

Survival of the Community—a Strategy for the present and the future - (2)

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The Importance of "Bunyad-Pasbanu"

It is very necessary that we take every step possible to inculcate in our youths a true love for and an abiding faith in our noble religion as well as justified pride in our community, it is equally necessary to warn our youths of the danger and dire consequences of inter-communal marriages.

The reasons why our forefathers so wisely banned such marriages are equally valid to-day, since they are eternally valid and applicable to all ages. It is fallacious to argue that times have changed.

These reasons can be grouped as (a) religious (b) biological (c) social and (d) economical.

(a) Religious

There is in fact no need to make any further grouping beyond the religious, because the religious injunction against such marriages is based on all considerations including those listed.

(i) The religious ban on inter-religious marriage and its current validity.

The life a Mazdayasni-Zarathosti is expected to lead conforming strictly to the tenets and practices of the religion is different from that of a non-mazdayasni. Based on various spiritual considerations our religion has therefore never advocated nor practised proselytization.

It should be remembered that our religion—the Zoroastrian religion has evolved from within the Mazdayasni religion and

that is why we call ourselves Mazdayasni-Zarathoshti.

We therefore find that the religion has banned the marriage of a Mazdayasni with a non-mazdayasni, the penalty for the violation being ex-communication. From the point of view of the religion and according to the canonical laws (which incidentally need not be written, but by convention and usage have equal authority and validity) there is no distinction between a man or a woman. Any mazdayasni—he or she—stands ex-communicated when he/she marries a non-mazdayasni. In fact he/she voluntarily and automatically goes out of the religion. Having voluntarily opted to marry a non-mazdayasni, the option is not theirs whether to retain the religion or not. If they had a genuine desire to retain the religion then they would not have in the first place decided of their own accord and "free will" to marry outside the community and thus act contrary to the religious injunction and in a manner prejudicial to the very existence of the community.

In this matter it needs to be pointed out that the so-called preferential treatment given to Parsi men marrying non-Parsi ladies is due to a legal advantage grudgingly accorded and does not have the religion's sanction. Even the Courts have recognised that while children of a Zoroastrian couple are Zoroastrian by birth and are entitled to all rights and privileges even before Navjot, the children of such mixed marriages (Parsi father and non-Parsi mother) are not automatically Parsi Zoroastrians by birth, but may be so considered if they have

been "duly admitted" into the religion, i.e. only after the navjot can such a child be considered as a Parsi-Zoroastrian. Here, it also needs to be stressed that the court judgment does not compel the priests to perform the navjot of such a child of a Parsi father and a non-Parsi mother, and to duly admit such child in the religion. It is for this reason that except a handful of priests who are willing to sell their conscience, all others refuse to perform the navjot of such a child because it is erroneous to say that the father is a Parsi. It is more correct to say the father was a Parsi. The father gave away his rights and automatically became a non-Parsi the moment he married the non-Parsi lady.

It is also pertinent to stress that the 1954 Special Marriage Act neither gives any special right to people entering into a civil marriage with a non-Zoroastrian insofar as the religion is concerned, nor does it compel the community to accept them as Parsi Zoroastrian after their marriage. These issues have been purposely confused by those interested in such marriages.

The previous law governing such civil marriages had made it obligatory on parties contracting, such marriage to categorically renunciate the religion of their birth by making a declaration that they professed no religion. I am purposely using the term "religion of their birth" because if they had a religion which they truly believed and practised, then they would never marry outside of it. Be as it may, what the 1954 Act did was essentially to remove this clause compelling the parties to renunciate the religion of their birth. Now what is not generally realized is that the previous act was applicable only to the erstwhile British India and there were other countries as well as princely states in India which did not require such a renunciation of one's

religion of birth from the parties. Yet even then the parties contracting such civil marriages never got any right to retain their Zoroastrian religion. They were treated as non-Zoroastrians.

All laws of civil marriage by their very nature apply only to the civil or legal aspects and not to the religious aspects. In all religious matter, the members of a religious community were governed by the religious or canonical laws and they continue to be so governed. And there has been no change in the canonical laws.

Now let us briefly examine why the modification of the previous Act was considered necessary by the Government. From the viewpoint of the secular state, the Government was not and could not be concerned with the religion (or the absence of it) of the parties entering into any contract in this particular case a contract to cohabit. Thus to the licensing authority in granting such a licence to cohabit, the religion of birth of the two parties is of no consequence. What it considers is firstly that the parties are not bound by another such contract, and secondly, the legal implications of the contract as well as of its consequences viz. consideration of children so begotten as the legal heirs, the obligation on the part of the parties concerned to take adequate and proper care of such issues, their legal custody, etc. It is reasonable that if the secular government was not going to insist on renunciation of the religion on the part of partners applying for a licence to form any other kind of partnership, why should it do so in this case. From the point of view of the secular state, civil marriage was merely a partnership contract which could be dissolved like any other partnership contract.

And herein lies the fundamental difference between the legal and the religious points of view.

(ii) The purpose and significance of marriage

The legal and civil points of view consider marriage as merely a legally licensed contract for bed and board and to beget children whose right to inheritance is guaranteed, (although the quantum of inheritance may vary from country to country and from time to time depending on the sex of the child). From the religious point of view, particularly that of the Zoroastrian religion, marriage is not merely the union of physical bodies, not a licensed contract for simply gratifying lustful desires, but a sacred covenant entered into in the name of Ahura Mazda and for the purpose of fulfilling His wishes.

It involves the fusion into one entity of not only the two physical bodies but of the minds and the divine souls as well. Each partner so to speak complements and supplements the other, thereby completing one another. Each partner has the responsibility for promoting not only the physical welfare and prosperity of the other, but also the mental and spiritual bliss and well-being. This responsibility is not confined only to this physical life, but extends also in the life hereafter.

Such a fulfilment can only be achieved between the two partners only when they breathe and then breed the same faith, tenets and practices. These days extraneous considerations have made such a fulfilment difficult even between two mazdayasni-Zarathoshti but with mazdayasni-Zarathoshti and a non-mazdayasni it is impossible.

It is for this reason that marriage between two mazdayasni-Zarathoshti is performed according to the "Din o ain-mazdayasni" and begins with the "nahan" and includes the ashirwad ceremony. This as-

pect is accepted by law and duly enshrined in the Parsi Marriage Act.

(iii) The Zoroastrian Environment

For reasons which we need not go into here, (but which reasons are very sound) the religion has forbidden both the entry of any non-mazdayasni-Zarathoshti into our places of religious worship, as well as their presence during the performance of religious ceremonies. A good number of these ceremonies are to be, and even today are performed in the house. Therefore such ceremonies can never be got performed by an ex-Zoroastrian lady married to a non-mazdayasni in her husband's house, nor can the ex-Zoroastrian husband married to a non-mazdayasni wife in his home. The net result is that in either event the Zoroastrian environment cannot be achieved, since neither the ex-Zoroastrian husband or wife can lead a life according to the religious tenets and rituals. Furthermore, the children would also grow up bereft of the benefit of such an environment resulting in a loss of faith.

Naturally such a situation can never be tolerated by those who would want to preserve and perpetuate the religion.

(iv) Use of names in the ceremonies

According to our religious practice, a girl after her marriage takes on not only the name and surname of her husband, but is presumed to have left her family and merged with that of her husband. If the daughter of an "athornan" marries a "behdin" then her name in the marriage ceremony and in all ceremonies thereafter is as "behdin so and so" and conversely the daughter of a behdin, if she marries an athornan is identified as "Osti so and so",

as if she was born in the family of her husband. Likewise if a "shenshai" lady was to marry a "kadmi", after her marriage she follows the "kadmi" tarikat and performs her "bandagi" according to kadmi tenets and after her death, the ceremonies are performed according to the kadmi rites. The converse is equally true. In short after marriage a woman automatically leaves the religious beliefs and practices of her father and his family and is presumed to have embraced the religious beliefs and practices of her husband and his family as if she was born in that family, provided of course that her husband's religion permits her to accept that religion.

By this norm, when a Zoroastrian girl marries a non-Zoroastrian she automatically leaves the religion of her father and her family irrespective of whether she is admitted in her husband's religion or not. So far as the Zoroastrian religion is concerned, she has irrevocably left the Zoroastrian religion. It is understandable that the Zoroastrian religion cannot force the other religions to accept her, because it itself does not accept people from other religion into its own fold.

Therefore the claims of women marrying outside the community that they have continued to retain the Zoroastrian religion is untenable, and incongruous. Once she marries outside the religion, she is out of the community and she abrogates all her rights and privileges in her father's religion. Consequently she is an alien in so far as the benefit of the use of the Atashbehras, Agiaris, Dokhma, religious funds and properties as well as participation in religious ceremonies, are concerned.

Just consider how ridiculous would be the consequences if this was not so. If a

Zoroastrian woman was to marry outside and as alleged continued to retain the religion then in the ceremonies, tandarosti etc. she is neither a "behdin" nor an "osti". Her children's name likewise cannot be used because their name would have to be taken with those of their father. In short, it would be a complete travesty, making a laughing stock of the religion.

(v) Religion — the cementing force of married life

There are enough stresses and strains that are encountered in married life, that threaten to tear it asunder but what helps the husband and the wife to surmount the crisis is their common faith, their common religion. It is now recognised that "the family that prays together, stays together." It is the invisible common bond of family prayers, ("Bundagi") recited together, that invincible common faith between the family members that gives them the inner peace of mind and tranquility to overcome all difficulties.

When everything is fine, quite often religion and God are forgotten. But — and I have known many cases — when for example the child is seriously ill and faith-cure is vital, the mother tries methods of her own religious beliefs and the father of his own, thus increasing the chasm between the two instead of uniting them together so that their joint spiritual force would have helped them achieve their objectives. It is absolutely essential that the husband and wife have a common faith in order to generate this joint spiritual force. This is impossible when the two have different faiths. The situation is somewhat analogous to one-partner having faith in allopathic medicine and the other partner, in say, ayurvedic

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medicine and both trying to cure the child by simultaneously giving him allopathic and ayurvedic medicines. Just as the result in such a case would be fatal and nobody in their sane mind would attempt such combinations, so also would the result be —

and are actually — disastrous in the case of mixed marriages.

The prime reason is that besides the physical attraction and bond — and these are transient — there are no lasting spiritual bond between the partners.

SURVIVAL OF THE COMMUNITY A STRATEGY FOR THE PRESENT AND THE FUTURE (4)

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Today we are beginning to understand how heredity characteristics which include not only the physical appearance but even susceptibility to diseases and other emotional and mental traits are transmitted from one generation to next. We now know that the human ovum and the sperm cells each contains the genetic material in the form of 23 chromosome pairs (i.e. 46 chromosomes). These in turn carry the genes. A considerable research effort in terms of pedigree studies is being made the world-over to identify the genes responsible for a particular human trait and finding its site on one of the 23 chromosome pairs. Though the total number of genes in man is itself obscure, the number is expected to be very large. Out of these 23 pairs of chromosomes, there are 22 autosome pairs and one pair of sex chromosome (two X chromosomes in females; an X and a Y chromosome in males). The ovum always has the X chromosome only, but the male sperm which contains both the X and Y chromosomes determines the sex of the infant depending upon whether during the cell meiosis (process leading to splitting of a cell into two germ cells with 23 chromosomes) and subsequent recombination, the product cell acquires the X chromosome of the father's sperm cell to give an XX combination (daughter) or a Y chromosome to give an XY combination (son). Chromosomal aberrations can cause various defects e.g. an XYZ combination gives intense manliness, probably leading to savage behaviour. Indications of these have been recently obtained on examination of prison inmates sentenced for brutal murders, rape, etc. Conversely an XXY combination gives manly characteristics to girls.

Though much more is to be learnt in this field, it is known that while certain characteristic traits are received through the mother, and certain

others through the father, yet important traits like sex of the child etc., are determined by the sperm cell of the father. It is interesting that the relative importance of the father was realized by our forefathers, because in the Pahalavi writings, the woman is compared to the soil and the man to the seeds. Thence, in emphasising the importance of avoiding mixed marriages it is pointed out that if the seed is good and the soil is also good and matching the requirements of that seed, then the crop would be excellent. If the seed is good, but the soil is not good or not matching the requirements the crop would be inferior or might not be there at all; yet it would still be of the same type. But however good the soil, if the seed is bad or a different kind, the crop would be extremely inferior or of a completely different kind, i.e. we cannot sow jowar and expect to reap wheat.

While detailed mapping of the genes is still in a very primitive state, it is known without a doubt that a very large number of diseases are hereditary. For example, as of latest count 79 gene loci have been definitely assigned to the X chromosome alone. These loci correspond to various afflictions like colour blindness, hemophilia, ichthyosis (hereditary condition of skin roughness) etc. It is not at all surprising therefore, that in modern medical practice it has become common (at least in foreign countries) to have a detailed record of the medical history of the patient going back at least upto the grandparents on either side, before attempting the diagnosis and treatment of the patient. Such a record of medical history forewarns the doctor of the possible diseases from which the patient may be suffering or is likely to suffer in the future.

Thus, modern medicine and science are increasingly realizing the extreme importance of heredity in determining the physical, mental and emotional traits in an individual and how these traits are transmitted from generation to generation, and how mere nurture i.e. upbringing, cannot alter these to any appreciable extent (though certain drugs like LSD taken by modern hippies can cause chromosomal damage and hence alter the genetic content). It is also realized that because some genes become dominant and some dormant (we do not as yet know why or how) in alternate generations, a child will, in many ways, be more like one of its grand-parent than its parent. This would explain the old and erroneous belief that so-and-so is the reincarnation of its grandparent, even though such belief in reincarnation is alien to the Zoroastrian religion, which has rightly emphasized the role of heredity.

Since this is not a scientific discourse on genetics, we will not further discuss the scientific details, but this short discussion should convincingly prove to anyone who wishes to take an unbiased view that science is completely vindicating the stand of our forefathers that "**Bunyad Pashani**" — the preservation of the hereditary characteristics is very vital.

To those who talk loosely of improving the genetic content of the community by cross-mating we need to remain them that commonly the results of cross-breeding (even in plants) is disastrous, and relatively few are beneficial and even in these few cases intense in-breeding for several generations (approximately ten) is required, before it can even be ascertained that a successful mutant breed has been developed. If indiscriminate cross-breeding is done simply for the sake of cross-breeding the result is a "pariah".

Studies in biology have shown the moral fabric of the progeny of such intermarriage is lower, since usually the worst in each parent is transmitted. Early in this century, when Japan was trying to modernize and westernize itself, it toyed with the idea that it could achieve this by

encouraging the marriage of Japanese with Westerners. The late Dr. Herbert Spencer, issued a stern warning to Japan of the possible dire consequences of such a move and strongly advised them to take every step possible to prevent the marriages of Japanese with other groups. The Japanese, I am sure, must be ever thankful to Dr. Spencer for this advice, since their renaissance after the second world war was the consequence of bringing out the best in Japanese character and tradition.

Also let us not forget that even when man for his own selfish purpose unnaturally cross-breeds animals as in the case of a jackass and a mare to produce a mule. Nature which abhors such cross-breedings assures that such a progeny is not continued. The mule is always sterile.

Let us therefore be in consonance with both Nature and our religion. In fact our religion aims at achieving only this consonance or harmony — "Hamazor" — with Nature and its laws.

Let us also remember the sane advice of the late Mr Jehangirji J. Vimadalal, given at the time of the early controversies on inter-marriages and conversion, that the Parsi Zoroastrians are legitimately proud of the purity of their blood and are always anxious to preserve that purity, for if mixed blood was to be introduced into the community in any sizeable proportion, the community would lose the virtues which had earned for the community glories in all fields of public endeavour and reduce the community to the status of a half-cast community.

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