

Marriage in India

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Introduction

In the previous chapter you have learned about marriage and family and the considerations to bear in mind in choosing a life partner. The conceptual aspects of marriage and forms of marriage are discussed in this unit.

The popular concept of marriage is that it is a union between a man and a woman. Another concept about marriage is that it is a social sanction of the union and it is accomplished by different rituals and ceremonies. Yet another view about marriage is that it is a system of roles involving primary relationships. The Hindu concept about marriage is that it is a sanskar or dharma. Before studying the traditional and modern system of Hindu marriage, it is important to know the sociological significance of marriage.

Marriage is one of the deepest and most complex human relationships. It is the cornerstone of a society. It involves social sanction, generally in the form of civil or religious ceremony, authorizing two persons of opposite sexes to engage in sexual union. Dr. Radhakrishnan (former President of India) observe “marriage as not a mere convention, but an implicit condition of human society. It is institution devised for the expression and development of love. Its purpose is not only the generation and nurturing of children but also the enrichment of the personality of the husband and wife through the fulfillment of their need

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for a permanent comradeship, in which each may supplement the life of the other and both may achieve completeness”.

Concept of Marriage

Every individual has to play a number of roles in his or her life. Of the various roles one plays, two roles have a very great significance in life. One is the economic role and the other is the marital or family role. The former is prominent in life because one devotes quite a good part of one's career in performing it. Consider one starts earning one's livelihood at the age of 20 to 24 years and continues to do so, up to the age of 58 to 62 years. That is, the economic career is spread over to about four decades and that every day one devotes 8 to 10 hours to job/work. Thus one can well assume the period which one's economic role consumes in one's life.

The marital role also involves about 40 to 50 years of one's life. But of these two roles, the marital role is more important than the economic role, because the latter involves secondary relations whereas, the former involves personal or primary relations.

In order to understand this, more clearly, we have to see the difference between primary and secondary relations.

Primary relations are essentially unlimited, particularistic, emotionally involved, altruistic and spontaneous. But, secondary relations are typically limited, standardized, unemotional, utilitarian and contractual. Again, primary relationship in marriage is different from primary relationship in other primary groups like friendship, neighbourhood, village etc. It is in the sense that primary relationship in marriage is based on sexual relationship and this sexual relationship brings further intimacy and permanence in the relationship between a man and a woman.

Primary relation in marriage has two important functions: one of need gratification and other of social control. It gratifies biological (sex satisfaction), psychological (affection and belongingness) and economic needs (food, clothing and shelter) of the individuals and also acts as a primary source of morality and ethics. When one finds one's partner performing certain tasks for him/her, he/she considers it his/her moral obligation to care for the other or to listen to the other. One is, thus, no longer free to be immoral and irresponsible.

Another sociological way of conceptualizing family is how marriage involves performing new and varied roles such as husband, wife, father, mother, son, daughter, brother, sister and so on. Whether the persons involved are capable of performing those new roles or not, and how the inadequacy of performing these roles lead to family disorganisation. What is important in marriage is how the role enactment of one partner corresponds to the role expectations of the other.

According to Koos, a Sociologist, marriage is a dividing line between the family of orientation and family of procreation in terms of the nature of roles one performs in the two families. The roles in the family of orientation vary in infancy, childhood and adolescence and carry no responsibilities and obligations. But the roles one performs in the family of procreation after marriage as a husband/wife, a father/mother, a wage-earner, a grand-father/grand-mother, a retired person etc. have different expectations and obligations.

Thus marriage is a miniature social system which must be kept in equilibrium if it is not to fall apart. Equilibrium requires adjustments, which in turn require give and take or some sacrifice on the part of both husband and wife. To maintain equilibrium it requires certain tasks to be performed by someone, for example, of cooking, cleaning, wage earning, child-care and so on. Who

performs which role is immaterial (though society has certain expectations from both husband and wife). What is significant is that somebody should perform these roles for the stability of marriage.

Views of Marriage

Various views have been expressed on this institution by anthropologist, sociologists and in religious texts.

Marriage is an institution in which men and women are admitted to family life, to live in the intimate personal relationship, primarily for a purpose of begetting and rearing children.

From the social point of view, marriage is an institution that serves to ensure propagation and socialization of children of a particular society. From the individual point of view, it provides assistance in bearing and raising of children and controls for the receipt and extension of affection.

Another view is that marriage is a socially legitimate sexual union, begun with a public announcement and undertaken with some idea of contract, which spells out reciprocal rights and obligations between spouses and their future children.

Indian Views on Marriage

The above views represent western thinking about marriage. Now we are going to look at how Indian experts talk about marriage.

Marriage has been considered a ceremonial gift of the bride by her father, or other appropriate relative to the bride groom in order that both may together fulfill their duties which are necessary for human existence. These duties are "Dharma, Artha and Kama". Dharma is religious duty based on ethical values, that is to do good and attain Moskha or salvation. Artha is the economic aspect of life and Kama is the physical or

sexual duties to the partner and to produce children to perpetuate race. Marriage is not for sense of enjoyment, but to perpetuate the race. This is the Indian conception of marriage. It is a social duty towards the family and community.

Indian religious texts say that marriage is a religious sacrament which is considered primarily a complex of obligations, religious and moral on the one hand, and social and economic on the other hand.

The Hindu concept of marriage is that it is a *sanskara* (tradition) and a religious sacrament, not a contract. It is a holy union of the two souls and not simply of two bodies. It is an indissoluble bond which could be broken only by death.

On the other hand Islam says that marriage is an institution ordained for the protection of the society and in order that human beings may guard themselves from foulness and unchastity. Marriage is not a sacrament but civil contract, the objectives of which are the promotion of normal family life and the legalization of children.

Among the Christians marriage has been viewed as “ a voluntary union for life of one man and one woman to the exclusion of others”. This type of marriage is monogamous.

Summarizing the above views, you might have learnt that marriage is a union of two persons of different sexes to lifelong reciprocal possession of their sexual qualities, which aims at the individual's biological, emotional, social and spiritual fulfillment and development and which cannot be achieved in isolation.

Hindu Marriage as Sacrament

The Hindu view of marriage is that it is for fulfilling dharma and the need for pleasure (*Kama*). It is

considered as a sacrament. There are several reasons for considering the Hindu marriage a sacrament.

- 1) Dharma (fulfillment of religious duties) is the most important aim of marriage
- 2) Performance of religious ceremonies including certain rites like kanyadan, panigrahana, saptapadi etc. which are based on certain sacred formulae.
- 3) The rites are performed before Agni (the most sacred god) by reciting mantras (passage) from Vedas (the most sacred scriptures) by a Brahmin.
- 4) The union is considered indissoluble and irrevocable and husband and wife are bound to each other not only until death, but even after death.
- 5) Though a man can perform several sacraments during the course of his life, a woman can perform only one sacrament in her life i.e. marriage, hence it has great importance for her.
- 6) Emphasis is on chastity of a woman and the faithfulness of a man.
- 7) Marriage is considered a “social duty” towards the family and community and there are no ideas of individual interest and aspiration.

Forms of Marriage

Till now you have read about the concept, meaning and different views on marriage. Now you are going to learn about different forms of marriage. There have been different opinions regarding the original form of marriage. Some theorists say that primitive man lived in a state of group marriage. The group marriage in which men in a group or tribe had indiscriminate access to all women of the group and children born out of this union were considered children of the general community. There are some other social scientists who

believed that monogamy was its original form. Whatever may have been the original form of marriage, at present the most prevalent form is monogamy. But polygamy, polyandry levirate and sororate forms are also found.

Monogamy

Monogamy is the only form of marriage found in most societies; a man marries one woman, raises children within the wedlock and performs all rites with his mate. Monogamy has a long history of its own. Ancient Hindus regarded monogamy as the most ideal form of marriage.

Polygamy

Polygamy is marriage of one male with more than one female, or what may be called the "plurality of wives". A polygamous marriage may be unrestricted or restricted or conditional. In early Hindu society conditional polygamous marriage was practiced. According to the Dharmashastra, a man could marry again after ten years of his first marriage, if his wife is barren, or he could marry after thirteen or fourteen years if he had only daughters from his wife and wanted a son.

Manu said that, a man can marry another woman after eight years of his first marriage, if his wife is barren, after ten years if children produced by his wife do not remain alive; after eleven years if his wife produces only daughters, and immediately after first marriage if his wife is quarrelsome, rebellious, or harsh. The Mahabharata says that a man who marries twice without any rational cause commits a sin for which there is no penance.

Today polygamy has been legally prohibited. Besides the legal restrictions, people do not practice polygamy because (1) Maintaining higher living standards is not possible with more than one wife in the house, (2) Plurality of wives increase tension in the family, and

(3) Women having economically independent status refuse to accept men's dominance over them.

Polyandry

Polyandry is a marriage in which one woman marries more than one man. This was found among the Todas and Kotas of Nilgiris in South India. There are two types of polyandry which are prevalent in India. They are fraternal and non-fraternal. In the fraternal, the husbands are all brothers or possibly from cousins from the father's side. In the non-fraternal, they are not related, as among the Nairs of Kerala. In the 19th century the Nairs among the Hindus in Kerala practiced polyandry. But Westernmarck, a sociologist referring to these marriages, has said that polyandrous marriage unions of Nairs can hardly be called marriages because the male partners never lived with the woman and that the duties of fatherhood entirely were ignored. In 1896, the Malabar Marriage Act was passed which stabilized marriage norms among Nairs.

In the ancient literature the only example of Draupadi's marriage with five Pandavas in Mahabharata period was justified by Yudhishtira on the basis that similar marriages were performed by some of his ancestors and described it as "mother's command". Obeying the mother's command was a son's dharma. In the Mahabharata, referring to polyandry, it is said, "to have many wives is no dharma on the part of men, but to violate the duty owned to the first husband would be a great adharma in the case of woman".

Levirate

Levirate is a form of marriage under which a woman is taken as the wife of the late husband's younger brother or even during the life time of the elder brother and the younger brother exercises sexual rights over the wife of the elder brother. The form prevails among the

Ahirs of Haryana, some Jats and Gujars and some other castes of U.P.

Sorrorate

In sorrorate wives of a man are invariably the sisters. The origin of the word sorrorate lies in the Latin word 'Sorror' which stands for sister. In this form of marriage several sisters are simultaneously or potentially the spouses of the same man. It is usually observed among the Nagas, Gonds and Baigas of India who pay a high bride price. It has been observed that the death of the wife or her being barren is compensated by supplying a new spouse who is generally the younger sister of the deceased women.

Marriage Among Hindus, Muslims, Christians and Tribals

In the Mahabharata four distinct forms of marriages are mentioned. They are: Brahma, Gandharava, Asura and Rakshasa.

Gautama and Asvalayana, two of the ancient law-giver of the Hindus, refer to eight different forms of marriage. They are Brahma, Daiva, Arsha, Prajapatya, Asura, Gandharva, Rakshasa and Paisacha. Among them four were considered proper and desirable (dharmya) which had the approval of the father/family. The other four were regarded as undesirable (adharmya) which did not have the approval of the father. The proper marriages recognized by the "Smritis" were Brahma, Daiva, Arsha and Prajapatya while the four undesirable marriages were Asura, Gandharva, Rakshasa and Paisacha.

Brahma was the form of marriage in which a fully dressed girl – with proper decorations and ornaments – was given to a man of the same class by performance of the ceremony mentioned in the holy texts. The

bridegroom used to be learned person of pure character and selected/approved by the bride's father.

Daiva form of marriage was one in which the father of the girl gave her to a sacrificial priest as a part of his fee for officiating at the ceremony. The bride was properly dressed, decorated with jewellery which formed part of his fees.

In the **Arsha** form of marriages, instead of the dowry, the marriage was based on a system of barter in which the father of the bride was given a pair of cattle or two cows by the young man in exchange for his daughter.

The **Prajapatya** form of marriage is one in which the bridegroom is duly worshipped and married to the bride with due honors and blessing with these words, "go both of you and fulfill the duties of a householder".

In the **Asura** form of Marriage, bride-price is given by bridegroom to the bride's father. This is sort of economic contract. There is no limit of the amount given.

The **Gandharva** form of marriage was the union of a willing girl with a man in solitude when both of them were in love. In this form of marriage, neither the consent of the parents nor the rites of dowry was essential. Only the will of the marrying parties was given importance. This marriage is believed to spring from desire and had sex satisfaction as its chief purpose.

The **Rakshasa** form of marriage was marriage by capture in which the girl was forcibly abducted by the man. If she cried for help and if her kinsmen came to her rescue, they were killed.

The **Paisacha** form of marriage was marriage by seduction, stealing or fraud, where the girl was sexually violated while she was asleep, intoxicated or unconscious or when incapable of protecting herself.

Of these eight forms of marriage Brahma is considered to be the best marriage, where a girl is married to a boy of merit in the same caste or in a caste of equal status.

In the Mahabharata age, the two most prevalent forms of marriage were Brahma and Gandharva. Gandharva marriage was declared to be proper for a Kshatriya. Many of the heroes of Mahabharata contracted this form of marriage; for instance, Arjun married Ulupi and Chitrangada, and Dushyanta married Shakuntala.

Swayamvara: A variant of the Rakshasa form marriage was considered to be the norm for princely houses; for instance, Arjun won Draupadi and Nala won Damayanti.

Marriage within the caste was the prevalent order of things during the period of the Smritis and the Puranas. Marriage was rigidly regulated by the caste system and caste laws.

As a matter of fact, a man of higher caste could marry a woman of lower caste which is called **anuloma** marriage. But a woman of high caste marrying a man of lower caste which is called **pratiloma** marriage was not allowed.

Another custom relating to marriage was the law of consanguinity – close relationship by blood over generations. There are sapinda, gotra and pravara degrees of relationship. They are intended to prevent marriage among certain kins and gotras.

The present custom of Hindus is that marriage within the same gotra is to be avoided.

Endogamy

Endogamy is a social custom that requires a person to select a spouse from within certain groups. These endogamous groups specifically refer to Varna, caste

and sub-caste. Thus, a boy from a particular caste marries a girl from the same caste. Caste endogamy was functional in early society because (1) it made marital adjustments easier, (2) it preserved the occupational secrets of the caste, (3) it maintained the solidarity of the caste, and (4) it checked the decrease in the membership or strength of the castes. The most typical endogamous rules are enforced by tribe race, religion and social class.

Hindu couples planning to marry are obligated to belong to the same caste and sub-caste. Sub-caste refers to a further subdivision of castes into endogamous categories which, for all practical purposes, are themselves independent castes.

The negative effects of caste endogamy are that, it creates (1) inter-caste tensions which adversely affect the political unit of the country, (2) the problem of marital adjustment, because the field of selection remains limited, and (3) problems of child marriage and dowry system.

Exogamy

The term 'exogamy is essentially covered by the incest taboo which is prohibited universally. Similarly, universally banned is the marriage between brother and sister. An interesting exception to the latter prohibition occurred in the royal families of ancient Egypt, Hawaii and the Incas of Peru. The explanation for this is the determination to maintain intact a royal line of descent in societies which had not developed a system of inter marriages with foreign royalty.

Close blood relationship is typically a bar on marriage for all people in all times and places. Frequently first cousins may not marry. Alliance of affinity, as well as blood relationship, has been included within exogamous rules. Among some people, marriage between persons

belonging to the same village or other territorial group is banned, or at least discouraged.

Exogamy is a social custom which forbids selection of a spouse from certain groups. There are two types of exogamy practiced by Hindus. They are Gotra exogamy and Sapinda exogamy. They are intended to prevent marriage among certain kins and gotras.

Gotra Exogamy

Gotra is a group whose members are believed to have descended from a common mythical ancestor. Initially there were only eight Gotras, but gradually their number increased to thousands. The Gotra exogamy prohibits marriage between members of the same gotra.

Sapinda Exogamy

Sapinda means one who carries the particles of the same body. Sapinda relationships arise from being connected by having particles of the same ancestor. Marriage between such persons is prohibited. Since there is no limit to persons related by blood, some limit is prescribed for avoiding persons for marriage related to each other within certain generations on the father's and mother's side. In practice and according to law, five generations from father's side and three generations from mother's side are avoided. However, breach of sapinda exogamy was never penalized, though breach of gotra exogamy was considered a heinous practice.

Cousin Marriage

There are four types of cousins (1) chachera (father's brother's son/daughter), (2) mamera (mother's brother's son/daughter), (3) phuphera (father's sister's son/daughter) and, (4) mausera (mother's sister's son/daughter). Of these, chachera and mausera cousin (where the two sibling parents of the child belong to

the same sex) are called parallel cousins and mamera and phuphera cousins (where the two sibling parents of the child are of opposite sex) are called cross cousins.

Of these two forms of cousins, cross cousin marriage was practiced in ancient Hindu society. Even now cross-cousin marriages are practiced among Hindus and Muslims.

The main arguments for and against cousin marriages are biological, social, psychological and cultural. The arguments against cousin marriages are: (1) it will lead to biological degeneration of family because parental defects will be transmitted to their children, (2) it will create secret relations between primary relations in the family and thereby lead to immorality; and (3) it will be against our religious norms. Arguments in favour of cousin marriage are: (1) one's property will remain in one's own family; (2) it will create stronger bonds of love between brother and sister, and (3) with the breakdown of joint family cousins no longer live together in the same house.

Hypergamy and Hypogamy

As a matter of fact, a man of higher caste could marry a woman of lower caste which is called anuloma marriage (hypogamy). But a woman of high caste marrying a man of lower caste which is called pratiloma (hypogamy) marriage was not allowed.

Inter-caste Marriage

It is a marriage between man and woman belonging to different castes. Inter-caste marriage in India is generally understood to mean not only marriage between sub-castes of a major caste group (as between Brahmin sub-castes), but also marriage between two major castes (as for eg. Brahmins and Vaishyas).

Inter-caste marriages which are increasingly common in India, especially in urban and industrial areas, are

not between high and low caste people but between the members of various sub-castes within a large caste group (as between Brahmin sub-caste). At present, many of the modern minded and liberal people in India believe that inter-caste marriages should be accepted (legally such marriages are permitted) by the people/society. Also they believe that inter-caste marriages would help breakdown the traditional caste system. It will also help wipe out caste distinction and untouchability.

Formerly marriage outside one's caste was not to be even thought of. Today many men and women are prepared to break through the bonds of caste if mutual love or attraction demand it.

However, studies conducted on inter-caste marriages show three features.

- 1) When a person outside the caste is wealthy and had a social prestige, there has been a general approval.
- 2) Persons with higher education and who are older marry outside the caste.
- 3) Even today, the large number of marriages are within the caste and these are marriages arranged by parents. The only significant change is with respect to the restriction against sub-castes which has now been practically eliminated at least in the urban areas among the educated persons.

Arranged marriages are the marriages arranged by the parents of the bride and the bridegroom, considering all the norms and customs of the society and religion.

Inter-religious Marriage

Inter-religious marriage in India is basically understood to mean marriage between persons belonging to different religions.

Influence of Legislations on Hindu Marriage

Over a period of time many beliefs, values and ideals related to Hindu marriage have lost their original meaning and purpose. People started questioning certain evil practices like child marriage, sati system, restrictions of widow remarriage etc. consequently during the British rule and even after independence various legislations were enacted. Some of them were; The prevention of Sati Act, 1829, The Hindu Widow Remarriage Act, 1856, The Civil Marriage Act, 1872, The Child Marriage Restraint Act, 1929 and its amendment in 1978, The Hindu Marriage Act, 1955 and The Dowry Prohibition Act, 1961 and its amendment in 1986.

The above mentioned legislations have led to significant changes in the Hindu marriage system. Some of the important impacts of legislations on the institution of Hindu marriage are:

- i) Divorce is now socially and legally permissible. Thus marital relation has ceased to remain unbreakable.
- ii) Provision for widow remarriage and divorce has affected the ideal of 'pativrata'.
- iii) Marriage is no more a religious duty rather it is performed for lifelong companionship.

Marriage among Muslims

Marriage among Muslim is universal and obligatory. Since the Muslim community discourages celibacy, marriage has to be performed. It is true that marriage among Muslim is a civil contract as it is meant for procreation of children and legalizing sexual intercourse; it is a religious duty also. It is considered an 'ibadat'. Characteristic features of Muslim marriage are; acceptance of the proposal of marriage by the bride; capability of the bridegroom to enter into a marriage contract; preference system i.e. parallel cousins

(father's brother's daughters) and cross cousins (mother's brother's daughters) are given preference; and marriage is valid only if it is free from legal complications.

It may be noted that man and women did not enjoy equal rights with regard to the provision of divorce. Women have always been at the receiving end. However, industrialization, urbanization, modernization and spread of modern education have drastically changed the perspective. Spread of small family norm and lesser incidence of divorce are some of the impacts of social change on the institution of Muslim marriage.

Marriage among Christians

The Christian community has two major denominations: Catholics and Protestants. The Catholics owe allegiance to the Pope. The Pope is the supreme authority in the Catholic Church. All the teachings of the Catholic Church have the approval of the Pope. The Protestants have several denominations or groups. Hierarchical approach is limited within each denomination.

As per the teaching of the Catholic Church marriage is a sacrament. There is no provision for divorce. However a marriage can be declared null and void if one of the spouses is already married and the partner from the first marriage is still alive. A marriage can also be declared null and void in case if the spouse is of unsound mind, impotent etc. at the time of marriage. But the procedure to get a marriage declared null and void from Church is very tedious as the clearance has to come from the Vatican.

Among the Catholics mixed marriages are permitted (with a person from any other religion). However the Catholic spouse has to make an undertaking that the offsprings would be brought up in the Catholic faith.

Among the Protestants divorce is permitted. Marriages are usually performed within the church in the presence of relatives and friends. Married couples are free to register their marriage for legal purpose. Protestant couples usually seek divorce from a court of law. Among the Protestants, remarriage is also permitted after divorce.

According to the teaching of the Church free consent from both the parties is must. Consent must be an act of the will of each of the contracting parties, free of coercion or grave external fear.

Tribal Marriage

Family comes into being only through the establishment of culturally controlled and sanctioned marital relations. Marriage, therefore, is universal. We find various forms of prescriptions and proscriptions regarding marriage among tribes, also. However, uniqueness of tribal marriage lies in the ways by which mates are acquired. There are: probationary marriage among Kuki; marriage by capture among Nagas, Ho, Kharia and Birhor; marriage by trial which is recognition of personal courage and bravery among Bhil; marriage by what has been called purchase or bride price prevalent all over tribal India; marriage by service—a solution to the problem of high bride price among Gonds and Baigas; marriage by exchanging women of two households for avoiding the payment of high bride price prevalent all over India except Khasi Tribe; marriage by mutual consent and elopment among those tribes who have youth dormitories, and marriage by intrusion among Birhor and Ho.

Conclusion

In this chapter, you have learnt about the concepts of marriage, sociological views on marriage, the Hindu concept of marriage, the forms of marriage and the

Hindu forms of marriage along with their advantages and disadvantages. The discussion included the Indian views on marriage, as well as the Hindu marriage as sacrament. In addition to Hindu marriage, reference was also made to marriage among Muslims, Christians and different tribes of India. While discussing the forms of marriage, we also learned about monogamy, polygamy, polyandry, levirate, sororate, endogamy, exogamy, gotra exogamy, sapinda exogamy, cousin marriage, hypergamy and hypogamy as well as inter-caste and inter-religious marriages.

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