

The background of the cover features a close-up, artistic shot of several books and papers. The books have varying thicknesses and colors, including a prominent blue spine. The pages are densely packed, creating a textured, layered effect. The lighting is dramatic, with strong highlights and deep shadows, giving the scene a scholarly and professional atmosphere.

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SEXUAL PROMISCUITY AND MORALITY IN EASTERN EPISTEME**Binda Thapa***

Morality, whose acceptance varies from society to society, can be critically analyzed from cultural and social dynamism considering the societal values and norms. The social episteme of eastern society concerning morality and norms varies on different grounds. Social cohesion and harmonization is the fundamental consideration for defining morality and norms of the eastern society. In eastern society, collectivism prevails the individualism; thus, family plays a significant role in shaping conformity with societal values, beliefs and morals resisting social deviance. This paper tends to transcend eastern society's fundamental values and the connection of morality to sexual promiscuity. Thus, this paper argues for the metaphysics of sexuality in eastern society.

STATUS OF PROMISCUITY IN EASTERN SOCIETY

Promiscuity in Eastern society is not a restriction; it is an inhibition. Inhibition prohibits doing something morally wrong. However, the restriction is prohibited by others, and inhibition is self-employed. Thus, promiscuity means an inhibition to ensure non-harm to one's identity and development in society at large, promoting moral conducts and human behavior.

Eastern society focuses more on social responsiveness and collectivism, observing the relationship with religion as an integration one. Each individual in eastern society is fundamentally connected and holds a duty towards society. Thus, societal expectations of marriage for having sexual relations are strong in Eastern society. Additionally, eastern society entertains for the sattvic sex amongst the Sattvic, Rajasic and Tamasic. Rajasic is selfish and lustful with egoistic consideration. Tamasic is coercive, lustful and egoistic motivation. Both the rajasic and tamasic are considered sexual promiscuity in eastern society and are strongly prohibited. Sattvic is in line with the social order and expectation, promoting morality in society. It does not cause any pain and suffering violating social and religious norms in the society. Goenka defines sexual promiscuity as the promulgation of lust that harms both individuals and society with a bad outcome.¹

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¹ Sajitha Prematunge, 'Buddhism and Hinduism rights, 2018.' <Buddhism and Human Rights | sinhalanet.net> accessed 22 February 2021

SEXUAL PROMISCUITY IN HINDU JURISPRUDENCE

Sexual promiscuity thus is prohibited in Hindu philosophy. The Rig Veda 10; 18, 1-4-5 provides that immoral and unethical sexuality is harmful to society² thus has to be prohibited. Eastern society provides for standards, ethical and moral codes³ concerning metaphysics of sexuality with the concept of Brahmacharya, i.e. controlling sex meaning to faithfulness in marriage.

The principal aim of marriage in Hinduism is the dharmasampatti which can be enrolled via praja (procreation) and rati (enjoyment of sexual and other pleasures).⁴ Hindu moral duty to act rightly in accordance with dharma is a religious obligation whose ultimate purpose is to self-knowledge. Hindu self-knowledge is the profound awareness of the identity between one human being and being itself, whereby one may attain release from the otherwise ineluctable reincarnation into continued existence. However, as mention in Naradasmriti 12:46, exploitative expressions of sexuality has to be denounced. Hinduism thus respects feminine dignity and freedom. Thus, women's dignity of chastity seems to be devastated if it violates the norms of sexuality.

Prominent Hindu document Mahabharata reads both explicitly and implicitly about sexuality. It tends to define celibacy as the purification of sexual energy and its transmutation to divine energy. When explaining about lord Krishna, Mahabharata has distinguished between lust and love whereby Love is the culmination of a human being and Lust is animalistic. Love is the culmination of a human being. Love does not exclude sex, but it is sexuality, which is free of lust. This is Brahmacharya the abstinence.

Thus, marriage and sexuality have to be in accordance with the socio-cultural structure of a particular time in the society. However, if it is not in line with socio-cultural aspects, it is an obstacle to way of glory hindering social order and cohesion. Sexuality beyond social factors disturbs the moral code and conduct of society. Union of God (sun) and earthly woman (Kunti) attest to the reality of sexuality and treated as part of streedharma i.e. pativrata dharma. It is the psychological control of women's sexuality denoting women's sexual faithfulness to a husband. Therefore, the

² Bishal Khanal, 'The concept of rights and freedom in Hinduism and Buddhism view, 1(1) Journal on Human Rights Sambhak', 1 May 2016, 45. <Human_Rights_Journal_Sambahak.pdf (nhrcnepal.org)> accessed 22 February 2021

³ Yubaraj Sangroula, *Jurisprudence-The Philosophy of Law Oriental Perspective with Special Reference to Nepal* 179 (1st edn Kathmandu School of Law, 2010)

⁴ Ibid, 429

union of god and earthly woman attests to the reality of sexuality. Sexuality in Mahabharata would be treated as a part of streedharma viz. pativrata dharma.

Manusmriti 9.90-91 and arthavedha 2.36.8 provides a woman can choose her husband upon attaining the maturity. Thus, there is the concept of Gandharva vivah in Hinduism to choose a partner according to her will. However, it is not absolute freedom given. Gandharva vivaha meaning for premarital sex has become an issue of debate whether to consider as moral or immoral. However, there is no indication that premarital sexual relations were promiscuous in an ancient Hindu society since it was based on consensual agreement and significantly was abided by honorable marriage as mention in the Naradasmriti 12:71.⁵ Gandharva liaison therefore is not considered promiscuous in a sense the wedding rites have always solemnized it as mandate in the Mahabharata (Adi Parva, 195:7). Gandharva vivaha requires an individual to be devoted for each other in marriage. Thus, the endorsement of Gandharva vivaha in a society is not an endorsement of promiscuity in society since it does not entail the adharmic process and does not diminish society's happiness.

SEXUAL PROMISCUITY AND MORALITY

Moral behavior introduced and obeyed in eastern society is to maximize collective happiness in the most reasonable, sustainable and comprehensive manner.⁶ It relates morality with dharma as defined by Vaisesikasutra, which causes happiness and beatitude. According to Hinduism, sexuality is a natural and essential aspect of life but has to be abided by social morality, values and norms. Therefore, in Nepal, established jurisprudence and religious texts ruled premarital sex is “immoral” and against the “tenets of the religion.”

However, in the present situation, 46% of men in the Kathmandu valley are promiscuous.⁷ Rampant pre-marital and “Western-style promiscuity” in Nepali society have been growing beyond the social factor consideration and cultural framework. It leads many people to insecurity among young people who give

⁵ P. V. Kane, *History of Dharmasastra* (Volume 2, Part 1) 427-431, 521

⁶ Sam Harris, *The Moral Landscape-How Science can determine Moral Values*, (New York Time Best Selling)

⁷ UNDP ‘Nepali Masculinities and Gender based violence’ (May 2014) <file:///C:/Users/k/Downloads/UNDP_NP_AVRSCS_nepali_masculinities_and_gender-based_violence%20(1).pdf > accessed 18th February 2021

birth out of wedlock, violating societal order and norms.⁸ A social expectation of eastern society, particularly Nepali society, does not allow sexual promiscuity and define it as immoral and against the social norms and values. Nepali society strongly controls sexual promiscuity and defines sexuality as a matter of character or moral essence. Thus, eastern society believes to protect the purity and honor in society, one has to meet social and behavioral expectations. Otherwise, society will presume them as violated cultural codes and put them in social isolation. Individualistic need and sociolinguistic need has to be cognized and reconciled with each other.⁹

CONCLUSION

Eastern societies have adopted the metaphysic of sexuality, defining promiscuity as a hindrance to harmonious social civilization and considering it immoral and against humanity in society going beyond social morality.¹⁰ Society's values, beliefs and healthy morality cannot compromise in the name of individual freedom harming social order. Going parallel with modernization is undoubtedly the development and adoption of globalization in the state, but to what extent modernization has to be accepted without considering social factors. It has to go along with time and modernization, but to what extent modernization has to be accepted, causing serious harm to ancient societal values and beliefs. It is still debatable whether modernization and individual freedom can go beyond societal morals or not? Thus, society's governing relations have to consider practical forbearing with social, cultural, economic, and psychological consideration. Eastern society entails the promotion of virtuous behavior via moral obligations to govern moral sexual relations. Thus, sexual promiscuity, according to the metaphysics of sexuality, is prohibited strongly.

The social process of moral confirmation involves the interactions of social claims with evidence and social channels.¹¹ An individual has to interplay between cultural particularity and universality under value pluralism.¹² Thus, a social practice varies from society to society to accounts the justice.

⁸ Shanta Basnet, 'Sex and Marriage in Nepal' (1998) Himal South Asian <<https://www.himalmag.com/sex-and-marriage-in-nepal/>> accessed 18th February 2021

⁹ Jane Duran, *Philosophies of Science/ Feminist Theories*, 175 (West view Press)

¹⁰ Internet Encyclopedia of Philosophy, A peer reviewed Academic Resources <<https://iep.utm.edu/sexualit/#:~:text=The%20particular%20sort%20of%20metaphysics,which%20ones%20are%20morally%20permissible>> accessed 18th February 2021

¹¹ Jane Duran, *Philosophies of Science/ Feminist Theories*, (West view Press, 175)

In eastern society, the virginal status of a woman becomes a social fact. The significance of virginity, therefore, has to understand in a wider context as a strong social value. The virginity of young women often acts as a symbol of the whole group's social purity in the society to which the women belong.¹³ Thus, sexual promiscuity in name of social moral, order, cohesion and maintaining social solidarity is strongly inhibited in eastern society.

Morality values are important because it sustains the eastern civilization and eastern philosophy. In eastern society, dharma collectively represents the inseparability of morality and ethics.¹⁴ The primary concern of the shrutis and Vedas in Hindu law is to sustain the social order by emphasizing the need for material and physical well-being and ethical conduct of the people.¹⁵ It maintains social peace, order and cohesion in the society. Law in eastern society is connected with morality and ethics, which is also called the theory of inseparability. Eastern values, morals and culture have to promote lessening the colonial mindset and the imperialism value with western deception.

¹² Monica Mookherjee, *Women's Rights as Multicultural Claims*, (Rawat Publications, 37)

¹³ Madhavi D. Rnavikar, *Women and Religion*, 158 (Rawat publications, 2003)

¹⁴ Yubaraj Sangroula, *Jurisprudence, The philosophy of law* (3rd edn, Lex and Juris Publication Pvt. Ltd., 2018)

¹⁵Ibid, 192