together and consummate the union with or without parental blessing. In the case of heterosexual couples who have lived together (de facto under Australian Law) they are entitled to undergo a full Vedic Vivaha Samskara but no *kanyadana* can be performed.

In many places in South India – Kerala and Karnataka as well as Tamil Nadu, Vedic wedding ceremonies with the guidance of a Brahmin priest are not conducted. Such “non-brahmin” communities do not celebrate a Vedic VIVAHA as such but rather a SAMBANDHAM.

A *Sambandham* is usually a very simple affair presided over by an elder of the caste/community and consists of the joining of hands of the couple, exchanging of garlands and tying a mangala-sutra (tāli). There are no Vedic mantras, no invocations to the gods, no fire offerings and no vows exchanged, no *sapta-padi*.

According to the Malabar Marriage act, these *sambandhams* are considered as de-facto marriages according to custom and usage, even though the Indian Hindu Marriage act requires the performance of the *Sapta-padi* for a marriage to be considered as absolute and legal.

These *sambandhams* are also popularly performed among the *hijra* (trans-sexual) communities all over India.

So – in view of all this caste difference, community variation and flexibility of ceremony, purpose and participants, what reason do we have for refusing to bless the union of two people who are in love with each other and wish to live together in a committed relationship and who seek the approval and support of their community?

We happily bless cars, houses, shops, factories, even war ships and soldiers going to war.

In certain astrological afflictions, as a remedy (*upāya*) we marry young girls and boys to trees (*arka-vivaha*) and to pots of water (*kumbha-vivaha*) – seriously considering these to be “valid” weddings!!!

Why not bless two people of the same gender who are in love? Is not God the same in all beings? Are not all beings manifestation of the Divine? Should not all citizens enjoy the same rights, privileges and protection under the law?

Loka samasta sukhino bhavantu

May the entire world be happy!