

# **WHY OSTRACIZE INTERMARRIED PARSI WOMEN AND THEIR CHILDREN? A BRIEF HOLISTIC STUDY**

by  
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The question about children of mixed marriages, i.e. between a non-Parsi father and a Parsi mother has been simmering for decades and even today it continues to remain as tangled as ever.

Being a neutral voice, I am neither an orthodox nor a reformist but a pragmatist. And I believe that in this discussion, questioning, criticism and dissent must be valued.

I for one am not in favour of intermarriage and would not encourage it. My thoughts have been put forward in a lengthy article entitled "A Brief Study of Intermarriage in America with reference to the Parsi Community", which has appeared in the Memorial Volume commemorating the 1251 Anniversary of the Installation of the Iranshah Fire Temple, published in Bombay in 1972. But as the statistics for intermarriages in Mumbai for the year 2010 has increased to 38% and we have not been able to arrest this trend,<sup>1</sup> we ought to examine this situation in new light and with great discretion. Are we to ostracize these intermarried mothers and discard their children? I believe that this question has to be discussed at different levels and this is what I wish to do here.

According to the Davar-Beaman Judgement of 1906, only the offspring of Parsi fathers and non-Parsi mothers were to be admitted into our fold. But in the last 100 years much water has flowed. Important developments have taken place globally, in India and in our community, which have to be considered in order to obtain a balanced picture. Since my objective is to undertake a holistic study, it naturally demands a broad compass: theological, historical, sociological, genetical, constitutional, demographical, role of Divine Feminine in various cultures, customs which have been discarded by the community, lessons from other religious traditions, empowerment of women etc. Initially, it is imperative to examine whether the teachings of the Prophet throw any light on this issue.

## **A. Zarathushtra laid down the magna carta of gender equality**

Although he lived in a patriarchal society he emphasized the idea of gender equality. Prophet Zarathushtra in the Ushtavaiti Gatha (Yasna 46.10) addresses both men and women as equals by stating:

"Verily I say, whoso, man or woman, O Mazda Ahura, giveth unto life what  
Thou deemest the best..."

This principle is further fortified when he explicates the concept of Ahura Mazda. As the late Prof. Zaehner had opined in The Dawn and Twilight of Zoroastrianism that "...in the Gathas we meet with a pure monotheism that not only has the stamp of a profoundly experienced revelation but also gives the impression of having been deeply thought out."<sup>2</sup> When we analyze the concept of Ahura Mazda, we understand the philosophy of the Amesha Spentas (The Holy Immortals). These Amesha Spentas preside over virtues, qualities, spiritual powers and also material creations. In other words, they are also the attributes or powers of the Supreme.

What is pertinent to our discussion here is that out of the six Holy Immortals, three are masculine while the others are feminine aspects. I quote Dr. I. J. S. Taraporewala who had stated that:

"It is rather remarkable that three out of the six Holy Immortals should represent the masculine aspects of God and the other three the feminine aspect. This is but one of the many hints we get in Zoroaster's religion of the absolute equality of the sexes."<sup>3</sup>

While Vohumanah (The Good Mind), Asha Vahishta (Divine Law) and Khshathra Vairya (Divine Kingdom) are the male aspects of Ahura Mazda, Spenta Armaiti (Holy Devotion), Haurvatat (Perfection) and Ameretat (Immortality) are His female aspects.

In later Zoroastrian theology, we notice that some of the Yazatas (Worshipful Beings) are also feminine in nature.

From the above, I reiterate the point that the Prophet in propounding the very foundation of his religion, i.e., whilst explaining the nature of the Godhead emphasized gender equality. Moreover, his followers later accepted this thought when they elaborated on the concept of the Yazatas.

**B. Zarathushtra was not only a Prophet but also a reformer who transformed the religious landscape of his period**

When one studies the early history of the world's religions, we come to the conclusion that all Prophets were also reformers and Zarathushtra was no exception. When he propounded his religion at the early dawn of history, the Mazdayasna religion was already in existence. He brought forth changes in religious thought, which was deeply embedded in the matrix of those days for centuries. He did so, as he thought it necessary at that point of time. The profound religious transformation brought about by Zarathushtra can be gauged through the opinion of the late Prof. Mary Boyce:

"Zoroaster was thus the first to teach the doctrines of an individual judgement, Heaven and Hell, the future resurrection of the body, the general Last Judgment, and life everlasting for the reunited soul and body. These doctrines were to become familiar articles of faith to much of mankind, through borrowings by Judaism, Christianity and Islam..."<sup>4</sup>

**C. The crucial role of the Divine Feminine in various cultures**

The Divine Feminine is an immaculate force in Creation. Feminine energy, which is woven into the cultural fabric, nurtures, heals, comforts and motivates. It manifests itself in different goddesses across various cultures. The tradition of invoking female deities is an integral part of most ancient cultures. American mythologist, Joseph Campbell links the image of the Earth or Mother Goddess to symbols of fertility. Campbell states that the image of the Mother Goddess was linked to agricultural societies in regions like Mesopotamia and Egypt. Legends flourished in the Greek and Roman era. From the Homeric hymn to Gaia 'mother of all', to the erotic Sumerian 'Ninhursag', the Egyptian 'Isis', the Aztec 'Toci', the Celtic 'Anu', the Germanic 'Nerthus', the Olympian goddesses of classical Greece and the great Roman goddesses – all were venerated in the ancient world. In East Asian tradition, 'Xiwangmu', the queen mother of the west is one of the oldest female deities of China. Tibetan Buddhism has a pantheon of goddesses invoked for different reasons including health, wealth, wisdom and victory. Even today in some cultures, faith in the feminine energy remains a significant characteristic of spiritual beliefs. In Hinduism, Durga continues to help all devotees who turn to her. The tradition of Devi worship is reflected in different art forms --- dance, music, painting, sculpture, architecture and textiles --- to showcase different aspects of goddess worship.

**D. In ancient Iran, position of women was exalted. Slaves too enjoyed rights**

The position of women serves as an index to the condition of an age. Several references in our scriptures point to the fact that women enjoyed a high status in society. In the Aiwisruthrem Gah we come across the term nmano paiti and nmano pathni which terms connote the 'lord of the house' and the 'lady of the house.' This shows that a wife enjoyed an equal status at home.

The Pahlavi text Madigan-i-Hazar Datistan (the Digest of a Thousand Points of Law) deals exhaustively with the rights of a woman, wife and daughter. Women were allowed to select their own husbands and widows were allowed to re-marry. They could hold property and represent themselves in court. She could legally conduct her husband's case in court. Qualified women were appointed as judges. Some of these women had also evolved to a lofty spiritual stature and hence the Avestan allusion to women saints. It is thus evident from our scriptures that Iranian law firmly upheld numerous rights and privileges of the wife, which for obvious reasons cannot be discussed here.

Thus in ancient Iranian society, wives held a high position in the social as well as spiritual spheres, which was not inferior to her husband in anyway. The renowned scholar, Dastur Darab Peshotan Sanjana states, "In the Avestan period the position of the Iranian wife was one of equality to that of her husband."<sup>5</sup> (For further details see my paper on the "Position of Women in Ancient India and Iran" in Cyrus the Great Memorial Volume published by the Iran Culture House, Bombay, 1974). And I am further reminded of the words of that great French savant, Prof. James Darmesteter who had said: "The moral victory of Zoroastrianism is the work of a woman, and that no picture of woman is nobler and higher than that which is drawn in the Avesta."

Slavery was a common practice in ancient India, Egypt, Greece, Rome, Israel, Mesopotamia, early Christian societies etc. Thus, Iran was no exception. The Madigan-i-Hazar Datistan provides a clear picture of the position of slaves in ancient Iran. However, what is striking in this case is the fact that slaves enjoyed certain rights.

#### **E. The mother not only nurtures life but also sustains it**

It is the mother who nurtures the child in her womb for nine months --- it is her blood that transforms it into a miracle of life! Modern genetics shows that though the genetic information of the child is encoded in the nucleus of the cells (both paternal and maternal), there is the cytoplasm mitochondria or energy producing organelles that have their own genetic code. Being in the cytoplasm, it is strictly passed on from mother to child and like any other gene can have effects, favorable or deleterious. This shows that the mother has a special place in the genesis of the child.

Stem cells are pluropotential, are self replicating and are today the key to future transplants. Various sources of stem cell collection are being considered. But menstruation which is a natural and regular phenomenon will perhaps be the best source of such cells.

#### **F. Empowerment of women**

##### **The Universal Declaration of Human Rights also emphasizes equality of sexes**

The loss of 50 million lives was the tragedy of World War II --- this was the saga of man's inhumanity to man. This cruel catastrophe gave birth in 1948 to a Charter specifically intended to prevent history from repeating --- it was the United Nations Universal Declaration of Human Rights. On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. It is pertinent to note that it was an outstanding woman, Eleanor Roosevelt, who was the driving force behind this Declaration.

U Thant, who was the Secretary General of the United Nations, once quoted Eleanor Roosevelt's statement: "The Universal Declaration of Human Rights was the 'Magna Carta of mankind.'" Amongst the world's major religions, there are many spiritual leaders who have supported human rights as an expression of their faith. Today, the championing of human rights is a global reality. This encompasses economic and social as well as civil and political rights, the equality of the sexes and the rights of the individual on an international as well as a national plane. Fundamental human aspirations for human dignity are universal because they are rooted in human nature.

The Universal Declaration of Human Rights is the cornerstone for efforts all over the world by religious and secular leaders to build a system of law so that the moral imperatives of human rights might be promoted, respected and enforced. The Declaration asserts, "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."

The source of human rights law is the Declaration, which is now an integral part of the customary law of nations. Today the question of religious freedom has become 'inseparable' from other fundamental human rights. We have to clearly understand that freedom, equality and participation are basic elements of all human rights.

Articles 2-21 of the Declaration emphasizes "...freedom of thought, conscience and religion; freedom of opinion and expression..."

Parsis have recognized the role of Cyrus the Great, the Achaemenian ruler, as probably the earliest player in this field. By granting the Jews religious freedom, by allowing them to rebuild their Temple destroyed by Nebuchadnezzar, by providing assistance from the royal coffers for this, Cyrus becomes the first known human rights activist.

#### **G. Gender equality is a Millennium Development Goal (MDG)**

The central challenge for the global community --- to ensure a decent life and opportunities for all people, took tangible form in the Millennium Declaration of World Leaders in September 2000. This led to the Millennium Development Goals. The goal to bring about gender equality is one of the MDGs.

#### **H. 'UN Women' – further enhancement of the status of women**

Michella Bachelet, former President of Chile is now the Executive Director and Under-Secretary-General of 'UN Women'. She states that "Women across the world enjoy far greater opportunities and various forms of freedom than compared to the past. It has been a very slow and peaceful revolution underpinned by a tremendous transformation of legal rights. Almost all countries have signed international conventions signaling their commitment to outlawing discrimination against women. Nearly 140 national constitutions specifically guarantee gender equality.

"Without a doubt, women's strength, industry and wisdom are humanity's greatest untapped resource. It is potential we simply can't afford to continue to waste. It was this recognition that led to the formation of 'UN Women', which brings together all the UN gender equality agencies under my leadership. It was our recognition that addressing the justice gap was crucial to removing the barriers to equality which made it the subject of our first report – Progress of the World's Women: In Pursuit of Justice".

UN Secretary-General Ban Ki-moon called July 2, 2010, a "watershed day". That was when the General Assembly approved the creation of the United Nations Entity for Gender Equality and the Empowerment of Women – known simply as 'UN Women'. This would finally give half the world's population the high-profile platform it deserved.<sup>6</sup>

#### **I. Britannia strikes a historic blow in favour of women's rights**

On October 29, 2011, 16 countries that recognize the British monarch as head of state struck a historic blow in favour of women's rights by abolishing male precedence in the order of succession to the throne. The decision to overturn the centuries-old tradition known as primogeniture was also accompanied by the scrapping of a constitutional prohibition on the monarch marrying a Roman Catholic. Prime Minister David Cameron of UK said that these changes would sweep aside outdated rules that "just don't make sense to us any more".

This momentous decision was taken in Perth, Australia, where Commonwealth heads of government were holding a summit meeting. Queen Elizabeth II who has been supportive of this move, was also present in her capacity as head of the Commonwealth, when this announcement was made.

#### **J. Supreme Court of India: "All forms of discrimination on grounds of gender is violative of fundamental freedoms and human rights"**

The Constitution of India has provided for safeguards for life and liberty and due to changing socio-economic times, the explanation and interpretation has been expanded to include all living beings.

I refer very briefly to two judgements of the Supreme Court of India which are relevant to this discussion:

In the case of Valsamma Paul (Mrs.) v. Cochin University, (1996) 3 SCC 545, the Supreme Court of India after considering the various Articles of the Constitution including Articles 14 and 21, the Hon. Court held that:

"Human Rights are derived from the dignity and worth inherent in the human person. Human rights and fundamental freedoms have been reiterated in the Universal Declaration of Human Rights. Democracy, development and respect for human rights and fundamental freedoms are interdependent and have mutual reinforcement. The human rights for women, including girl child are, therefore, inalienable, integral and an indivisible part of universal human rights. The full development of personality and fundamental freedoms and equal participation by women in political, social, economic and cultural life are concomitants for national development, social and family stability and growth – cultural, social and economical. All forms of discrimination on grounds of gender is violative of fundamental freedoms and human rights."

In various judgements delivered by the Supreme Court of India from time to time, the Hon'ble Court has held that "...The world has witnessed a sea change. The right of equality of women

vis-à-vis their male counterparts is accepted worldwide. It will be immoral to discriminate a woman on the ground of sex. It is forbidden both in the domestic law as also international law..." (Paras 33 and 36) *John Vallamattom v. Union of India*, (2003) 6 SCC 611

In October 2011, Mr. Darius Khambatta, Additional Solicitor General of India stated that "The wife has a fundamental right under Article 21 of the Constitution of India (right to life) to use any name including her married name notwithstanding the fact that her marriage has been dissolved".

#### **K. Expanding rights of children**

Several Articles in the Constitution of India safeguard the rights of children. In recent months, two important decisions of the Supreme Court of India are relevant.

On April 1, 2011, a bench of Hon'ble Justices G. S. Singhvi and A. K. Ganguly of the Apex Court passed the ruling while interpreting Section 16 (3) of the Hindu Marriage Act vis-à-vis the property rights of illegitimate children. This was in connection with a property dispute arising out of the illegitimate and legitimate children of a family in Karnataka.

The Court ruled that illegitimate children were not only entitled to a share in the self-acquired property of the parents but also in ancestral property. They held that such children cannot be deprived of their property rights as what was considered illegitimate in the past may not be so in the present changing society. The Judgement states that "The Court has to remember that relationship between the parents may not be sanctioned by law but the birth of a child in such a relationship has to be viewed independently of the relationship of the parents. A child born in such a relationship is innocent and is entitled to all the rights which are given to other children born in valid marriage. Right to property is no longer fundamental but it is a constitutional right and Article 300A contains a guarantee against deprivation of property right save by authority of law".<sup>7</sup>

The bench disagreed with a plethora of earlier rulings taken by the Apex Court where illegitimate children were entitled only to a share in the self-acquired property of the parents and nothing beyond that.

The child rights group 'Save the Childhood Movement' petitioned for the Supreme Court ban on performances in a circus by children younger than 14 years. In May 2011, the Supreme Court upheld the rights of young children and has ruled that it can't have child performers. This was a blow to the 130 year old circus industry in India.

#### **L. Parsi legal luminaries speak up**

At a function organized by the Rotary Club of Mumbai on April 22, 1993, the late **Hon'ble Mr. Justice Bakhtavar Lentin** presented a lucid exposition on human rights and emphasized the right to equality of all men and women. Pertinent extracts are given herewith: "This right to human dignity and to human self-respect is more than even freedom of speech and expression. It signifies the right to equality of all men and women, wheresoever they be and whosoever they are. It is the result of understanding and tolerance and the conviction that all men are born equal. If not born equal, they must be made equal and more importantly, made to feel equal."

He further stated that "The right to human dignity and the right to human self-respect is the birthright of the teeming millions of womenfolk in this nation. It is this birthright, which in this country is violated every month of the year, every day of the month...Let us face it. Ours, even today, is essentially a male oriented, a male dominated and a male chauvinistic society. We think of human rights as a male prerogative. It is not."<sup>8</sup> In the light of this, I ask the pertinent question, what about the rights of Parsi women married to non-Parsis?

**Mr. Fali Nariman**, the eminent jurist had delivered a lecture in New Delhi on January 9, 2000 on the occasion of the Diamond Jubilee celebration of the Delhi Parsi Anjuman. The theme of his talk was "Parsi Law – Its effect on Parsi Society." He had expressed his opinion about the rights of children of intermarried couples. "...After all, customs are not eternal and ancient customs in a modern society are fast changing. Parsis settled in Canada and United States have shown the way quietly, unobtrusively --- children of parents one of whom is a non-Parsi have been freely admitted into the religion, and have fervently professed and practiced it. We have to be patient."

On December 2, 2000, **Hon'ble Mr. Justice Sam Bharucha**, the ex-Chief Justice of the Supreme Court of India inaugurated the meeting of the Federation of Parsi Zoroastrian Anjumans of India at Jamshedpur. In his address, he referred to the performance of the navjote of a child born to an intermarried Parsi mother. Inter alia he said, "...I must go on to add that the Anjumans and Panchayats should consider the admission into the faith, by the performance of the navjote, of a child born to a Parsi mother and a non Parsi father, provided such child is the product of wedlock and the father is a consenting party. I know that a judgement delivered long back by the Bombay High Court would seem to be standing in the way, but if the Anjumans and Panchayats all resolve that this is the appropriate practice to adopt and the practice is challenged on the strength of that judgement, it can, given the change in the circumstances, be over-ruled."<sup>9</sup>

At a seminar to observe Human Rights Day in New Delhi in December 2003, the former Attorney General of India, **Mr. Soli Sorabjee** said that people must pledge to make human rights a living reality, adding, "Rights without remedies are useless." He stressed that remedies also need to be addressed.<sup>10</sup>

After forwarding a copy of this paper to **Mr. Rohinton Nariman**, Solicitor General of India, I had a telephonic conversation with him on February 8, 2012. He informed me that he concurs with the views expressed by the above mentioned Parsi legal luminaries in this paper. Moreover, I am indebted to him for pointing out the reference to Yasna 46.10 where Prophet Zarathushtra addresses both men and women as equals (see *Section A*).

#### **M. The ambit of animal rights is also expanding globally**

All over the world, there is a growing awareness and recognition for animal rights. A few examples may be cited here. People for the Ethical Treatment of Animals (PETA) is an American animal rights organization founded in March 1980. It has gradually spread its activities to many parts of the world. Besides this, animal rights activists are also quite vocal in many parts of India and abroad.

As far as animal rights are concerned at the global level, two important developments have taken place in recent months. Bullfighting has been closely associated with Spain and its origins go back to 711 when the first bullfight took place in celebration for the crowning of King Alfonso VIII. However, respecting rights of animals, the last bullfight in the region of Catalonia took place on September 25, 2011 before 20,000 fans in a Barcelona arena. A monumental change has taken place after centuries to ban bullfighting in this region of Spain.<sup>11</sup>

Dogs and cats have been a part of Chinese menu for centuries. However, China has been going through a gradual animal liberation movement gaining momentum with the help of the internet. For centuries, the Chinese have been celebrating the Jinhua dog meat festival in Zhejiang province. Merchants would bring live dogs, kill them on the spot and cook them to prove that they were fresh. In September 2011, thousands protested against this custom and celebrities also supported this move on the internet. As a result, the government sent out a message that the festival was canceled.<sup>12</sup> This proves that even in communist China, animals are being granted important rights after centuries.

In rural Maharashtra, bullock cart races have been organized for decades. This has been a form of entertainment and also provided scope for gambling, notwithstanding the terrible cruelty inflicted on the animals. By a resolution dated August 24, 2011, the Government of India has banned bullock cart racing in Maharashtra.<sup>13</sup>

In May 2011, Hon'ble Mr. Justice M. R. Shah of the Gujarat High Court, came to the conclusion that every bird has the right to move freely and keeping them in cages is illegal confinement. The High Court was appraised with the fact that the birds were kept in small cages, their tails were cut and cellotape were put on their wings and there were rings on their legs so that they could not fly.<sup>14</sup>

#### **N. Gradually even rights of gays are being recognized**

Gay sex is not unnatural --- it is a matter of one's sexual orientation. An increasing number of countries are recognizing gay marriages in some form or the other. In June 2011, when New York became the 6<sup>th</sup> US state to clear gay marriages, this injected fresh momentum into the national gay rights movement. When New York Governor, Andrew Cuomo signed this bill into

law, he said "We made a powerful statement, this state is at its finest when it is a beacon of social justice".

A historic resolution was passed by the UN Human Rights Council on June 17, 2011 which seeks equal rights for everyone regardless of their sexual orientation. This marked progress for gay rights despite strong Arab and African opposition.

On July 2, 2011, the Delhi High Court, decriminalized same-sex relations between consenting adults. There had been many petitions for and against the ruling, but despite these concerns, the transformation has begun. Pride parades have spread from Mumbai to Bhubaneshwar and gay Indians are coming out in smaller towns as well.

In September 2011, the Government of Australia has reported that passports will now have three gender options --- male, female and indeterminate --- under new guidelines to remove discrimination against transgender and inter-sex people.

David Cameron, the British Prime Minister whilst attending the Commonwealth leaders conference at Perth in October 2011, did some straight talk for gay rights. He said that Britain would consider withholding aid from countries that do not recognize gay rights. He said this after the Commonwealth leaders failed to adopt reforms on this issue.

**O. Evangelical Church of India and Karnataka High Court promote the rights of transgenders for the first time**

In February 2012, a progressive move was initiated by the Evangelical Church of India (ECI) to enlist a transgender pastor. This has prompted other churches to open their doors to Bharathi. The Church of South India (CSI) is among the first to extend an invitation to the transgender priest to preach at its congregation. Encouraged by the ECI to take to priesthood, Bharathi has been a pastor in a church in Chenglepet, 60 kms. from Chennai for almost a year after completing her degree in theology. Although she was shunned and traumatized as a youngster, she now preaches to a congregation of 45 respectful parishioners as India's first transgender pastor.<sup>15</sup>

On February 4, 2012, the Karnataka High Court appointed a 27-year-old transgender C. Anu as a Class IV employee. She received the appointment order from Chief Justice of Karnataka High Court, Vikramajit Sen. This is perhaps the first such appointment in the country of a transgender being offered a government job.<sup>16</sup>

**P. Several customs that have been discarded**

A certain section of the community are of the firm opinion that nothing has changed for centuries as far as our customs and rituals are concerned. I wish to demolish this false notion by pointing out various customs, which have been dropped by the community over the centuries.

The late Dr. Sir Jivanji Modi who has been the most prominent authority on our ceremonies and customs states in the Preface of his monumental work, The Religious Ceremonies and Customs of the Parsis: "The times are rapidly changing. The 'new' has been springing rapidly upon the 'old.' As often said, the heresy of today becomes the orthodoxy of tomorrow; the liberalism of this year, the conservatism of the next. The reader will find that many a ceremony, ritual or custom has been spoken of as having become obsolete or as being more honoured in the breach than in the observance. Many more will be obsolete in the course of a few years. Customs are often as despotic as fashions but they also change as fashions." "...Some of the intricate tedium of purification carried to an extreme from the original reasonable thoughts of sanitation and purification, has now passed off and is passing away."<sup>17</sup>

Gleaning through the various chapters of the Vendidad and other texts, we come to the conclusion that different customs/beliefs have been dropped. A few of these may be mentioned here:

From the Vendidad translated by Prof. James Darmesteter:

Chapter IV. Deals with Contracts:

If a man breaks a hand-contract, the penalty is 600 stripes.

If a man breaks a verbal-contract, the penalty is 300 stripes.

Chapter XII. Various periods of mourning for father, mother, brother, sister, grandfather, grandmother, cousin, etc.

Chapter XIV. Atonement for the murder of a dog/otter.

Chapter XVI. On the various precautions for women during menses.

Chapter XVII. On disposal of hair and nails.

Chapter XVIII. On punishment of heretic priests.

From the Supplementary Texts to the Sayest ne-sayest (SnS) translated by Dasturji Dr. Firoze M. P. Kotwal, Copenhagen, 1969:

1. One should recite prayers after the paring of nails (p.28).
2. When a child is born a fire is to be kept burning throughout for three nights for protection against the demons (p.30).
3. "Sins and their money-values. In the Pahlavi literature, we come across certain sins, which are redeemable when the sinner counter-balances his sins by performing a certain number of meritorious deeds, or by paying a fixed fine prescribed by the Dastwar's, which may have been devoted to religious observances. The Sns and the Persian Rivayats furnish us with the names of the sins and their corresponding values and weights, which are seldom uniform" (p.114).
4. The non-performance of five ceremonies, which leads to sin at the Chinvat Bridge (p.38).
5. When a goat is slaughtered, the different parts of the animal are dedicated to certain Yazatas and beings (p.23).

From A Guide to the Zoroastrian Religion edited and translated by Dasturji Dr. Firoze M. P. Kotwal and James Boyd, California, 1982:

1. Child marriages, which took place before the age of seven (p.125).
2. Rules regarding maternity (p.133).

The Uzirin Gah refers to the "sraoshavareza" priest before whom a person confessed his sins.

#### **Q. Lessons from other religious traditions**

In every religious tradition there have been certain practices/customs, which have been in existence for centuries, but have now been discarded. I wish to cite a few examples:

A few books of the Bible actually support and sanction slavery (Exodus 21.21, Leviticus XXV: 44-45, Thessalonians 3:22). Presidents George Washington and Thomas Jefferson were slave-owners. (In fact, African- American slaves helped build the White House.) But the emancipation of slaves had to wait till the advent of President Lincoln and a savage civil war. Let us not forget that slavery existed also in ancient Iran. The Pahlavi text, Madigan-i Hazar Datistan gives details about this.

One of the books of Old Testament, the Deuteronomy (22.21) states that a girl who does not bleed on her wedding night should be stoned to death. Today, the Jews certainly do not follow this practice.

It is a well-known fact that the caste system has played a very important role in Hinduism for thousands of years. Hindu scriptures like the Rigveda (Book X Hymn XC), Manusmriti (Ch.I.31) and Bhagwad Gita (Ch.IV.13) have supported it. But it is the caste system, which gave rise to the pernicious practice of 'untouchability', which has been anathema. Although Mahatma Gandhi was a devout Hindu, he fought against it. Notably, Article 17 of the Indian Constitution abolishes untouchability. Anyone abetting, inciting or practicing it in any form can be sentenced to a rigorous jail term.

From the above we see other religious traditions have introduced changes by discarding certain practices although they were sanctioned by their scriptures. Then why are some Parsis supporting gender discrimination?

#### **R. This is not conversion**

Every time an intermarried child is refused admission into the faith, it causes pain, anxiety and a sense of rejection in the confused mind of a mother. Even when her non-Parsi spouse has no objection about their child being initiated into the Zoroastrian faith, the community slams the door into her face. We should thus dismantle the barriers of insecurity for these women by upholding their rights and allow their children to be admitted into our fold. If we allow a child of an intermarried Parsi woman into the Zoroastrian fold, it cannot be termed as 'conversion' --- this is 'acceptance'.

There are some who contend that in other patriarchal societies, the children of intermarried girls are not accepted. This does not help our case. This argument does not hold good because of the drastically dwindling population of our community. The problem of numbers is not so acute in other communities.

Let us not forget that when Mr. R. D. Tata who was the father of the late Mr. J. R. D. Tata evinced a desire to marry a French lady, Suzanne Briere, it was the learned High Priest, Dastur Kaikhooshroo Jamaspji who performed her Navjote ceremony.

Moreover, it is a known fact that although Sir Ness Wadia, father of the late Mr. Neville Wadia was a born Zoroastrian, he converted to Christianity through the Church of England and married a Christian lady by following Christian rites. Their son Mr. Neville Wadia who was baptized in the Church of England, till the age of 80 years he remained a Christian. Later when he wished to become a Zoroastrian, his Navjote was performed although he had a non-Parsi mother and a father who had converted to Christianity!

In this context, there was a letter written by the late Dasturji Dr. Hormazdiar Mirza and Dasturji Dr. Kaikhushroo JamaspAsa wherein a reason for the performance of this Navjote was mentioned. They considered this as an exception. Why should religious injunctions be so flexibly interpreted? Why should our scriptures be interpreted to suit the convenience of a millionaire (who was a Christian for 80 years of his life and had a non-Parsi mother) and the same right be denied to a child of a Parsi mother who has been practising Zoroastrianism all her life?

#### **Conclusion**

On October 7, 2011, the Nobel Prize Committee in Oslo, Norway, recognized the brave deeds of three remarkable women by awarding the Nobel Peace Prize to them. They are Ellen Johnson-Sirleaf of Liberia, Leymah Gbowee of Liberia and Tawakkul Karman of Yemen. They leave behind a legacy of inspiration for future generations. Ban-ki-moon, the UN Secretary-General said, "This award could not be better chosen. It underscores the role that women play in the advancement of peace and security, development and human rights".

Through this selection, the Nobel Prize Committee has acknowledged that given equal opportunities in governance and development, women pull others – children, families, more women – into an expanding circle of benefits that encompasses education, healthcare, employment and peace. One empowered woman empowers many other people, functioning as she does in an interlocking system of kinship and societal links. Empowered women mean empowered societies. Women have been agents of not only social but also political change as can be seen in the important role they have played in the Arab Spring. In some cases they have led their countries in the capacity of presidents or prime ministers.

Another interesting development has helped in dismantling what may be described as the last and most formidable gender barrier. Under its new policy introduced by the Australian government in September 2011, women can join the military in any role they choose---including combat roles. This was for decades regarded strictly as a male preserve. Thus Australia has now joined three other countries---Israel, Canada and New Zealand in allowing women to join front-line combatants.

Zarathushti women too have held prominent positions in various fields of their specialization. These trailblazers have now taken up the profession of priestesses in Iran which is welcome news. Close on the heels of this, was the heart-warming news from the Karachi Parsi Anjuman Trust Fund (KPATF) granting equal rights for intermarried Zoroastrians. Let us in India take a cue from them and not ostracize intermarried Parsi women.

Demographically, the community hangs by a thread due to our fast depleting numbers. Every year, there are far higher number of deaths than births. The writing on the wall is clear, that we are going down a slippery slope. Since the very survival of the community is at stake, we should welcome every child of an intermarried Parsi mother into our fold, especially when the non-Parsi husband is a consenting party.

Today, we live in a world which is in rapid transformation. In India, judicial activism has played a crucial role in socio-economic and cultural transformation. I conclude by quoting from the above judgement of Hon'ble Mr. Justice Ganguly of the Supreme Court of India which is relevant to our discussion: "With changing social norms of legitimacy in every society, including ours, what was illegitimate in the past may be legitimate today. The concept of legitimacy stems from social consensus, in the shaping of which various social groups play a vital role. Very often, a dominant group loses its primacy over other groups in view of ever-changing socio-economic scenario and the consequential vicissitudes in human relationship. Law takes its own time to articulate such social changes through a process of amendment. That is why in a changing society, law cannot afford to remain static".<sup>18</sup>

#### **Foot Notes**

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