

**PHILOSOPHY OF MARRIAGE: AN EAST-WEST COMPARATIVE STUDY**

**A Thesis submitted to the University of North Bengal  
For the Award of**

**Doctor of Philosophy  
in  
Philosophy**

**By  
Shyamal Das**

**Under the Supervision of  
Professor (Dr) Kanti Lal Das**

**Department of Philosophy  
University of North Bengal  
April, 2021**

## DECLARATION

I hereby declare that the thesis entitled 'The Philosophy of Marriage: An East West Comparative Study' Submitted for the degree of Doctor of Philosophy (Ph. D) in Philosophy to the University of North Bengal is an original piece of research work and no part of this thesis has been submitted for any degree or diploma in any other universities or institution.

Shyamal Das  
28/04/21

(Shyamal Das)

Research Scholar  
Department of  
Philosophy  
University of North  
Bengal.

# UNIVERSITY OF NORTH BENGAL

P.O. North Bengal University, Raja Rammohunpur, Dt. Darjeeling, West Bengal, India, PIN - 734 013

**Prof. Kantilal Das**  
Coordinator  
SAP (DRS - III) of UGC  
Department of Philosophy



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E-mail: [kanti\\_lal\\_das@yahoo.com](mailto:kanti_lal_das@yahoo.com)

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## CERTIFICATE

This is to certify that the PhD Thesis entitled "PHILOSOPHY OF MARRIAGE: AN EAST-WEST COMPARATIVE STUDY" submitted by Sri Shyamal Das in partial fulfillment of the requirements for the award of PhD in Philosophy is a bona fide work carried by him under my supervision.

The aforesaid thesis has not been submitted previously in part or in full to this or any other university or institution for the award of any degree or diploma.

Signature of the Supervisor

*K Das 18/4/2021*  
(Professor Kanti Lal Das)

Department of Philosophy,  
North Bengal University

*Professor*  
Department of Philosophy  
University of North Bengal

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Shyamal Das  
28/04/21

Forwarded  
@ Das 28/04/21  
(Serpentinas)

Professor  
Department of Philosophy  
University of North Bengal

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## Abstract

The thesis entitled “**PHILOSOPHY OF MARRIAGE: AN EAST-WEST COMPARATIVE STUDY**” attempts to explicate the essence of marriage from an ethical and philosophical perspective. Even though marriage is a social issue and skeptic may raise a question about its philosophical significance but after a painstaking examination of the outlook of marriage from East and West, it reveals that marriage is an integral part of life. Marriage has the biological and cultural necessity and men as social and rational animals cannot overlook their engagement in marriage in a normal situation. To avoid marriage is certainly a mental blockage of humans because it goes against biological and cultural necessity. Marriage is deeply associated with philosophy because if philosophy is all about a way of life, then the marriage cannot be dissociated from life. However, the concept of marriage and the history of marriage is a very complex and complicated phenomenon. If we look at the history of marriage from antiquity down to the postmodern period, then it would seem very clear to us that due to overlapping customs, traditions, and cultural diversity, the concept of marriage takes different approaches and interpretations.

The comparative study of marriage between East and West makes the thesis very interesting. The West differs from the East both economically and culturally. Western society leads a materialistic life and the Eastern country like India leads a spiritualistic life. The West does not believe that there is a life after death, whereas the Indian spiritual tradition views that there is a life after death. As a result of that, the meaning of life and the value of the world is determined differently in the West as well as in the East. In the West, the purpose and objective of marriage are justified from pragmatic and rational ways, whereas in the East the purpose and objective of marriage are justified from a spiritualistic perspective. Based on these two perspectives, there developed two different types of marriage, namely, formal

marriage and informal marriage. Court marriage is formal, whereas ritual marriage is informal. When formal marriage was not developed, informal marriage based on rituals were present. In Western society, marriage is formal and marriage is court marriage or legal marriage. But in India, marriage can be done both formally and informally. Informal marriage based on rituals is called conventional (traditional) marriage. Formal marriage (court marriage) emphasizes the legal aspect and it is just like a tie or an agreement between the husband and wife. There is a concrete rule to derecognize court marriage based on the willingness of both the husband and the wife and the consequence is termed as divorce. The term 'divorce' means separation by law. On the contrary, there is no mental separation in the case of ritual marriage. The very essence of ritual marriage is the unification of two souls into one soul. Thus there is no scope for mental separation in the case of spiritual or conventional marriage. The souls remained unified even after the death of the husband. In Indian shastras, there are as many as eight different types of marriages are recognized. However, among them, some are superior to others. However, in the case of formal marriage emphasized has been laid only on laws and nothing else.

Let us examine the philosophical relevance of marriage. Why marriage of any sort, formal or informal, spiritual or legal, matters to philosophy? In the West, great philosophers, such as Kant, Hegel, Mill, Russell, Nietzsche, and others were deeply engaged to explore the philosophical relevance of marriage. In the East, particularly in Indian traditions and shastras, we find plenty of literature where the philosophical relevance of marriage has been outlined. Kant, for example, conceived marriage as a 'social contract', while criticizing Kant, Hegel conceived marriage as a wedding ceremony. Hegel criticized Kant by saying that in marriage the term 'contact' is highly objectionable because any contact is a mere agreement which is unlikely in the case of marriage. We think there remains a misunderstanding between Kant and Hegel. By the term 'contact', Kant does not mean mere social contact; rather he

conceived it as moral contact where obligation and promise are involved. Kant was more concerned about sex problems as he thinks sex involves the degradation of humanity. Thus the contact of moral sexuality involves a promise and mutual acceptance. Contrary to Kant, Hegel claims that marriage involves a sense of membership in social life, and in this regard, the wedding ceremony constitutes a marriage. A public declaration through the wedding ceremony is essential. Hegel further contends that marriage involves a union of wills and it differs from contact. Through the marriage system, there is a transition of *personality to a new personality*. In the Indian system, we find the same sense as Hegel. Like Hegel, it is revealed that marriage is the unification of two different souls into one soul and such unification is a sort of transition of personality to a new personality. To Mill, an ideal marriage forms an ideal family and a very similar way in Indian shastras emphasized has been laid on an ideal marriage to form an ideal family. To form an ideal family we need to have an ideal progeny. Mill ignores gender discrimination while talking about marriage. In this regard, he attempts to overcome customary prejudices. Like Nietzsche, Mill gives importance to friendship because the master-slave (master-servant) relation that we observe in marital relations can only be overcome through friendship. Following Swami Vivekananda, we can say that women are just like a wing of a bird without which social development is not possible. In summing up we can say that marriage is essentially a biological and cultural necessity where friendship plays a significant role. Marriage is the unification of the soul. The best possible means of marriage is to bring good progeny. The marital relationship has developed moral responsibility, moral commitment, love, and friendship. All these are looked-for the reconstruction of a better society, family, and community at large. This is where the philosophical significance of marriage is grounded.

.....X.....

## Preface

The history of human marriage is complex and complicated. If we take an overview of human marriage from antiquity to modern, we find innumerable transition and transformation of marriage. Marriage is a biological and cultural necessity and accordingly, to avoid marriage is to avoid the biological necessity and cultural necessity. The predilection of marriage is something mental and inner. Thus as a social being, it is natural to engage in marriage. Primitive men behaved like animals. The assumption that primitive men lived in tribes or hordes had promiscuous intercourse with all the women, where no individual marriage existed. The children were the common property of the tribe. Without adducing any satisfactory reason for his opinion, Dr. Post considers it probable that “monogamous marriage originally emerged everywhere from pure communism in women, through the intermediate stages of limited communism in women, polyandry, polygamy” Morgan in his ‘System of Consanguinity and Affinity of the Human Family’ has suggested no fewer than fifteen normal stages in the evolution of marriage. In Indian *shastras*, eight different types of marriages were mentioned of which some are comparatively better than the others. However, the concepts of polygamy, polyandry, monogamy in some sense of other was prevailing everywhere in the world. Even the marriage between the brother and sister was prevailing in some tribal communities. The main contention of the research proposal is not to discuss the history of marriage, rather explicate the ethical and philosophical significance of the concept of marriage. Keeping this view in mind the thesis has been developed into five sequels besides selective bibliography. To know about the philosophical implications of marriage, we think that the historical development of the concept of marriage is a prerequisite. Accordingly, in the **First Chapter**, entitled General Introduction, we propose to analyze the historical development of marriage. As the thesis is designed as a comparative study between West and East about marriage, in the **Second Chapter** of the thesis the essence of Hindu marriage: past and present is proposed to exemplify. In the **Third Chapter** of the thesis, the essence of Western marriage is proposed to explicate and it is entitled as *The Essence of Western Marriage*. After examining the concept of marriage both from the West and East, a comparative study is proposed in **Chapter Four** and it is entitled as *A Comparative Study between East and West*. In the **Fifth Chapter** of the thesis, some underlying philosophical conclusions have been drawn from my rationale and it is titled *Concluding Remarks*. The thesis ends with a selective bibliography.

## **Acknowledgment**

It would not be an exaggeration if I confess that though research as an enterprise taken up the researcher for his academic fulfillment, but it is not possible to complete this stupendous job by the researcher himself without the help and co-operation of the supervisor and also the well-wishers. In this regard, I do feel privilege and honor to acknowledge them without whose help, valuable suggestions, and co-operation my humble effort would not have been the light of the day.

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With all submission, I have given maximum care to make my thesis flawless. However, if inadvertently any flaw remains at the conceptual or linguistic level then I shall be responsible for this.

## **Chapter One**

### **General Introduction**

#### **1. Historical Development of Marriage**

Marriage is one of the most important institutional expressions of sex in mankind. It is indeed true to say that the sex-instinct in man is a powerful biological impulse that has played a dominant role in the evolution of human culture in the matrix of society. Several psycho phenomena, ethical values, and spiritual Ideals are interlaced with it. The configuration of sex life, which brings about a union of two minds, touches the deep spring of the varied aspects of personality and social life. It endows the life of impulses with ethical values and meanings to lead it to the higher reaches of social experience. Sex and love are two important components of marriage and they consummated themselves in the matrimonial and familial institution. There are linked with several other basic desires and interests and through diversely ramified, social expressions are finally sublimated into aesthetics and spiritual experience. The changing variety of matrimonial institutions through the ages can only be explained by the fact that sex is integrally connected with other interests and impulses. They act and react and change their directions in response to the needs, traditions, and mores of society. The conventional history of marriage in India is marked with some of the traits and such traits of the milieu of which Hindus have striven for continued adoption. However, both men and women play a variety of roles in human situations over time. The mutual adjustment of attitudes has shaped and modulated their relative position. Accordingly, there have been ever-changing affiliations of sex with other human interests. Marriage as an institution, therefore, represents a rich and variegated pattern of feelings, emotions, and attitudes that have been slowly woven into the course of history.

The age-old culture of the Hindu views marriage as a religious sacrament. It is unlikely in the West. At the age of civilization, the Western concept of marriage has been reshaped under the purview of agreement based on law. It is unlikely in the case of an Indian marriage. The sacramental and religious aspects of marriage are still a dominating force in Indian marriage even though Indian marriage laws have been formulated long back. Thus, through marriage, it opens up a new vista of the carrier where the emotional integrity of two individuals is harnessed for the refinement and orientation of their activities following the ethos of the race. The Rig-Veda describes marriage as a replica of the great sacrament of creation. Marriage to the Hindu symbols is **cosmic dharma**. The sacramental conception of marriage is deeply involved with the spiritual impart of parenthood and the social solidarity of the patriarchal family, transmitting faith and culture across the generations. The marital bond unites the partners of marriage in an indissoluble tie. It affords opportunities for the married spouses to discern goals and values in love, reproductions, economic collaboration, rearing of children to the standard of the race-ethos to which they belong. The social and religious values have thus bring brought to bear the process of sex-maturation to reach the acme of sex-sublimation. The philosophical and mystical aspects of human love in India, purified of its dross, are assimilated to the metaphysical relishing of the *rasa* (bliss) of Brahman. However, such an association of sex life with a myriad of interests and ideas has to tell the tale of a long history, the curse of which is dubious and devious.

Thus it seems to me that marriage is an integral part of human life. Men's appearance in the world is made possible because of marriage. Without marriage, we cannot see the world. Therefore the appearance of humans is made possible because of marriage. What then is marriage? *Marriage is a contract, social, legal, or ritual*, depends on various cultures shared by different communities. Thus there are different types of marriage based on different types of arrangements, rules, and principles, cultural, social, religious, and legal. Putting everything into perspective, we can say that there is something common in marriage and it is the association of

bride and grooms. Marriage is also called matrimony or wedlock, a culturally recognized union between people called spouses, which establishes rights and obligations between them as well as between them and their children and between them and their in-laws. However, the definition of marriage varies around the world not only between cultures and religions but also throughout the history of any given culture and religion. Marriage is recognized typically as an institution in which interpersonal relationships, usually sexual relationships, are acknowledged or sanctioned. In some cultures, marriage is recognized or considered to be compulsory before pursuing any sexual activity. In Indian tradition and culture, sexual activity is completely prohibited in the Sastras before pursuing marriage. The same is equally true in many other parts of the world. Thus in a sense marriage is *an agreement between the bridges and grooms* through which they have to do some **social obligations and social responsibilities**. *This is where the relevance of the philosophy of marriage actually hinges.* Our future generation in a legal way will come into the world through marriage, through the union between the bride and groom. It is also reflected emphatically in our Shastras. Shastras tells that development of good and honest progeny is the root cause of marriage. According to Hindu Sastras, the progenies will determine the fate of the family, the society, the community, and also the county. Therefore, the richness of the progeny will play a key role in the reconstruction of a good society. In the border, sense marriage is also considered a cultural universal marriage ceremony known as a wedding. There are various reasons for which individuals do engage in marriage. These are legal, social, libidinal, emotional, financial, spiritual, and religious purposes. Marriage has also influenced any gender, socially determined rules of caste, *varna*, *gotra* perspective marriage rules parental choice, and individual desire. In the Indian Hindu religion, the concept of *varna* and *gotra*, or in the most popular term the concept of caste plays important role in marriage. But in Western culture and other European countries, the concept of caste and *varna* is not so important as in India. In western societies marriage is primarily an agreement based on formulated legal laws. It is legal. In contrast to

Western society, in Indian society marriage has two implications. It is both legal and spiritual. As the influence of spiritualism is hidden in the Indian marriage system, the tie between bride and groom is made possible in most general cases based on *varna* and *gotra* as prescribed in the Shastras.

## **1.2: The Philosophical Purpose and objective of Marriage**

The main contention of this section is to analyze and examine the relationship between **marriage and philosophy**. Alternatively, it can be said wherein lies the relevance of philosophy in marriage? Why does marriage would regard as a contentious issue of philosophy? Why does marriage matter to philosophy? This is the main contention of the thesis. In this regard, we propose to make an East-West comparative study *of the philosophy of marriage*. Elizabeth Brake in his book *Minimizing: Marriage, Morality, and Law* outline the *relevance of marriage and philosophy*. According to the moral philosopher, *marriage raises key issues of the possibilities of interpersonal moral obligations and their bounds* – not to mention the question of good human life. Secular moralists often assume that marriage morally transforms a relationship. However, contemporary philosophers have paid little attention to the question of how such a transformation could be affected. For the political philosopher, the question of how or whether society and the state should organize sex, love, and intimacy is urgent, but recent attention has focused mainly on a set of narrow questions surrounding marriage law. A greater variety of reconfigurations of marriage should be contemplated. However, we cannot overlook the history of philosophical debate over marriage. The philosophical perception of marriage was reflected in **Plato, Bentham, Nietzsche, and Russell**. Plato in his *Republic* talked in favor of **marriage between brother and sister**. In his *Republic*, Plato outlined the marriage laws. According to Plato, we must remember that the communism of wives and children in the Republic connected only the guardian class and the whole of the class. Only the legitimate children of the fittest people are to be reared. The others are to be done away with. Plato also suggests that no one under or over the

age fixed for will not allow to have children. The marriageable age is fixed at **twenty to forty for a woman and twenty-five to forty-five** for a man. In Indian tradition, Manu in *Manusmritie* equally suggests the marginal age of both males and females. Plato strictly suggests that no man or woman within this age limit is to have any unions apart from the official ones. These official unions will take place at special festivals with sacrifices and songs. The number of these marriages that take place in any particular festival is controlled by the archons so that they may regulate the number of births and vary it according to the needs of the state. Finally, to ensure the health of the coming generation, the archons are also to decide what particular people are to be united on each occasion. This is to be secured by a faked ballot so that those who are chosen will blame chance, not the rulers.

What then is the purpose of marriage? In what sense the purpose of marriage is treated as philosophical? The purpose of marriage is the attainment of **superior becoming and procreating of the good progeny of good offspring**. By the term superior becoming, we mean to advance towards all-around progress. Thus the main objective of marriage is to consider how marriage can lead to superior becoming. In this regard, we should think about how the male acquires fitness for marriage, because marriage, without acquiring proper fitness, may bring about deterioration instead of improvement. In Indian ethics, the first stage of life is called *Brahmachāryashram*. It means Ideal centric student life. After that, there comes the stage where a man adopts the life of a shareholder (householder) known as *Grihastha Ashram*. Without concentrating on the Ideal and devoting to culture, nobody is qualified for marriage according to Indian Shastras. In this regard, Sri Thakur said, “If a man marriage without having an Ideal, his marriage kindles a flame of a devastating fire.” Thus according to Indian Shastras, before marriage, a man should have adherence to the Ideal and self-adjustment. If a male is too incline to female, it indicates that he **is not fit to marry**. Females can never be regarded as the male who

has unhealthy sex learning. At this stage, marriage can never be the source of becoming. Thus the very purpose of marriage cannot be fulfilled without concentrating on the *Ideal and culture*. If a man is devoted to the Ideal and if his marriage is compatible, then in such a case he can advance towards *all-round becoming*.

There are various concepts of marriage, such as arranged marriage, child marriage, polygamy, and forced marriage based on cultural tradition. In the past, there was no specific marriage rule. But at present, there are specific marriage rules formulated by respective countries. However, in India marriage is determined by the rules of *shastras* and legal arrangement is a matter of formalities in most general cases. As divorce is recognized by marriage rules, marriage should be legalized. The question of rights is also involved as soon as a particular marriage between a bride and groom is held. In developed democratic countries, there has been a general trend towards ensuring equal rights within marriage for women and also legally recognizing the marriage of interfaith, interracial, and a same-sex couple. This trend coincides with the border human rights movements. It is also important to note here that marriage can be recognized by a state, an organization, a religious authority, a tribal group, a local community. It is often viewed as a contract. When marriage is carried out by a government institution following the marriage laws of the jurisdiction, without religion, it is a civil marriage. Civil marriage recognizes and creates the right and obligation intrinsic true matrimony before the state. When a marriage is performed with the religious content under the auspicious of a religious institution, then it is called a *religious marriage*. Thus there are two important types of marriages such as *civil marriage and religious marriage*. Unlike civil marriage, religious marriage recognizes and creates the right and obligation intrinsic to matrimony before that religion. Religious marriage is known variously as sacramental marriage in Catholicism, Nikah in Islam, Nissuin in Judaism, and various other names in other faith traditions through which one can enter into a valid religious marriage. India

is the hub of religious marriage. The essence of the Indian marriage system is spiritualism. Marriage creates spiritual bondage between two different selves. Besides India, in most of the third world countries, particularly in Islamic countries, religious marriage is dominated.

However, many countries do not recognize locally performed religious marriage on its own. Instead, they require a separate civil marriage for official purposes. Thus in a sense, religious marriage has *internal intrinsic implications* and civil marriage has an *external instrumental implication*. In the civilized world, the propensity for civilized marriage is increased day by day. But a religious country does not follow it. As a result that civil marriage does not exist in some countries governed by a religious legal system. Saudi Arabia is a case in point where a *religious legal system has been approved in marriage*. Countries like Lebanon and Israel introduced a mixed secular-religious legal system in marriage. Thus, it seems to me that marriage usually creates normative and legal obligations between the individuals involved and any offspring they may produce or adopt. Thus the question of rights, obligations, freedom, and responsibility is very much involved with marriage. This is how marriage as a social contract comes under the preview of philosophy. *This is where the relevance of the title of my thesis hinges on*. The concept of right, duty, obligation, freedom, responsibility, and equality are all philosophical and moral concepts each of which is deeply associated with the concept of marriage.

However, the concept of marriage that we have so far mentioned is being changed with every passing day. Even the percentage of marriage in developing countries, particularly in Europe, has been decreased by 30% from the year 1975 to 2005. Historically, in most cultures, married women had few rights of their own. Even in Europe and the United State right from the 19th century to the 21st-century marriage has undergone *gradual legal changes*. In such countries, marriage has been treated as an agreement. These changes included giving wives legal identities of their own, abolishing the right of a husband to physically discipline their wives, giving wives property right liberalizing divorce laws, providing wives with reproductive rights of their own,

and requiring a wife's consent when sexual relations occur. Such changes have occurred primarily in Western countries. Even in the 21<sup>st</sup> century controversies were going on regarding **the legal status of marriage.**

If we go through the history of human marriage, we find that primitive men who lived in tribes hordes were no longer associated with the so-called marriage that we are talking of right now. Primitivemen were engaged with intercourse with all the women, where no individual marriage existed. The children were the common property of the tribe. According to Dr. Post monogamous marriage originally emerged everywhere from pure communism in women, through the intermediate stages of limited communism in women, polyandry, and polygamy. Mr. Lewis H. Morgan, in his '*System of Consanguinities and Affinity of the Human Family*', as suggested no fewer than fifteen normal stages in the evolution of marriage and the family assuming the existence and general prevalence of a series of customs and institutions "which must of necessity have preceded a knowledge of marriage between single pairs, and of the family itself, in the modern sense of the term."<sup>1</sup>

### **1.3: Meaning of Marriage**

To me, the intuition of marriage is the backbone of every society. It is a loving relationship between the husband and wife. The development of this institution is co-related with the development of every civilized society in any part of the world. It is as old as the dawn of civilization. However, the nature and concept of marriage under various personal laws keep on changing with the changes in society and the social order. The general concepts of marriage require the subsistence of the social unit of the family which is the foundation of every society. Marriage is nothing but a tie or relation between male and female based on a compromise and mental confidence to lead a social life together. It is a stable relationship in which a man and woman are socially allowed to have children implying the right to sexual relations. Why do

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<sup>1</sup> Morgan, L. H., "*System of consanguinity and Affinity*", P. 479.

people engage with marriage? In this regard, it can be said that people do not marry because it is their social duty to perpetuate the institution of the family or because the scriptures recommended matrimony or because they have fallen in love with each other, but because they live in a family as children and can get over feeling that being in a family is the only proper way to live in society. This position recalls the Aristotelian view that men are social animals. Marriage is thus the usual fact of most adult persons. In this regard, Bentham said, “Under whatever point of view the institution of marriage is considered, nothing can be more striking than the utility of this noble contact, the tie and society and the basis of civilization, and that to perceive its benefits, it is only necessary to imagine for a moment what men would be without that institution.” Even though the concept of marriage varies from society to society, from culture to culture, from tradition to tradition, but one thing is common that marriage is an exclusive tie or agreement between a male and female under laws, spiritual or civil. It is wrong to suggest that it is held for only sexual engagement; rather marriage is necessary for long and happy association of man and women to constitute an orderly family which contributes to the progress of the society. In this regard, mutual love, affection, and understanding must build the bonds of matrimony and binds them together for a happy harmonious conjugal life. The happiness of a life to a great extent depends not only upon their physical health but only upon the health and well-being of their marital relations. There is no question of doubt that a happy married life is undoubtedly a great *boon and bliss*. History lessons us that, domestic happiness, inner strength, and support of men and women essentially hinges on the relationship of marriage. Thus from time immemorial, marriage has been regarded as the basis of civilization and civilized society of sound morals and domestic affection by different systems of laws. Conjugal happiness essentially hinges on a good marital relationship. Sick marital relations pose a problem not merely for the related spouses, rather they have wider implications. Sick marital relations not only hamper the concerned persons, concerned families, it equally impacts the society and

community at large. Such relations impacted the harmony of the family as well as society. Thus marriage plays an important role in the hierarchy of social institutions. So the stability of marriage is a prerequisite. The stability of marriage is the *sine-qua-non* of every society. In this regard, various pieces of legislation and acts have been passed under different personal laws in India and abroad. In India, there are marriage laws. One has to follow such marriage laws. At the same time, there are marital moralities other than civil marital laws based on faith and spirituality.

It thus seems that marriage is an important social contact made between a male and a female based on marital laws, moral, spiritual, and civil. *A good marriage is good for society and family, but sick marriage is equally bad for family and society in some sense and others.* Thus it is very important to know what are the basic conditions of considering or treating a marriage good or bad. This is where the relevance of morality hinges. The objective of marriage is not only physical gratification and if anybody thinks in this way then it would be treated as mere barbarism. The intention or motive of marriage plays an important role. If marriage is being treated as a mere agreement, then the percentage of divorce would be comparatively higher. It is revealed in Western countries and societies. Thus besides agreement, there must be religious, spiritual, and cultural bonds behind marriage. Without this, the system of marriage would itself be treated like a fragile system.

Thus what is most important is to look at how a stable relationship between a man and a woman is possible. Marriage in the true sense of the term is *a social relationship* in which a man and a woman are socially permitted to have children. Children are the future of the family, community, society, and country at large. Nobody can deny it. The fate of the children hinges on a good marriage. Even in some societies, an unmarried girl will give birth to a child without loss of standing provided that she gets married soon afterward. It is allowed in Western society. It is justified by society that such proof of fertility is necessary before a girl can get a husband. The

report suggests that the surplus of women and economic difficulties in post-war West Germany and West Berlin has brought about a mere liberal attitude towards parenthood without marriage. In India, we cannot imagine it. In Indian spiritualistic tradition, marriage has deep significance, unlike western civilization. In West Germany and West Berlin, an unmarried woman *had a right to have a child*. Thus marriage has a narrow and wider definition and implication. Western society is far more liberal than in Eastern countries. In the western context, it can be said that to have a child, it is a precondition for a woman to engage with civil marriage in the narrower sense of marriage. Alternatively, it can be said that whether every relationship in such a man and woman is permitted to become parents is to be called a marriage depends, of course, upon how narrowly one wishes to define marriage<sup>2</sup>. In our sense, a society may make a distinction between a wife of full status and a combination while permitting both to have children by the husband. Of course, there is no question of doubt that the right to have children implies the right to sexual relations. According to the narrow definition of marriage, two other conditions must be fulfilled, namely, normal cohabitation in the same household, and some degree of economic cooperation. Having said, it is true that relationships with the full complex of rights and obligations exist in all societies. It is virtually true that in every society an adult couple of opposite sexes may live in the same house or co-operate in economic production without having sexual rights in each other. We also observe the opposite.

Edward Westermarck, a leading feminist, defines marriage as a “more or less durable connection between male and female, lasting beyond the mere act of propagation till after the birth of offspring”. Earnest R. Groves defined it as “a public confession and legal registration of an adventure in fellowship”<sup>3</sup>. *Thus there we have different perceptions of marriage. It is not a mere connection between male and female, it is not a mere sexual relationship, but there underlies the*

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<sup>2</sup>see Friedeburg, 1953]

<sup>3</sup> Bhusan V. & Sachdeva D. R., *Introduction to Sociology*, Kitab Mahal Distributors, P. 325.

*commitment, obligation, and responsibility of both male and female.* Professor Vinogradoff observed that “It is not only an institution regulating sexual intercourse and kept by conjugal affection but also an arrangement for bringing up of children and a partnership for economic ends and social co-operation, sometimes, one side and sometimes another predominates”.<sup>4</sup> If we carefully go through the remarks of Professor Vinogradoff, it seems to us that there are some philosophical insights into the definition of marriage. According to Vinogradoff, marriage is not only an institution regulating sexual intercourse, it is also a conjugal affection through which economic and social partnership and co-operations come into being. According to Robert H. Lowie, marriage is nothing but a sort of sanctioned union which goes beyond satisfaction. Marriage helps a lot to lead a family life besides sexual gratification. Some others would say that marriage is an institution since time immemorial and it is almost uniformly regarded as a *sine-qua-non* for upgrading and cherishing *moral and ethical values* in society. It immensely helps the man to lead a disciplined life distinguished from animal life because of its rational sense which is completely foreign in the animal. According to Mrs. Aggrawala, the institution of marriage is one of the neatest tricks of human ingenuity. Mating is the beginning point of family, the foundation of the superstructure of society. As a result of that, it has been deliberately engaged with an aura of religiosity, morality, and a sense of social responsibility. This reflects in what sense marriage is deeply linked with *ethics and philosophy*. The philosophical perspective of marriage essentially has given the dignified label of marriage. It helps to lead a happy conjugal life. In this regard, Aggrawala remarks, “It (marriage) has as a result been deliberately encircled with an aura of religiosity, morality and a sense of social responsibility and given the dignified label of ‘marriage’ accompanied with rules and conditions for attaining and living the label.”<sup>5</sup>

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<sup>4</sup> Vinogradoff P., *Historical Jurisprudence*, vol. 1, P. 169.

<sup>5</sup> Aggrawala, R. K., “Reform of Hindu Matrimonial Law - some slips in studies in the H. M. Act & S. M. Act, P. 71.

*The philosophical relevance of marriage* is also reflected in the writing of Lundberg. According to Lundberg, marriage consists of the rules and regulations which define the rights, duties, and privileges of husband and wife concerning each other. This suggests that the philosophy of marriage links with the social reconstruction of the family in particular and society and community in general. The reconstruction of the family is also reflected in the remarks of Horton and Hunt. According to them, “Marriage is the approved social pattern whereby two or more persons establish a family”.<sup>6</sup> Some others conceive marriage as *a socially sanctioned* union of male and female. In summing up the above remarks of various philosophers and commentators, we can say that the very objective of marriage is to establish a household, entering into sex relations; procreating, and above all providing care for the offspring. In English Law, we have a classical definition of marriage where it is said that marriage is the voluntary union for the life of one man and one woman to the exclusion of the other. If this definition is taken into account, then we have the following essential elements of a marriage, such as that marriage must a voluntary union; it must be for life; the union must be heterosexual, and it must be monogamous. The above definition of marriage may be true if marriage is considered sacramental under English Law. However, after the recognition of divorce, it is not essential that the union must be for life. It can be dissolved during the lifetime of spouses on some specific grounds or in case of a breakdown of a marriage. Having said still we can offer a simple definition of marriage having philosophical implications. In this regard, we can say that marriage is *a union between a male and a female recognized by law*. As the union is given legal or civil recognition, the rights and obligations are basic and are of great importance to the spouses for their marital bliss and happiness.

#### **1.4: Various Types of Marriage**

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<sup>6</sup> Horton P. B. & Hunt C. L., *Sociology*, McGraw-Hill 1980 p. 216.

There are various types of marriage both in Western as well as Indian culture. These are Polyandry, Polygamy, and Monogamy. Let me explain each of these in turn:-

### **Polyandry**

It is a type of marriage having *one wife and many husbands*. It existed in certain parts of the world for a long back. It is a form of marriage where one woman marries more than one man at a given time. It is witnessed in Tribe where the conditions of social life are harsh and as a result that the efforts of two or more men are needed to support a family. Thus in a sense polyandry is a sort of marriage that was prevailing in Tribe mainly for *economic benefit besides social life*. Our social life, in the true sense of the term, cannot survive peacefully without economic solvency. This sort of marriage had been supported by Marquesans of Polynesia and the Todas of Malabar. In Hindu Mythology, we learn that the five brothers called *Pandavas share the same wife*. Draupadi was the wife of Pancha Pandavas. This was a glaring example of polyandry existing in *Mahabharata* of Hindu Mythology. A careful study would reflect that polyandry was also available in some Tribes, such as Namib Bushmen, the Yaruro of Venezuela, the Lengua of Elchaco, the Singhalese, the Mundas, and some ancient tribes of the Malay Peninsula. It thus seems clear to us that polyandry was mainly prevailing in most tribe castes. It is, however, relatively a rare type of marriage. It is generally an improvised adjustment to certain peculiar extreme conditions. Polyandry again may be classified into two types, such as Fraternal Polyandry and Non-Fraternal Polyandry. Fraternal Polyandry is a form of Polyandry where one wife is regarded as the wife of all brothers who have sexual relations with her. Here the children are treated as the offspring of the eldest brother. On the other hand, Non-Fraternal Polyandry is the form of Polyandry where one woman has many husbands with whom she cohabits in turn. These husbands may not be brothers in relation. If a child is born there anyone's husband is chosen its a social parent by a social ritual. Thus it seems to me that polyandry is generally considered an obstacle in the way of social progress. It mostly prevails in Tribe cultures and

communities. It is hard to believe in the age of civilization. It is mostly dominated by Tribe religion, Tribe myths, and superstitions. It causes harm to married life and creates several other psychological problems. It is on this account that polyandry has generally been abolished even in the Tribe community because of the reflection of civilization and education. What I want to say here is that in the twenty-first century it is hard to believe polyandry in civilized society and community.

### **Polygamy**

Polygamy is a type of marriage where *one man has two or more wives*. Polygamy is generally called polygamy but strictly speaking, the latter is a general term including both polyandry and polygamy. Polygamy is found among Eskimo Tribes, crow, and Hidatsa of North American and African Negros. In primitive times it was quite prevalent among the Assyro-Babylonians and the Hebrews. In India, till today we notice polygamy among Muslims and also among Hindus. It is more frequent than polyandry. Polygamy is closely related to the institution of slavery. It is noticed in general that women captured in the war are made his wives and concubines by the captor. Even at times *chieftain or Raja may purchase a dozen women for wives*. It is historically learnt that Nawabs of Oudh in India during Muslim times are said to have a large number of wives. Even at times the number of wives reached several hundred. Thus, it seems ridiculous from a practical point of view that a man has more hundred of wives. Thus, it is almost a notional practice perhaps backed by religion and culture of primitive men. Polygamy is partly based on the lower sex impulses of the male and partly on the desire to leave many descendants. However, over the course of history such myth oriented polygamy was almost banished. It is harmful and on account of its grater harmful effects on family life, polygamy has been declared illegal in the civilized societies. Even though polygamy is still prevailing in India in various communities that has been unrecorded, but the very fact is that Indian Government has been declared polygamy illegal and offensive under Hindu Marriage Act, 1955.

## **Monogamy**

Monogamy is the most recent trend of marriage which is acceptable to all. Monogamous is a type of marriage where *one man marries one woman at a particular time*. This is the leading form of marriage that we accept as a civilized man living in a civilized society. Its advantages are not well recognized. It *produces the highest types of affection and sincere devotion*. Here there is no problem to take care of the children by their parents. The children are well looked after. Both father and mother will give earnest attention to the upbringing of their offspring. Even though it is said that monogamous is causing extra martial relations and exploitation of woman, yet according to Malinowski, “monogamous is, has been, and will remain the only true type of marriage”. It is perhaps to the great advantage of monogamy that the public officers in India have been legally forbidden to practice polygamy. At present in India majority of people engaged with monogamy. It is liberal, rational and based on human prudence.

Now if we compare different types of marriage as cited above, it seems to us that unlike monogamy, the other two types of marriage, such as **Polygamy and Polyandry**, are based on *religious prejudice and religious sanction*. These two types of marriage were prevailing in the past. However, over the course of history with the advent of science and technology such types of marriage are being abolished. However, monogamy is a sort of marriage which is accepted by all. Thus in the true sense of the term understanding marriage is surely associated with monogamy where the relevance of philosophy comes into being.

Having said the concept of marriage is functioning under various laws. Law and society are the two sides of a same coin. They are interdependent and interrelated. Society is guided by laws. However, law keeps on changing with the social change. In our sense the age old institution of marriage is the foundation on which the whole superstructure of civilization and prosperity based. This is how the philosophical relevance of marriage can be justified. Stability in material relationship has pivotal significance in civilized society. Without material relationship the

concept of social reconstruction would be far cry. To me, marriage plays significance role for social construction and reconstruction depend on proper material relationship between male and female.

We are living in a civilized society and therefore the concept and form of marriage must be agreeable with our civilized philosophical perception. In this regard we *cannot ignore socio-economic condition, the ethico-religious values and beliefs of different societies*. Social reconstruction cannot be sustained without socio-economic and socio-religious conditions, and the values of the world. Thus we need awareness about all these issues. We need social awareness among the people, especially the females, about their right, freedom, rights to equality, personal liberty, the stability in marital relationship etc. These cannot be maintained without adopting an extremely rigid attitude and making the marriage an indissoluble. It thus seems that the nature of marriage have undergone many changes with the changes in mental attitude and passing of different personal laws providing for the various matrimonial remedies of divorce, judicial separation.

So far we have outlined various types of marriage and also evaluated these types of marriage from our personal standpoint. Now let us move into the concept of marriage under various personal laws such as Hindu Law, Muslim Law, Christian law, Parse law and Judies law. Let me explain each of these.

### **1.5: Marriage under Hindu Law**

Hindu law accepts ten sacraments. Marriage, according to Hindu ancient law, is the last of the ten sacraments. *Marriage is a tie, but it is a sacred tie*. As a sacred tie, marriage can never be broken according to Hindu law marriage. It is a sort of relation established by birth to birth. According to Smritikars, even human death cannot be broken the relationship of marriage between husband and wife. Unlike Western marriage, Hindu marriage is not only sacred and religious, but is a holy union. As a result of that, once marriage is created, it is created as a sacred

tie and cannot be united. It is not a mere contract. “The institution of marriage is a sacrament and not a mere socio-legal contract.<sup>7</sup>” The objective of marriage was to perform religious duties and to get progeny by a man and a woman. A man is incomplete without the woman. Thus marriage bears the concept of oneness which is expressed by an edge. A woman is half of her husband (*Ardhangini*) and completes him. As marriage is an integral part of life, every Hindu male and female had to marry. When a person could not remain a perpetual celibate where he did not desire to be an ascetic (*Sanyasin*), he was enjoined by the Shastras to marry. A girl might choose a husband and for herself and marry, but in the changing conditions of life, marriage become optional for both, a male and female.

What we intend to say here is that since marriage is sacramental, it is a process of religious and ethical resolution. That means in case of marriage, we cannot ignore the religious and ethical aspects of marriage. Marriage thus develops into a religious sacrament in Hindu law. Marriage is also regarded as a *sanskar* or sacrament. The sacramental aspect of Hindu marriage implies the following elements:

According to shastras, Hindu marriage was obligatory. It is obligatory for begetting a son in order to discharge the ancestor’s debt and for performance of religious and spiritual duties. In this sense wife was not only regarded as *patni*, but *Dharmapatni*. According to *Satpatha Brahmana*, “The wife is the very half of the husband.<sup>8</sup>” If it would be the case then we can say that man is only half but not complete until his marriage along with idealized picture of wife, the Hindu sages hold in clear term that husband is “the Lord and master of his wife. Accordingly, he must be adored and obeyed even if devoid of all virtues<sup>9</sup>”. According to shastras, *the husband should be worshiped like a God even though he is a man of bad character having no good virtues or good qualities*. The ideals of *Pativratya* are a case in point. It is the only duty of the wife and

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<sup>7</sup> Gopal Krishna vs Mithilesh Kumari, AIR 1979 All. 316.

<sup>8</sup> Satpatha Brahmana, V. 16.10.

<sup>9</sup> Paras Divan: Indian Personal Law-1, Law of Marriage and divorce p. 14.

purpose of the wife in her life. A river merging itself in the ocean loses its identity, likewise a wife was supposed to merge her individuality with that of her husband. In Hindu marriage law, the remarriages of either widow or divorce woman was not approved by the Smritikaras<sup>10</sup>.

Keeping sacramental nature of marriage in mind, it was also considered to be indissoluble. However, it was only in exceptional cases, the Sages allowed a woman to abandon her husband and take another. In this regard Manu declared mutual fidelity till death as the essence of Dharma for the husband and wife. According to Manu, man and women are united in marriage. They constantly exert themselves that they may be disunited and may not violate their mutual fidelity. According to Manu, a good wife desires of living in this as well as the next world with her husband. According to Hindu shastras, there is a life after death. Therefore, the tie between the husband and wife would be an eternal tie. Accordingly, they never do anything that would displease him, either alive or death. According to shastras, divorce was considered to be a *toboo*. The Shastric Hindu law did not prove for either divorce or judicial separation in the strict sense. Customary divorce was only an exception but not rule.

The significance of Hindu marriage is not external but something internal. It was valid not only during lifetime of spouses but also in lives to come. The significance of marriage as per Hindu Law marriage was *not only the meeting point of the body but also the meeting point of the soul*. In this sense we can say that Hindu Law marriage has both internal and external significance. As there is internal and everlasting, eternal significance of marriage, widow marriage as a rule was not considered in Hindu Law marriage. It is mainly for the fact that the ideal was that a widow who remains chaste reaches haven after her death even though she has no son. A widow becomes unfaithful to her husband has no claim to his property not even for maintenance, she even be

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<sup>10</sup> Manushriti, v. 147-654.

excommunicated. The widow remarriage was inconceivable in *Dharmashastric Law*. It is said that “a widow remarriage has always been taboo in India, especially among higher castes.”<sup>11</sup>

As the Hindu marriage was considered sacramental union, for its solemnization, the essential religious ceremonies were performed. Marriage could not be solemnized without the performance of sacred rites and ceremonies. The details of these marriage ceremonies are given in *Grihasutras*. The main rites are home or offerings to the holy fire, *panigrahna* or taking the hand of the bride and *sapt padi*. The Bride and bridegroom takes seven joint stapes round the holy fire. This is followed by the addresses by the bridegroom to the bride and certain prayers. However, on the completion of the prayer, the bridegroom joins hand with the bride and says to her, “Give the heart to my religious duties, may they mind follow mine. Be thou consentient to my speeches. May *Brihaspati* unite thee into me.”<sup>12</sup> This is the genesis of Hindu Law marriage.

The Madras High Court after noting the original traits in Hindu Law observed the importance of these ceremonies as under: “Religious rites and the ceremonies that create the indissoluble tie between the husband and wife, that these ceremonies are essential for all forms of marriage among Hindus that it should not be to the will of some people to alter the forms of marriage preserved by the shastras or by custom”. This clearly reflects that the religious rites influence a lot to marriage law of Madras High Court. In the case of marriage, particularly in India, we cannot avoid religious sanctions and rites even at the age of twenty first centuries.

So far we have explained and examined various concepts of marriage and its religious implications. It gives us sufficient clues to describe the marriage in general. But still we have to understand in proper of Hindu marriage systems which is not to be found in other places. Hindu marriage can be defined as to fulfil the goals of religion, citizenship and a conjugal life. It is a sort of holy alliance between a man and a woman. It is approved by traditions. It is performed

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<sup>11</sup> Singh Soren Gurdev, “Law & Population” Indian Journal of Legal Studies.

<sup>12</sup> Paras Divan, Modern Hindu Law, p. 87-88.

with regard to religious rites. It is called Hindu marriage where religious rights play important role to make the tie between a man and a woman. In this sense it can be said that Hindu Marriage is nothing but a religious sacrament. It is not at all social and legal compromise like western marriage. Western marriage is purely a contract based on marriage law and in the case of western marriage there is no bar of divorce or separation. Hindu marriage is based on religious ceremony because in Hindu marriage no records are to be mentioned or maintained. It is purely based on *religious sacraments or religious rites* which are customary and purely cultural backed up by religious principles. The importance of religious ceremony can be signified from the fact that all religious books emphasis their importance in the life of a being right from his birth to death.

Hindu ethics is all about of purification of life. Purification of life is made possible through religious practices. Marriage is one of the event through which purification of life is made possible. Marriage ceremony is an important sacrament. By this sacrament, a couple is granted permeation to enter the *Grihastha Ashrama*. *Grihastha Ashrama* is the basis of the *ashrama* scheme. Marriage is the foundation of *Grihastha Ashrama*. Procreation is necessary to pay one's debt (*rna*) towards parents as well as ancestors *Grihashta Ashrama* of the family. From this point of view, Hindu marriage has played a very important role without which a man cannot advance towards the attainment of *Moksha*. *This is where the significance of philosophy of marriage actually hinges on*. The basic objective of Indian Philosophy is to attain liberation and *Moksha*. This is the end of human journey. All contemporary thinkers like, Radhakrishnan, Vivekananda, Iqbal, Krishnamurti, Tagore, Aurobindo were craving for universal salvation or *Jivanmukti* by developing various philosophical theories. In Advaita Vedanta to have the sense of *Nirguna Brahma* beside *Saguna Brahman* is the ultimate end of philosophy. What we have seen so far is that without marriage, according to Hindu Marriage Law, universal salvation or the knowledge of Brahman is not possible. This is where the significance of the philosophy of marriage actually hinges on. According to Hindu Shastras, there are four different *ashramas* or the periods of life,

such as, *Brahmacharya*, *Grihastha*, *Banprastha* and *Sanyas*. These are in historical order. Human life begins with *Brahmacharya*. During this period of time, a man spends his time in *Gurugriha* and can learn the principle of leading a harmonious life. Then a man enters into *Grihasthaashrama*, where he can marry a girl. Without *Grihastha Ashram* man cannot move into higher *ashramas* or periods of his life. In the *Grihastha Ashrama* a man engages with marriage and produce children. After that they can bestow upon all his family responsibility to his children and enter into *Banprastha*. After *Banprastha* he eventually enters into *sanyasa*. It is the last destination where a man can get liberation or *Jibanamukti*. It is a stage where he can merge with *Nirguna Brahman*. It is a stage where he can act desireless action or *Niskamkarma*. This is the ultimate objective of human life where a man can have the knowledge of *Brahman*. This is the stage where a *Sanyashi* can evaluate and justify the *meaning of life*; can reveal the value of the world in the real sense of the term. This clearly indicates the philosophical significance of marriage according to Hindu shastras.

Thus it seems to us that Hindu marriage actually opens up the path or gate of *Grihastha Ashrama*. To enter in this new life, some religious duties and rituals are to be performed. At every level holy Lord (God) is regarded as wishers to each of the deeds. Therefore, we can say that Hindu marriage is to be called as a *religious sacrament*. If we go through the history of Hindu marriage right from ancient to modern times, we find some modification over the course of history. The description of different forms of marriage was mentioned in the *Manu*, *Narad*, *Yajavalkya*. According to ancient marriage history, there are eight different forms of marriage which were prevalent in the societies of ancient times. These are as follows:

- i) Brahma Marriage
- ii) Daiva Marriage
- iii) Arsha Marriage
- iv) Prajapatya Marriage

- v) Asura marriage
- vi) Gandharva Marriage
- vii) Raksha Marriage
- viii) Pichachi Marriage.

Let us explain in brief each of these in turn:

- i) Brahma Marriage

The first one is called *Brahma Marriage*. Its primary objective is directed to the attachment of Brahma or God i.e., salvation through the performance of householder's duties. In this form of marriage, the father of the girl searches for a boy who is scholar, able and possesses a high moral character. Here the father invites him to his house by performing religious rituals presents his daughter to that person. According to *shastras* there are three main factors of this marriage:

- 1) Consent of mother-father,
- 2) Marriage sacrament,
- 3) Abstinence from dowry.

It is further described in Manushriti that the father has to give daughter as a gift only with a piece of clothe as establishment. This marriage is regarded as the most ideal form of marriage according to Manusmriti. This form of marriage is mainly based on spiritual rituals. In this regard Manu says, "The gift of a marriageable daughter with suitable dowries is made to be learned man of good conduct whom the father or guardian invites."<sup>13</sup> Here the union of *Siva* and *Parvati* is cited as the perfect example of *Brahma* Marriage. It shows that the bride herself underwent severe penances in order to secure the affection companionship of the learned God. The instance of *Arundhati* and *Vasistha* also indicate a mutual desire of the bride and the groom for an intellectual companionship in addition to partnership of house-holder's duties. It is there for considered as an ideal form for all. Thus Brahma marriage, according to *shastras*, is the ideal

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<sup>13</sup> Manushruti 3/27.

marriage through which one can lead a happy conjugal life according to *shastras* and the future Progeny will get the essence of good human qualities from the essence of his or her parents.

ii) Daiva Marriage

The next *daiva* or divine form of marriage is recognized in *shastras*. It is a form of marriage where the gift of a daughter is made to a priest who duly officiates in a sacrifice during its performance. In this marriage, the father of daughter performs an elaborate *Yana* and various eligible bachelor scholars are invited. Here daughter is overstated with muslin and Jewellery and makes an appearance. Here the scholar, who establishes his supremacy, gets that girl. If we look back on our *shastras*, we find many illustrative instances of these types of marriages. In *Ramayana* a condition was given to *Ram* before the arrangement of marriage to *Sita*. Here princes of various states were invited by *Dhakaraj*, the father of *Sita*, to lift the arrow. He declared that he would give marry to *Sita* to any prince who can be left the arrow in front of the gathering. Here it was *Ram* alone who had lifted the arrow and eventually *Dhakaraj* marry *Sita* to *Ram*. A very similar instance we find in *Mahabharata* as well where a criterion was set up by *Krishna* to marry his sister to whom he can accurately hit the eye of a moving fish from a considerable distance. This criterion was fixed by *Krishna* to marry his sister *Draupadi* to anybody who can overcome the test set by *Krishna*. *Arjuna* succeeded it and eventually married *Draupadi*. Thus *Daiva* marriage was prevailing in the ancient period. It is said that “With the end of the era of *Daiva-Pooja*, *Daiva* marriage also lost its importance.”<sup>14</sup> Here the competent priest of ancient times was considered the most promising man of the society having proved his attainments and character by the successful performance of his priestly duties. It was regarded as the most novel and lucrative profession in ancient societies. Such a groom should be the choice of the bride. Such union promises intellectual championship, economic freedom, and aristocratic social status. This may be illustrated by the marriage of *Cyavana* and *Ricika* and *Indra* and

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<sup>14</sup> Mr. A. S. Altekar.

*Indrani*. The later instance will show its royal character according to Manu. Thus, unlike the *Brahma* marriage, *Daiva* or Divine marriage has actually portrayed the novelty of the royal character of the parents of the bridegroom.

iii) *Arsa* Marriage

*Arsa* marriage is the form of marriage where the father of the girl gets a cow or ox or two cows and oxen from the boy and presents him his daughter as a gift. It is just like an exchange system that we use and practice in our day-to-day life. Some commentators believe that this type of marriage is like a purchasing system that was prevailing among tribes. But in this marriage, in the name of purchasing, a little is taken that it would much better to say that the marriage essentially symbolizes the fact that the man has chosen to enter into *Grihasta Ashrama*. Thus the term *Arsa* or sagely form derives its significance from *Rsi* (Sage) who is usually reluctant to undertake the responsibilities of wedlock and wants to remain free to follow his intellectual pursuit. According to *shastras*, here he is respected for his brainpower and character and is expected to beget *intellectual children who are an asset to society*<sup>15</sup>. Thus both the bride as well as her parents desires to have such a bridegroom. The decision of such a groom to enter into the matrimonial commotion is implied by the condition of this form.

Here the parents of the bride under consideration give away their daughter to sage after receiving from the bridegroom, for the fulfillment of the sacred law, a cow and a bull or two pairs. Thus it seems clear that the cattle given by the groom are not the sale-price of the bride. The significance of it essentially lies elsewhere. It merely indicates that the sage groom has decided to live a householder's life and earn his livelihood by agricultural pursuits. Thus the concern of security was very much present at that time. The cattle given to the bride's parents serve both as security and surety even no children were born of such union, the sage temper and conjugal championship are ensured. For example, the marriage of the sage *Āgastya* with *Lopāmudra* may

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<sup>15</sup> Rg Vedic Culture, Abinas Ch. Das.

be cited above as an illustration of *Arsa* marriage. This is an ordinary middle-class marriage and has no spiritual bias in it.

#### (iv) Prajapatya Marriage

The fourth recommended form of marriage is known as *Prajapatya Marriage*. Like Brahma marriage, it is also a very simple form of marriage. In this marriage, no religious ceremony is performed. Here both the bride and groom are preached *Yanasala* to practice religion and lead a life by learning children. This form of marriage is significantly called *Manusha*(human) or *Prajapatyo* which necessarily aims of children (Prajā). In contrast to spiritual, divine, and sagely forms, this is the ordinary human union of man and woman solemnized with the express junction- “May both of you perform together with your duties”. Thus its main purpose is indicated by its little of *prajapatya* which implies that the husband and wife should unite to give birth to children. There is an instinctive desire for sexes the fulfillment of which is emphasized by this term. It also reveals the fundamental nature of Hindu and their marriages viz., a wife is to be secured to beget a son (or a daughter) to perpetuate the householder's duties of offering obligations to the manes, feeding the dependent guests and the needy beings, and thereby maintains the society and its institution<sup>16</sup>.

According to *shastras*, these four forms of marriage are stated to be normal and commendable ones. The children of these four forms are stated to endow with the qualities of beauty and goodness, possessing wealth and fame, obtaining as many enjoyments as they desire, and being most righteous will live hundred years.” Thus according to *shastras*, laudable marriages are to be judged not only by personal comfort, convenience, and happiness of the husband and wife but also by the proved. According to *shastras*, the remaining of the four types of marriage, which are yet to be discussed, are the special forms allowed but not performed owing to special circumstances and human weakness. The object was to keep up the social order, social

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<sup>16</sup> Manu Smruti 3/30.

discipline, and social equilibrium. However, the children of their blamable marriage are stated to be cruel and speakers of untruth who had the Veda and the sacred law.

(vi) *Asura* Marriage

The fifth form of marriage is known as *Asura* Marriage. It is not *a divine marriage*. It is an undivine marriage. It is a kind of marriage where the boy gets the girl by payments of some money to the father of the girl, or in other words, the parents of the bride used to accept money in exchange for their daughter. It is a form of girl purchasing. This type of marriage is primarily confined within the lower caste of the Hindus. Such marriage is quite common in the lower caste of Hindus. Here a bridegroom receives a grown-up maiden offer having afforded to the kinsman and the bride herself.

vi) *Gandharva* Marriage

The sixth form of marriage is known as *Gandharva* Marriage. *Gandharva* means **love or romance**. Thus the *Gandharva* is the love or romance form of marriage. It is the voluntary union of the maiden and her lover like the *Gandharvas* who indulges in sexual connection whenever they fall in love. It is the marriage that we denote in today's life as '**love marriage**'. The present generation is a generation of love marriage where the boy and the girl without any religious sacrament start conjugation and start living together irrespective of caste and creed. As love and romance are the main contentions of such marriage, it is, therefore, called *Gandharva* Marriage. In such a marriage the boy and girl have the patience to wait for the sanction of society. Sexual intercourse which is its only purpose takes place before any rites are observed. It is, however, recognized by society after the usual rites are performed to maintain sexual purity, social peace, and individual harmony. The marriage of *Sakuntala* and *Dusyanta* may be cited as an illustration of *Gandharva* Marriage. In *KamaSutra* this type of marriage has been recognized to be an ideal

type of marriage. ‘The nomenclature of this form of marriage is after the Gandharvas among whom this type of marriage was prevalent.’<sup>17</sup>

#### vii) Raksasa Marriage

The seventh form of marriage is known as *Raksasa* Marriage. It is a form of marriage where the Raksasa or heroic form implies the forcible abduction of a maiden from her home. It is a form of marriage where the maiden cries out and weeps after her kinsman has been slain. It is learned that to marry a girl who has been won in a battle or has been sacked by force is called *Raksasa* Marriage. Precisely speaking, this form of marriage symbolizes ultimate victory in a battle. This marriage is alternatively known as *Kshatriya* marriage because only Kshatriyas in particular indulge in battles. It is also important to note that this form of marriage was of a degenerated type and it was prevalent in the age when women were considered as the prize of a man. The brides were taken forcibly by the invading bridegrooms after killing or wounding her relatives. It is just like a kind of abduction of females. Here the society recognized this high-handedness to offer facilities to a hero to accept the abducted maiden as his lawfully married wife after going through the usual ceremonies. This form is illustrated by the abduction of *Subhodra* by *Arjuna* and of *Rukmani* by *Krisna*. These marriages proved happy and successful. It deserves philosophical significance to restore a happy conjugal life. It is called a *heroic form of marriage*. This is perhaps the reason for the continuance of its formal character in the modern marriage procession of the bridegroom which in some places looks like a military expedition composed of dummy forces and martial music.

#### (vii) *Pisacha* Marriage

The last form of marriage in hierarchal order is known as *Pishacha* or devilish form of marriage. This was the worst form of marriage in which a man entered into a sexual relationship when the woman was sleeping, drunk, or even unconscious. These acts were regularized after the marriage

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<sup>17</sup> According to ‘Taittiriya Sanhita’.

ceremony which took place only after the couple has established a sexual relationship. The union of *Usa* and *Pradyumna* may be cited as an illustration of this kind of marriage. This and *Asura* (undivine) forms of marriage were considered unlawful even in *Manusmriti*.

These eight forms of marriage as cited and discussed above, display various principles. According to *shastras*, *the first four forms of marriages are commendable* forms where parents made alliances but they imply mutual consent. Having said, all forms of marriage have been accepted by the Shastrakar for the *welfare of society*. The ultimate objective of marriage is nothing but the *welfare of society* according to Shastrakars. *This is where the significance of the philosophy of marriage is actually based on*. The term welfare of society has multidimensional philosophical implications. It has religious, aesthetics, axiological, economical, socio-political implications. Thus in a sense, the welfare of society has broad philosophical and social implications. However, as these eight forms of marriage are orderly constructed, one form of marriage is considerably good compare to other forms of marriage according to Shastrakars. In this regard, all forms of marriage are divided into two types based on merit. The first four kinds of marriage are more acceptable than the last four types of marriage. Having said, these eight forms of marriages are the result of an intellectual understanding of our *Rishis* and *Munis*. All these forms of marriage discussed above were guided and recommended by our Shashtrakaras from religious and spiritual perspectives. But in modern times we have a different perception of marriages that we will discuss in other sequels.

#### **1.6: Svarna and a savanna marriage**

It is important to note here that all these eight types of marriages so far discussed above are held within the same caste or *varna*. In this sense, each of these marriages is held only within *savanna* (caste). According to *shastras*, any marriage held in the *savanna* is acceptable. But *shastras* strictly prohibited marriage within *asavanna* or inter-caste of a certain kind. In this regard their

developed various concepts of marriage in Indian shastras, some of which would be acceptable within savannas. In this regard, shastras introduce the marriage of Anulom and Protilom.

### **1.7: Marriage under Muslim Law**

In Islam, marriage is alternatively known as Nikah. In pre-Islamic Arabia, the term Nikah actually means different from the sexual relationship between a man and a woman. In pre-Islamic days, women were treated as chattels. They were not given any rights of inheritance. They were absolutely different. This was indeed anarchy rested on women. Prophet Mahmood first brought a complete reformation of Nikah. Mahmood took initiative to bring a radical change in the position of women. Under Muslim law, marriage is considered civil conduct. After marriage women do not lose their individuality. She enjoys a distinct member of the community. The existence of the personality of woman helps her to lead an individual life. The contract of marriage gives no power to anyone over her person, her property beyond what the law defines.

What then the definition of marriage in Muslim law. The Arabic word nikah literally means *the union of sexes*. In law, this term means ‘marriage’. In Baillie’s Digest, marriage has been defined to be a contract to legalize sexual intercourse, the procreation of children. In Hedaya, marriage is defined as, “nikah in its primitive sense, means carnal conjunction. Some have said that it signified conjunction generally. In the language of the law, it implies a particular contract used for the purpose of legalizing generation<sup>18</sup>.” Ashabali says, “Marriage is a contract underline a permanent relationship based on mutual consent on the part of a man and a woman.” Dr. Jang believes that “Marriage through essentially a contract is also a devotional act; its objects are rights of enjoyment and procreation of children (progeny) and regulating of social life in the interest of society.” The prophet reported having said, “Marriage is my Sunnah and those who do not follow this way of life are not my followers.” And he then says that “there is no mockery in

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<sup>18</sup> Ahman A., Mohammedan Law, P. 107.

Islam.<sup>19</sup>” Thus careful study would reflect that marriage under Muslim law is always similar to the marriage in Christen Law where St. Pale's concept of marriage reflects the same. Many would say that Nikah under Muslim Law is a religious ceremony. Thus marriage in the Islamic system neither being comprehended nor sufficiently appraise by outsiders. Marriage is recognized in Islam as the basis of society. According to Islam, marriage functions as a social construction. Marriage is essential for social construction and social reconstruction. It has two implications, first, it is a contract, and second, it is also a sacred covenant. Thus, in a sense marriage leads to the uplift of man for the continuance of the human race. Further, it is said that Nikah in the word is an act of worship. It preserves mankind in generally free from pollution. This is how Muslim Law justifies the relevance of marriage and the philosophy of marriage. According to Prophet Mahmood, “Marriage among Mohammedan is not a sacrament, but purely a civil contract.<sup>20</sup>” In this sense, the marriage prophet Mahmood is somehow different from Indian marriage Law. In Indian shastras, the relevance of sacrament in marriage has given pivotal importance. Some would say that marriage brings about a relationship based on a permanent contract for intercourse and procreation of children between and a man and a woman. Thus as far as the nature of Muslim marriage is concerned; there we find a divergence of opinions concerning the nature of Muslim marriage. Some jurists believe that Muslim marriage is purely a civil contract where others held that it is a religious sacrament in nature. We have already seen that prophet Mahmood in this regard denies the former and accepts the latter.

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<sup>19</sup> Dr. Jung, M. U. S., Dissertation on the Development of Muslim Law in British India, P. 32.

<sup>20</sup> Hedaya 32 balli, 1, 10, 16, 18, II, I.

## Second Chapter

### The Essence of Hindu Marriage

#### 2.1: Prelude

In this sequel, we will discuss in great detail the philosophy of Hindu marriage past and present. Here we will discuss the past philosophy of marriage first and then gradually we will discuss the present philosophy of marriage according to Indian *shastras*.

According to Indian *shastras*, marriage is one of the most important institutional expressions of sex in mankind. Undoubtedly, *sex instinct in man is a powerful biological impulse* that has played a dominant role in the evolution of human culture in the matrix of society. Within marriage, various other inter-related issues, such as psychic phenomena, ethical values, and spiritual ideals are linked with it. Thus, marriage is not a social event directed towards sexual intercourse; rather *it has philosophical implications where ethical values and spiritual ideals are taken into account from a philosophical perspective. It is also related to human personality and social life.*

Human civilization is compromised by man's social endeavors with his animal instincts. The system of marriage as a part of such compromise takes to various forms with the various peoples. In a society where people often resort to mobile life, social responsibilities do not arise. Mutual dependence and mutual help are a far cry in social life. They are only optional. In India, particularly in ancient India, the picture was completely different. Here people are bent upon violating the animal instincts most and thus social formalities take to utmost rigidity. It is important to note here that Indian society in the past was possibly *nomadic*. Gradually, it becomes rural which ultimately gave place to an urban one governed by *Kulapati* and others. At first, cattle were their economic asset and cattle-rearing was their chief mode of living. Ultimately this was substituted by a socially governed by kings or lords of man. Corn-fields appeared in place of wood. Cattle-rearing gave way to agriculture. The lifting of cattle which

was the reason for war in the Vedas was substituted with the kidnapping of *Sita*. *Ramchandra* who has symbolized the heroism involved in preserving agriculture becomes the idol of worship. The episode that upheld the glory of agricultural life addressed itself as an acclamation of household life in the form of the *Ramayana*. Gradually agriculture binds man to the earth. It puts a check on the mobile nature of man. It gets fixed to the stationary life. With the help of many, food is produced to be shared by many. In this way, people get together. It gave rise to certain human sentiments and values. In this process, men learned the value of sacrifice for each other. To help others was the religion of ancient India.

In the subsequent period with the spread of *kshatriya* as rule and extension of human localities, communal rivalry gave way to peace. The ultimate union of the Aryans *vanaras* and *Raksasas* found an honorable place in the episode of *Ramayana*. Here victory of peace proclaimed the victory of salvation. Self-interests got submerged in the attainment of the spiritual goal. Sacrifice one's own self for the interest of many becomes the religion of India. Thus, the basis of such society therefore could not be the individual. It was the home- a dynamic unit of association. It is a home not for the enjoyment of material pleasure but for the cultivation of ethico-religious duties. It is needed for the sake of attaining salvation. It equally recognized the rights of others. Here home was extended even to people beyond the relation of blood. There emerged the supreme human value of bliss. In the *Ramayana*, therefore, we find the exaltation of a hero who symbolized himself the glory of such a home. Thus, a self-sacrificing character for the preservation of relation between the father and the son, the brother and the brother, the husband and the wife, the ruler and the ruled, the master and the servant, and the like had been developed. Preservation of truth becomes a part of human nature. In ancient India, the promise was kept. A promise can never be violated. To honor a promise, therefore, took to the form of religion also with non-violence and non-stealing even if it led to unfold miseries and sufferings. If one's home is for one's own self, then taking to the household order of life should be optional. In ancient

India 'home' was not for oneself. Thus the home is supposed to be the indispensable constituent of society. It was an ocean where other rivers of social organization were merged. In a society where one's home is meant for oneself, the economic asset of such a home is also personal. It, therefore, gives no pleasure to others. It leads to mutual rivalry. According to Indian *shastras*, such greed for wealth surpasses the boundaries of social ethics. It creates differences between the individual man and the universal man. Our contemporary thinkers like Vivekananda, Tagore, Gandhi, etc. are voicing in favor of a universal man instead of an individual man. According to Indian *shastras*, extreme greed for wealth was taken to mean dishonor to *the spirit of man*. As a result of that, a householder was duty-bound to perform a certain social obligation and make good use of wealth. The household life was to pervade the rightful benefits to the man in general. Now to understand the Indian attitude to marriage, one has to cognize the spirit of the society which has its roots in the household order of life. Indian society, therefore, has established its demand on the curtailment of personal desire especially in matters of marriage. It had no emphasis on the desire of the individuals. Hindu society was surrounded by heterogeneous people all around. It had to face the customs them. To preserve the essence of its own, Hindu society was too conscious of its own existence as distinct from others. As a result of that, Hindu society in the past had sanctioned food, clothing, and the like. According to ancient Hindu *shastras*, Marriage is the root of household life. Thus our society is aimed at maintaining the integrity of the culture of each community. Eugenics, therefore, found a place of honor in the system of marriage. We must also remember that Hindu society underwent a series of social evolution. It had to mold itself to get fitted in with the changed conditions of society. The *shastras*, therefore, had to accede to the various forms of marriage which they did not approve of. The forms of marriage where the element of the individual test and instinctive desires were the main considerations regarded as '*adharmya*' marriage. Accordingly, the *Raksasa*, *Paisaca*, *Asura*, and *Gandgarva* forms of marriage, therefore, were looked down upon by the *Sastrakaras*.

We have seen that the Gāndharva form of marriage stayed on with the *Kshatriyas*. The *Kṣhatriyas* was a dynamic race and they sought to revolt against any stationary household life. However, if we refer to Kālidāsa we find that the significance of marriage lies somewhere else. Kālidāsa was in favor of preserving the social ethics involved in the concept of eugenics and decried love-marriage as practiced by the *Kṣhatriyas*. It is, however, not intended to mean that Kālidāsa as a poet was in anyway less charmed at the beauty held out by men and women in the sports of love from the perspective of the sportive spirit of nature. Thus, there was a confirmation within Kālidāsa between the *elements of love in the human heart* and the *element of ethics in human society*. In fact, in the *Sākuntalā*, the poet did not fail to acknowledge the poetic beauty in the natural state of forgetfulness that king Dusymanta and Sakuntalā indulged in. Sakuntalā failed to honor a dignified guest-a duty entrusted to her hermit father. Sakuntalā violated the code of Āsrama-conduct. In the end, Sakuntalā appears as a mother undergoing the penance of chastity and Dushyant a penitent lover pining the loss of Sakuntalā, the promising mother of his future offspring. Here the poet kālidāsa demonstrates the culmination of human love in which the union is purged of its material associations. The physical aspect involved in maternity and the rearing of children is common to both men and other animals. But it is devoid of the beauty of the human agency involved in the power of creation. It only demonstrates the victory of *the will of nature*. It is only when the human mother takes to penances for her future offspring. It is a sort of biological fact that is eventually be transformed into the *power of creation*. According to ancient India, the beauty of such penances is involved in begetting heroic progeny. Poet Kālidasa in his *Kumāra-sambhava* has displayed the glory of penance that establishes itself upon the traces of desires for the birth of kumāra.

It thus seems that begetting good progeny is the sole aim of marriage. This is very similar to the perception of Sri Thakur Anukul Chandra. In this regard Thakur says,

*“Good progeny and upliftment*

*Are marriage's basic stay;  
Don't make the mistake of marrying  
In a haphazard way.*

(Anushruti, Vol-I)

The chief emphasis is on the elimination of desire. The problem is that if elimination of desire, i.e., sexual desire, is prescribed, then where is the scope of love between the husband and the wife? If desires are to be the only elements in the formation of love between them, then how can there be any scope of perpetual love or permanent love? According to *shastras*, desires are flexible by nature. Thus, if desires in marriage have enough scope then there cannot be any permanent love at all. Love marriage is a case in point. Love marriage is primarily is a sort of marriage based on mere desires. As a result, marriage is generally based on desires, and love marriage, in particular, holds no guarantee of permanent love or perpetual love. According to *shastras*, it is just “plunging into the deep sea of uncertainty.”<sup>21</sup> Thus in a sense, improper marriage in the real sense of the term brings uncertainty in human life. Accordingly, Indian *shastras* deny any claim of desire in matters of marriage. According to *shastras*, desire is blind. It cannot foresee bliss. Following Hume, we can say human desire is nothing but human passion, sentiments, and human feelings and emotions where the role of rationality is minimized. Thus *shastras* prescribes that marriage was sought to be performed at an age when the husband and the wife were not mature enough to be obsessed with desires. According to *shastras* that in matters of love within wedlock creates much burden on the wife. She has to abide by the vow of chastity and remain faithful to her husband. The husband, on the contrary, is comparatively free than his wife. Even he could resort to a second marriage on occasions. Thus it is generally alleged that under care was taken to establish the social value of love between the husband and the wife above the natural love between a man and a woman.

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<sup>21</sup>*Human Marriage- Past and Present* by Dr K. N. Chatterjee.

It should be kept in mind that women are by nature more emotional than men. A woman is very close to nature. As a result, by nature, women's love within wedlock is more natural than a man's. Thus the integrity of the character of a woman actually serves the purpose as a hole in this context. From the philosophical perspective of marriage, we can say that a husband to an Indian woman is not an individual. He is an *idea*. Thus a woman surrenders not to the husband, but *an idea*. The flame of her ideal love illuminates his heart too.

## **2.2: Two virtues of man**

According to *shastras*, our society is marked by the confluence of two virtues of man. These are *the virtue of propagation of his species* and *the virtue of the creation of his culture* as a social entity. The former is the perpetuation of his *life-force* and the latter is the flow of his *mental activity*. Interestingly, according to *shastras*, both man and woman have given their usual share to the achievement of both. In matters of propagation, the responsibility of man was secondary at their beginning. Here women played a very important role in giving a concrete shape to the desires of man. Here she undergoes a long period of labor and conception. Nature wants to undergo the hardship involved in creation. When the woman was bound by the matters of creation, the man was free to indulge in his efforts to create art, literature, dance, music, and the like. He made himself inevitable and established his glory and power of position in the matrix of society. However, the reality is that man's creation would not achieve success without the company and contribution of women. According to *shastras* woman inspires the spirit of mental creation in man. A woman has two different facts of existence, such as *that of the mother* and *that of the beloved*. Being a mother, she is begetting a heroic progeny, and being a beloved, she endows the mind of man with the gift of 'intellectual beauty'.<sup>22</sup> This aspect of woman has not manifested itself so far to man. She is still treated as equivalent to property. Marriage, therefore, is still more or less the same primitive means to pass the booty of a man. Thus it would be better

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<sup>22</sup> *Ibide*, p. 15.

if they realized that they might bring about a high stage of civilization by cultivating their womanly virtues. Although in India household's life was much spoken of, but it was not the final goal of life. The Indian mind sought salvation for the attainment of which one had to undergo the various stages of life. The home was only a stage in the scheme of soul's onwards merging to salvation. Marriage is thus a typical human social institution representing a high watermark of human evolution. It had to have social sanction behind it. Thus marriage could not be regarded as a mere sex relation. Marriage is therefore a relation of one man or more with one woman or more, involving certain rights and duties on the part of both parties. They must indulge in a constant endeavor to maintain harmony and constancy in love and life. It involves the right to co-ordinated sex-life following '*dharma*' or the socio-ethical principles of life. This concept of mutual rights and duties might have given the right to the concept or *Ardhāṅginī* with the Hindus. It is through this kind of alliance that man becomes complete in himself. Thus according to Hindu *shastras* marriage is not a mere sex alliance. It is also an economic alliance that involves the duty on the part of the husband to support his wife and children. In India as the *Aryan* woman completely depended on her husband for subsistence and protection. In Indian *shastras*, a woman is called *Vhāryā*.

Marriage has legal character as well. It must of necessity conform to the rules laid down by the custom or law. Thus to the Aryans, the wife was otherwise known as '*Pānigrhītā*'. According to Indian literature, the distinctive character of marriage lies in the establishment of social and social juridical relationships. The religious ceremonies and sacerdotal formalities were added to it later on, with the growth of the society on non-secular lines. The juridical aspect of marriage need not mean an exclusive sexual relationship between the parties. It is only with the growth of the concept of individualism and individual property and with the discovery of the concept of paternity. With primitive humanity, marriage does not seem to have involved sexual morality. Individual sexual passion could not have possibly engaged the attention of the primitive human

mind. Marriage at that stage meant a relationship between a group of men and a group of women who were respectively the husbands and wives of all in the group. The children also were supposed to belong to the group as a whole. Collective sex-life might have been a feature of primitive human society. Thus, an individual human marriage must have been a late discovery in human society. Individual marriage appears to have started with the forcible carrying off the bride from her maternal care to the groom's place. This is what is known as the *marriage by capture*. Forcible capture of women has been a social feature all over the world. McLenan and Avebury suggest that this was the original and most primitive form of marriage. The Indian society was a patriarchal one. Marriage in India is also possible in the system of marriage by capture'. It has the advantage of feeding the growing individualistic aspirations too. It is in the new setup of individual marriage that the concept of exogamy made its appearance in human history. Primitive marriage meant a group of collective sex life. To avoid such collective sex life man switched to her to his device and marriage within the class came to be despised and condemned. The heroes of the great epic, the Mahabharata, are found to share a woman procured to her own claim. The word '*vivaha*' or '*udvaha*' also possibly might indicate the association of marriage with capture. The word '*vivaha*' is derived from the root '*vah*' to carry and '*vivaha*' means "carrying in a social way". Marriage thus made history of its own. It is a history of development from collective sex life to full-fledged individual juridical sexual transition.

### **2.3: Factors of Marriage**

There are various factors of marriage. Let me explain each of them in turn:

#### **A) Satisfaction of sex**

Sex is an instinct with all living creation and man is no exception to this general rule. A man at a certain age feels the urge of this sexual impulse without any reference to anybody, in particular, belonging to the opposite sex. He thus seeks for the satisfaction thereof. He feels the longing for an actual union with the other sex. Woman at this stage is viewed purely from the standpoint of

sex and sexual pleasure. However, over time man got tired of this. He consciously allowed himself to be deprived of the freedom in sexual matters that he was entitled to so far. This propensity ultimately gave rise to marriage as a social institution.

### **B) Psychological Factor**

According to *shastras*, a mere physical union that is primarily concerned with the satisfaction of the sex was not enough to satisfy human love, nor could it constitute a sound basis of coherent family life. It is true that man was not happy simply with that much physical sexual enjoyment made possible through the union of the body. The enjoyment of sex is as good as physical and mental. It is complex because it is the union of both mind and body. Besides mind and body, man can access or desire to access to the inner heart of his partner. According to *shastra*, the physical union only forms the base upon which the superstructure of human love is built. It is through the spiritual concern of the two individuals that love gets culminated. Physical union is nothing but a mere brief conflagration of joy whereas mental communion is the 'steady glow of bliss'.

Man seeks a woman who would give the fulfillment of his desire. His creative urge makes him seek the company of the many. Woman, on the contrary, is the principle of definiteness. She gives the desired shape to the urge of man. She gives new birth to the soul of man in the form of progeny. She is prone to consistency, therefore, in a matter of sex. Inconsistency is against her nature. Man can beget as many children as he likes, while a woman, whether united with one or with many, can at best give birth to one child a year till a certain age. Thus, it is a woman who puts a gregarious mode of life of man. She impresses upon him the imperative need of constancy in sex life. Here woman domesticated man. In this regard, she should be called one's own 'home'.

### C) Progeny

There is no question of doubt that to bring good soul or good progeny in the world is the ultimate objective of marriage. The future construction or reconstruction of a society or a family is actually based on the very nature of the good soul of the progenies. It is recognized by both Indian *shastras* as well as a Western religion. It is clearly stated in the Christian religion that the main objective of marriage is to bring *good soul* on the earth. According to Sri Sri Thakur Anukul Chandra, we cannot have good progeny (good soul), without doing good marriage as prescribed by Indian *shastras*. In this regard, Westermarck says, “Marriage has its source in the family rather than the family in marriage.”<sup>23</sup>

The very impulse of sex is but the *will to love*. It is subjective in character and the living beings live through the fulfillment of this impulse of sex that serves the cause of the race by way of procreation. The lower animal does it and the man also is no exception to it. No man or woman is over complete in his or herself. He or she is partly masculine and partly feminine and one finds one’s partner in the *fact of creation* in one who duly compensates that one lacks in. This explains the fact of human love. He or she seeks one who would be best suited for the *purpose of creation*. There is no question of doubt that man craves immortality through his sons.<sup>24</sup> This idea of immortality however brought the system of marriage into existence. This is where the significance of the philosophical relevance of marriage is actually based on. We know that the concept of the immortality of the soul is a forceful philosophical concept and it can adequately be justified in the system of marriage. Indian *shastras* admit that there is *a life after death*. This can be justified based on the principle of immortality of the soul. Immortality of the soul of man cannot only be justified concerning his own soul but also concerning his son’s souls that he can attain through the system of marriage. We find the relevance of marriage also in the Buddhist

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<sup>23</sup> *History of Human Marriage*, Vol. I. p. 22.

<sup>24</sup> Rg-Veda, V. 4.10.

theory of *Pratītyasamutpāda* or dependent origination which states that every origination has dependent origination that means every origination before causing its existence produce its origination further through which the prior origination can exist through dependent origination. This theory is known as *Pratītyasamutpāda* in Buddhist philosophy. This position is in coherence with our Rigveda where it is stated that man craves immortality through his sons. According to shastras, “*Putrārthekriyatebhāryā*”. According to Vedic literature, one should marry just to have a child, *putra*. It is only the age *Dvāpara*, the system of marriage is vogue to afford one the scope to attain immortality through progeny.

In Vedic Aryans, it is learned that a son has been regarded as ‘*viras*’. Without a son life would remain incomplete. Thus the concept of complete life actually was based on, at that period, whether a man had a son or not. At that time, men were satisfied to see their own self to be reflected in their sons. Their spirits were still living in their children whom they found to be immortal. The wife was called ‘*jaya*’, because the husband found himself born in the wife as a son.<sup>25</sup> Man wanted to be sure that the children are directly related to him and thus looseness in sex morals had to be ruled out.

#### **D) Consideration of the Family**

Throughout human history, there have been a group of families and in this process due to craving for a son, there developed the system of the patriarchal family. It was the most suited to human nature. It is important to be noted here that once upon a time, there were stages of human history where there has the system of the *matriarchal family* looked after by females. A woman at these stages had a different life of their own and on ethics of sexual relationships in which thought to be necessary. But it did not last for long. Patriarchal family was taken to be a model system and dominated after unregulated sex life prevailing earlier. As a result of that, the whole conception of female virtue assumed its predominant role to further the interests of the patriarchal family.

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<sup>25</sup> Ait. Br. 33. 1. (Pancika. 7. 13.10).

Marriage thus was installed in the society with all its bindings on man. It was a self-created artificial institution even though it has great importance for the *existence of mankind*. This is another important philosophical significance of marriage. It is through marriage man had to change his nature, his attitude towards sex, his craving for good progeny. He has to realise the need for his life partner for his source of life and love, his source of wellbeing in society, a family at large.

### **E) Ancestor-worship**

The concept of ancestor worship is an integral part of the existence of marriage according to Indian *shastras*. While identifying oneself with one's progeny, one has to identify himself with one's ancestors. The continuity of the ego resulted in the continuity of the race. Ancestor worship found its beginning in the attempt of the people identifying themselves with their bygone ancestors. Paternity becomes an all-absorbing social institution. Here the concept of three-fold debts can be mentioned. These are a debt to the gods, debt to the *rsis*, and debt to the manes came in vogue, and begetting of children was deemed obligatory as otherwise, the debt to the manes would remain unpaid. Thus, marriage was reviewed in relation to children until and unless one would beget a son. According to Rigveda "The wife was installed to the position of a co-religionist and an active co-partner in one's religious pursuits."<sup>26</sup>

### **2.4: Religion and Marriage**

So far we have explained and examined various factors of marriage. We have seen after Hindu *shastras* that marriage is deeply ritualistic in nature. Where there is a ritual, religion is relevant. Here we will focus on religion and marriage. The development of Hindu marriage is closely connected with the socio-religious notion of the life of the Hindus. If we go through the history of the evolution of religious ideas, we reveal that the *Rigveda* marks a stage when the primary religion of man was confined to the mere worship of Nature in its various aspects. This was quite

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<sup>26</sup> Rg-veda X. 85.36.

in conformity with the mode of life of people. This aspect of nature was celebrated to the position of gods to whom they prayed. Gradually the Vedic seers realized the 'oneness' underlying the apparent diversity of nature. They felt what exists is but 'one'. They call 'It' by different names. In *Purusa-sūkta* it is called monotheism. That is the whole universe and man was set to have emanated from Him. Based on monotheism one can conceive the philosophical absolute of the Upanisads. It is the notion of Cosmic Purusa with Prajāpati as in the *Atharva-veda* and the Brāhmanas. The cult of sacrifice is eventually connected with the *Cosmic Purusa*. Sacrifice at this stage becomes the sole religion where the wife becomes an indispensable partner to her spouse. Wife is the half of the self of her husband. Thus, according to religion, without a wife one's life is incomplete. Vedic Indians found the immortal Purusa as the father of the mortals. The ultimate parenthood was ascribed to the Cosmic Purusa where individual souls identified themselves with the great cosmic father.

Sacrifice at this stage becomes the soul religion where life becomes an indispensable partner of her spouse. Wife is the half of the self of her husband. Without a wife one's life is incomplete. Marriage involves cosmic creation in which a phase of transition from the simple worship of nature to the well-coordinated philosophy of the Upanishad. The ultimate parenthood was ascribing to the Cosmic Purusa. Here the individual souls identified themselves with the great cosmic father and were supposed to return to the '*Brahman*' from whom they had emanated to this world of creation. The doctrine of the four *Purusārthas* was simultaneously forwarded that would channelize the instincts of the human-animal. Man has to qualify himself for the attainment of such communication. He has to undergo a certain course of discipline. This is known as dharma. Dharma is not an abstract idea but it is a concrete process of sublimation of men's instincts to the stature of divine virtue. According to Hindu *shastra*, the regulation of sex-life is largely based on this chastening aspect of religion. According to *shastra*, there are three primary factors, sexual gratification (*rati*), progeny (*prajā*), and observance of ethico-religious

duty (dharma), that have contributed towards the development of the Hindu marriage. Sexual instinct comes first of all to marriage. Sexual gratification then led to its natural fruition in the birth of children. Finally, there comes the question of *dharma* or observance of ethico-religious duty for which marriage becomes an utmost necessity. It is the chief end of a marriage. According to the *Āpastamba-dharma-sūtra*, if the first wife confers ethico-religious merits and is endowed with progeny then a second wife should not be taken in marriage. Thus *Āpastamba* considers *dharma* to be the primary purpose of marriage and then progeny and sexual gratification comes last of all.

It is important to note that marriage appears to have aimed at discharging the social duty of having progeny and thereby propagating the human race in conformity with the concept of dharma. With the philosophy of Upanisads, salvation or *moksa* is the ultimate goal of man. Attitude towards marriage actually keeps in tune with the general attitude towards life. Enjoyments of sex (*kāma*) and of property (*artha*) were regarded as means to an end and not end in themselves. Marriage, therefore, becomes a duty. Life, as a result, took to well-balanced discipline, and dharma bridged over the gap between man, the animal, and man, the rationale being. Man's mind now formed an aesthetic attitude towards life and could recognize the fine and sublime aspects of life and nature.

In the light of Hindu *Shastras* marriage is viewed as a sacrament. It gives rise to the status of the husband and the wife. Thus marriage necessary involves mutual rights and duties. According to *rshi Āpastamba* "The union of the husband and wife is affected through law"<sup>27</sup>. This legal character made marriage defer from other sex relations. Marriage assumed a religious fervor. It becomes a necessity and a duty as well from the religious point of view. The most important of the ceremonies associated with the life of marriage was the ceremony of homo and that of *saptapadi* or seven steps which are regarded as the conclusive rights of a valid Hindu marriage

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<sup>27</sup> Ap. Dh. Su. II. 6. 13. 1.

by the lawgivers. According to Hindu *shastra*, Vedic mantras are the essence of marriage. Manu says that Vedic mantras, if duly recited, in the marriage ceremony, indicates the sense of wifehood. However, it is not applicable in the case of *sudras*. In the case of the *sudras*, they have no access to the Vedic mantras. Their marriages are concluded by ceremonies according to the dictates of *shastras* and customs.

According to Hindu *shastra*, marriage actually transfers guardianship. A valid Hindu marriage affects the transfer of the guardianship of the father of the girl over her to that of the husband. It was also related in roman society “where marriage actually meant the handing over the rights of ‘*patria potestas*’ by the father of the girl to the husband”<sup>28</sup>. Thus a valid Hindu marriage involves the legal transfer of guardianship. After marriage, she enters into that of her husband. She would take up the *gotra* of her husband either on the expiry of the year after marriage or on the fourth day. According to Hindu *shastra*, *gotra-nispatri* places a vital role in Hindu marriage.

### **2.5: The Concept of Sept Exogamy**

The implication of sept exogamy plays an important role in Hindu marriage. According to Hindu *shastra*, sept exogamy (*svagotra*) is not legitimate. It was reflected even in the writings of Sri Sri Thakur Anukul Chandra. Marriage within sept exogamy is not good for future progeny. Thus sept exogamy appears as a restriction of Hindu marriage. Here the term exogamy means prohibition of marriage within the same clan. This restriction prevents marriage between maternal or paternal relations, as the case may be.

The Hindu exogamy is of two kinds, namely the *gotra* exogamy and the sapinda exogamy. The *gotra* exogamy aims at prohibiting marriage within the same clan whereas the sapinda exogamy prohibits marriage with agnatic and cognatic relations to a certain degree, to avoid blood relationship. It tries to avoid blood relation and its aim at the betterment of progeny. Thus it not only prevented sexual relations between kindred’s but at the same time, it brought new blood

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<sup>28</sup> Mothers. Vol. I, p. 521.

into the family. Even in the Rg-veda (Sutra X. 10.8), the mating between a brother and a sister was looked down upon with disfavor. Yama and yamī are presented there as a brother and sister. Yamī maddened with passion approaches Yama to accept her as his mate. Yama however is very emphatic in his stand against such incestuous connection. He “warns his sister that man’s actions are watched by the spies of gods and directs her to go to someone else for the satisfaction of her passions”.<sup>29</sup> Even the Satapath-Brāhmana speaks of marriage being affected on the third or fourth generation. This possibly points to the marriage being held beyond such generation on the cognatic side and not on the agnatic one. Marriage on the agnatic sight must have been categorically prohibited in the Brāhmana-period. Marriage was held outside the family. According to Rg-veda marriage generally took place between strangers. However, the exogamy based on the *gotra* relationship did not arise by the time of Rg-veda. The word *gotra* in the Rg-veda meant ‘cow-stable’ or ‘herd of cows’ in a few passages. It is in the Atharva-Veda that the word ‘*gotra*’ is used in the sense of “a group of a person connected together” (V. 21.3.). The Kauśika-sātra quotes a mantra in which ‘*gotra*’ undoubtedly means “a group of person”. The word ‘*svagotra*’ occurs for the first time in the Tāndya-brāhmana. The Mahabharata sets forth at length the sub-divisions of the *gotras*. After that various Smriti manuals gave elaborate enumerations. However, in the Upanishad, it indicated blood relationship or Genealogy. Pānini uses the word ‘*gotra*’ also meant surname as is evident from what Baudhāyana says that there are thousands of *gotras*. In summing up we can say after shastra that by *gotra* new attempts to trace one's descents from a rsi and it is known by tradition.

Thus it appears that the *gotra* had nothing to do with Genealogy at the beginning. However, throughout history, the *gotra* was on its drift towards that ever seen the time of the *Rigveda* and the journey was complete by the time of Brāhmanas and the Upanishads. The Brāhmins declared themselves to be the progeny of the seven rsis and of Agastya. They thereby identified

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<sup>29</sup>Translation Hindu exogamy, pp. 10-11.

themselves with divinity. But if we go through Manu we have an ordinary interpretation of *gotra* where there are thousands of *gotra*. According to Manu, this *gotra*, in its popular sense, possibly identical with the family name of which some were patronymic, some metronymic, some local, and again professional. Later on, these family names served as many sub-divisions of the *gotra* organization formed later on. The *gotra* and the pravara organizations enabled the Brāhmins to attain spiritual supremacy over others. According to shastra, the Kshatriyas will borrow the pravara from their family priest. The Brāhmins made their services indispensable in sacrifices and the Kshatriyas were relegated to a minor position. This movement started with the *gotra* and pravara organizations which had its due spiritual implications. Lord Buddha, for example, belong to the Gautama *gotra* and also mahāvīra to the kāśyapagotra. In the Mahābhārata, Kshatriyas had their own *gotras* in as much Yudhistira is found to have declared that he belonged to Viyāghrapadyagotra. However, it is difficult to prove their *gotras* were not borrowed from their family priests.

Maharshi Gautama prohibits a girl of the same pravara in marriage but says nothing about the sameness of *gotra*. However, Baudhāyana has used the word 'svagotra' meaning the identity of pravara sage. Maharshi Gautama has used the term 'samāna-pravarā' in the context of marriage prohibition. However, in the context of inheritance, he has given preference to svagotra relations to the samāna-pravara relations. Thus Gautama is aware of the distinction between *gotra* and pravara. Coming to Manu we find he prohibits marriage between identical *gotra*. He does not specify an expiatory penance in violation thereof. According to Manu, even an adopted son cannot marry a girl whose *gotra* is the same as the genitive father. According to Nārada (6<sup>th</sup> Cen. A.D.), marriage is prohibited with girls of the same *gotra* and pravara. Having said that the aforesaid discursion is no wonder if the Indo-Aryans had borrowed of the system of sept exogamy from the Non-Aryans. The law of exogamy as practiced by the Indo-Aryans is found not to be associated with inter-tribal warfare as they indulged with the Non-Aryans type only.

Exogamy is a mark of sophistication of a later age. In all probability, the sept exogamy developed with the Indo-Aryans by way of imitation from the Non-Aryans.

#### **2.6: The Concept of Sapinda Exogamy :**

In Hindu marriage, parallel to sept exogamy, they have developed another form of exogamy known as sapinda exogamy based on sapinda relationship. Marriage was prohibited with relatives within certain degrees on the father's side and the mother's side. The word sapinda hardly occurs in the Vedic literature, even though the word panda is used in the sense of "a part of the body of the sacrificial animal thrown into the fire as an offering"<sup>30</sup>.

The word sapinda exogamy was not clear among the Sūtrakāras, Āpastamba, Gautama, and Vaśīstha, but it is clear in Baudhāyana. In his Kalpa-sūtra the word 'pinda' means the ball of rice offered to the manes. Sapinda exogamy appears to be later origin than sept exogamy. In the *gotra* organization the spiritual father was of primary consideration with whom genealogy was associated. The Sūtra-writers differed widely concerning the rules of sapinda exogamy- the degrees of blood-relationship to be avoided in marriage. As per sapinda exogamy is concerned, Gautama Sanction marriage after seven generations from the father's side and after five generations from the mother side. He says that marrying a sapinda girl becomes an outcaste. Manu condemns marriage in the third generation and it is evident from his own observation. Manu clearly states that sapinda relationship extends up to the seventh degree and he further observes that an a-sapinda girl is to be sought for in marriage. Although Manu indeed condemns marriage with relation till the third degree of sapinda relationship it is difficult to accept that he supported marriage in the fourth generation.

According to Mitākṣarāsapinda exogamy are to be observed with the following rules. These are

- i) In computing degrees, the common ancestor is to be included.
- ii) Regard is to be had to the father and mother of the bride and the bridegroom.

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<sup>30</sup> Vide also Kane II, p. 478

- iii) If the computation is made from the Mother's side of either the propose of bride or bridegroom they must be beyond the fifth degree i.e. they must be sixth or further on. If it is made through the father of either, they must be beyond seventh from the common ancestor, i.e. they must be eighth. If the bride is eighth from the common ancestor and the bridegroom is sixth, there can be no marriage because the bride is beyond the limits of sapinda relationship to the common ancestor. The bridegroom is the sixth from the common ancestor has the sapinda relationship with the common ancestor.

According to shastras, these rules apply only when one married woman once own varna. However, in the case of an ancestor who married a Brahmin girl and a Kshatriya girl the question arises about the eligibility of marriage. Here the prohibition is based on sapinda relationship extends up to only three degrees and not seven or five. Devanabhata observes that woman is married following the Brahman form of marriage is freed from the sapinda-relationship that belongs to her before her marriage. He finally observes that Manu's verse recommends a non-sapinda marriage which he considers as *prasastha* or praiseworthy. Sapinda marriage may not be praiseworthy, but it does not at all follow that it is, illegal. Mādhava is an open advocate of marriage with cognates in the third generation. His line of argument is very similar to Devana Bhata.

In the Asura form of marriage, women's original *gotra* and sapinda remain unchanged. According to Devanabhata and Madhava, cross-cousin relation is legal not only in the **Deccan** but also in North India. They do not try to justify cross-cousin marriage on the doubtful authority of local custom. As females have no sapinda relations, distinct from their husbands, they can possibly be no objection to marrying in the third generation either in the South or in the north. The right of local custom is invoked in those cases only where the marriage was celebrated according to Asura form. According to Bisvesvasa, 'a sapinda marriage is an invalid marriage'

and girls so married are not entitled to be a wife. He further says that “even a Putrika is not to be regarded a full wife.”<sup>31</sup> The sapinda theory of Raghunandan is based upon Dayabhaga’s interpretation. Hereby sapinda relationship he refers to a verse from the Matsya-Purana. According to him, the sapinda relationship extends to the second generation beginning from the common ancestor. Moreover, he observes that the literal sense of the word Matuh in the text of Manu does not fit in, because by marriage girls lost their own *gotra* and sapinda and attain the same *gotra* and sapinda with their husband. So with the prohibition of the father *gotra* and sapinda relations, those of the mother are simultaneously prohibited.

## **2.7: The Concept of Endogamy**

It is to be noted here that the foundation of Indian culture is spiritual. The Hindu mind believes in the existence of an avoding principle in every individual being. It is known as the Atman. It also cognizes the external and conscious basis of the universe, i.e., the Absolute or the Brahman. The highest goal of life, according to the Hindu, is the realization of the identity between the individual and the universal. The meaning of life can be attained by going spiritual goal. One must cultivate the *values of life*, the four Purusharthas- Dharma, Artha, Kama, and Moksha. Dharma is the principle of life. It regulates the basic cravings in man. Artha stands for the material means of life. The Kama is the fulfillment of legitimate desires of life. Moksa is the complete liberation from all types of bondage. Thus, there is an amalgamation between Ātman and Brahman in the stage of Moksa. According to Sastra, the way of life should be organized in such a way so that it might be conducive to the attainment of these human values gained through four Purusarthas. According to Hindu, Varnashrama dharma or the code of life is onvarna and ashrama. Varna stands for the natural aptitude in the individual. Ashrama stands for individual

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<sup>31</sup> Madana-parijata pp. 139-140  
Vide also Hindu Exogamy p. 203.

## Second Chapter

### The Essence of Hindu Marriage

#### 2.1: Prelude

In this sequel, we will discuss in great detail the philosophy of Hindu marriage past and present. Here we will discuss the past philosophy of marriage first and then gradually we will discuss the present philosophy of marriage according to Indian *shastras*.

According to Indian *shastras*, marriage is one of the most important institutional expressions of sex in mankind. Undoubtedly, *sex instinct in man is a powerful biological impulse* that has played a dominant role in the evolution of human culture in the matrix of society. Within marriage, various other inter-related issues, such as psychic phenomena, ethical values, and spiritual ideals are linked with it. Thus, marriage is not a social event directed towards sexual intercourse; rather *it has philosophical implications where ethical values and spiritual ideals are taken into account from a philosophical perspective. It is also related to human personality and social life.*

Human civilization is compromised by man's social endeavors with his animal instincts. The system of marriage as a part of such compromise takes to various forms with the various peoples. In a society where people often resort to mobile life, social responsibilities do not arise. Mutual dependence and mutual help are a far cry in social life. They are only optional. In India, particularly in ancient India, the picture was completely different. Here people are bent upon violating the animal instincts most and thus social formalities take to utmost rigidity. It is important to note here that Indian society in the past was possibly *nomadic*. Gradually, it becomes rural which ultimately gave place to an urban one governed by *Kulapati* and others. At first, cattle were their economic asset and cattle-rearing was their chief mode of living. Ultimately this was substituted by a socially governed by kings or lords of man. Corn-fields appeared in place of wood. Cattle-rearing gave way to agriculture. The lifting of cattle which

was the reason for war in the Vedas was substituted with the kidnapping of *Sita*. *Ramchandra* who has symbolized the heroism involved in preserving agriculture becomes the idol of worship. The episode that upheld the glory of agricultural life addressed itself as an acclamation of household life in the form of the *Ramayana*. Gradually agriculture binds man to the earth. It puts a check on the mobile nature of man. It gets fixed to the stationary life. With the help of many, food is produced to be shared by many. In this way, people get together. It gave rise to certain human sentiments and values. In this process, men learned the value of sacrifice for each other. To help others was the religion of ancient India.

In the subsequent period with the spread of *kshatriya* as rule and extension of human localities, communal rivalry gave way to peace. The ultimate union of the Aryans *vanaras* and *Raksasas* found an honorable place in the episode of *Ramayana*. Here victory of peace proclaimed the victory of salvation. Self-interests got submerged in the attainment of the spiritual goal. Sacrifice one's own self for the interest of many becomes the religion of India. Thus, the basis of such society therefore could not be the individual. It was the home- a dynamic unit of association. It is a home not for the enjoyment of material pleasure but for the cultivation of ethico-religious duties. It is needed for the sake of attaining salvation. It equally recognized the rights of others. Here home was extended even to people beyond the relation of blood. There emerged the supreme human value of bliss. In the *Ramayana*, therefore, we find the exaltation of a hero who symbolized himself the glory of such a home. Thus, a self-sacrificing character for the preservation of relation between the father and the son, the brother and the brother, the husband and the wife, the ruler and the ruled, the master and the servant, and the like had been developed. Preservation of truth becomes a part of human nature. In ancient India, the promise was kept. A promise can never be violated. To honor a promise, therefore, took to the form of religion also with non-violence and non-stealing even if it led to unfold miseries and sufferings. If one's home is for one's own self, then taking to the household order of life should be optional. In ancient

India 'home' was not for oneself. Thus the home is supposed to be the indispensable constituent of society. It was an ocean where other rivers of social organization were merged. In a society where one's home is meant for oneself, the economic asset of such a home is also personal. It, therefore, gives no pleasure to others. It leads to mutual rivalry. According to Indian *shastras*, such greed for wealth surpasses the boundaries of social ethics. It creates differences between the individual man and the universal man. Our contemporary thinkers like Vivekananda, Tagore, Gandhi, etc. are voicing in favor of a universal man instead of an individual man. According to Indian *shastras*, extreme greed for wealth was taken to mean dishonor to *the spirit of man*. As a result of that, a householder was duty-bound to perform a certain social obligation and make good use of wealth. The household life was to pervade the rightful benefits to the man in general. Now to understand the Indian attitude to marriage, one has to cognize the spirit of the society which has its roots in the household order of life. Indian society, therefore, has established its demand on the curtailment of personal desire especially in matters of marriage. It had no emphasis on the desire of the individuals. Hindu society was surrounded by heterogeneous people all around. It had to face the customs them. To preserve the essence of its own, Hindu society was too conscious of its own existence as distinct from others. As a result of that, Hindu society in the past had sanctioned food, clothing, and the like. According to ancient Hindu *shastras*, Marriage is the root of household life. Thus our society is aimed at maintaining the integrity of the culture of each community. Eugenics, therefore, found a place of honor in the system of marriage. We must also remember that Hindu society underwent a series of social evolution. It had to mold itself to get fitted in with the changed conditions of society. The *shastras*, therefore, had to accede to the various forms of marriage which they did not approve of. The forms of marriage where the element of the individual test and instinctive desires were the main considerations regarded as '*adharmya*' marriage. Accordingly, the *Raksasa*, *Paisaca*, *Asura*, and *Gandgarva* forms of marriage, therefore, were looked down upon by the *Sastrakaras*.

We have seen that the Gāndharva form of marriage stayed on with the *Kshatriyas*. The *Kṣhatriyas* was a dynamic race and they sought to revolt against any stationary household life. However, if we refer to Kālidāsa we find that the significance of marriage lies somewhere else. Kālidāsa was in favor of preserving the social ethics involved in the concept of eugenics and decried love-marriage as practiced by the *Kṣhatriyas*. It is, however, not intended to mean that Kālidāsa as a poet was in anyway less charmed at the beauty held out by men and women in the sports of love from the perspective of the sportive spirit of nature. Thus, there was a confirmation within Kālidāsa between the *elements of love in the human heart* and the *element of ethics in human society*. In fact, in the *Sākuntalā*, the poet did not fail to acknowledge the poetic beauty in the natural state of forgetfulness that king Dusymanta and Sakuntalā indulged in. Sakuntalā failed to honor a dignified guest-a duty entrusted to her hermit father. Sakuntalā violated the code of Āsrama-conduct. In the end, Sakuntalā appears as a mother undergoing the penance of chastity and Dushyant a penitent lover pining the loss of Sakuntalā, the promising mother of his future offspring. Here the poet kālidāsa demonstrates the culmination of human love in which the union is purged of its material associations. The physical aspect involved in maternity and the rearing of children is common to both men and other animals. But it is devoid of the beauty of the human agency involved in the power of creation. It only demonstrates the victory of *the will of nature*. It is only when the human mother takes to penances for her future offspring. It is a sort of biological fact that is eventually be transformed into the *power of creation*. According to ancient India, the beauty of such penances is involved in begetting heroic progeny. Poet Kālidasa in his *Kumāra-sambhava* has displayed the glory of penance that establishes itself upon the traces of desires for the birth of kumāra.

It thus seems that begetting good progeny is the sole aim of marriage. This is very similar to the perception of Sri Thakur Anukul Chandra. In this regard Thakur says,

*“Good progeny and upliftment*

*Are marriage's basic stay;  
Don't make the mistake of marrying  
In a haphazard way.*

(Anushruti, Vol-I)

The chief emphasis is on the elimination of desire. The problem is that if elimination of desire, i.e., sexual desire, is prescribed, then where is the scope of love between the husband and the wife? If desires are to be the only elements in the formation of love between them, then how can there be any scope of perpetual love or permanent love? According to *shastras*, desires are flexible by nature. Thus, if desires in marriage have enough scope then there cannot be any permanent love at all. Love marriage is a case in point. Love marriage is primarily is a sort of marriage based on mere desires. As a result, marriage is generally based on desires, and love marriage, in particular, holds no guarantee of permanent love or perpetual love. According to *shastras*, it is just “plunging into the deep sea of uncertainty.”<sup>21</sup> Thus in a sense, improper marriage in the real sense of the term brings uncertainty in human life. Accordingly, Indian *shastras* deny any claim of desire in matters of marriage. According to *shastras*, desire is blind. It cannot foresee bliss. Following Hume, we can say human desire is nothing but human passion, sentiments, and human feelings and emotions where the role of rationality is minimized. Thus *shastras* prescribes that marriage was sought to be performed at an age when the husband and the wife were not mature enough to be obsessed with desires. According to *shastras* that in matters of love within wedlock creates much burden on the wife. She has to abide by the vow of chastity and remain faithful to her husband. The husband, on the contrary, is comparatively free than his wife. Even he could resort to a second marriage on occasions. Thus it is generally alleged that under care was taken to establish the social value of love between the husband and the wife above the natural love between a man and a woman.

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<sup>21</sup>*Human Marriage- Past and Present* by Dr K. N. Chatterjee.

It should be kept in mind that women are by nature more emotional than men. A woman is very close to nature. As a result, by nature, women's love within wedlock is more natural than a man's. Thus the integrity of the character of a woman actually serves the purpose as a hole in this context. From the philosophical perspective of marriage, we can say that a husband to an Indian woman is not an individual. He is an *idea*. Thus a woman surrenders not to the husband, but *an idea*. The flame of her ideal love illuminates his heart too.

## **2.2: Two virtues of man**

According to *shastras*, our society is marked by the confluence of two virtues of man. These are *the virtue of propagation of his species* and *the virtue of the creation of his culture* as a social entity. The former is the perpetuation of his *life-force* and the latter is the flow of his *mental activity*. Interestingly, according to *shastras*, both man and woman have given their usual share to the achievement of both. In matters of propagation, the responsibility of man was secondary at their beginning. Here women played a very important role in giving a concrete shape to the desires of man. Here she undergoes a long period of labor and conception. Nature wants to undergo the hardship involved in creation. When the woman was bound by the matters of creation, the man was free to indulge in his efforts to create art, literature, dance, music, and the like. He made himself inevitable and established his glory and power of position in the matrix of society. However, the reality is that man's creation would not achieve success without the company and contribution of women. According to *shastras* woman inspires the spirit of mental creation in man. A woman has two different facts of existence, such as *that of the mother* and *that of the beloved*. Being a mother, she is begetting a heroic progeny, and being a beloved, she endows the mind of man with the gift of 'intellectual beauty'.<sup>22</sup> This aspect of woman has not manifested itself so far to man. She is still treated as equivalent to property. Marriage, therefore, is still more or less the same primitive means to pass the booty of a man. Thus it would be better

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<sup>22</sup> *Ibide*, p. 15.

if they realized that they might bring about a high stage of civilization by cultivating their womanly virtues. Although in India household's life was much spoken of, but it was not the final goal of life. The Indian mind sought salvation for the attainment of which one had to undergo the various stages of life. The home was only a stage in the scheme of soul's onwards merging to salvation. Marriage is thus a typical human social institution representing a high watermark of human evolution. It had to have social sanction behind it. Thus marriage could not be regarded as a mere sex relation. Marriage is therefore a relation of one man or more with one woman or more, involving certain rights and duties on the part of both parties. They must indulge in a constant endeavor to maintain harmony and constancy in love and life. It involves the right to co-ordinated sex-life following '*dharma*' or the socio-ethical principles of life. This concept of mutual rights and duties might have given the right to the concept or *Ardhāṅginī* with the Hindus. It is through this kind of alliance that man becomes complete in himself. Thus according to Hindu *shastras* marriage is not a mere sex alliance. It is also an economic alliance that involves the duty on the part of the husband to support his wife and children. In India as the *Aryan* woman completely depended on her husband for subsistence and protection. In Indian *shastras*, a woman is called *Vhāryā*.

Marriage has legal character as well. It must of necessity conform to the rules laid down by the custom or law. Thus to the Aryans, the wife was otherwise known as '*Pānigrhītā*'. According to Indian literature, the distinctive character of marriage lies in the establishment of social and social juridical relationships. The religious ceremonies and sacerdotal formalities were added to it later on, with the growth of the society on non-secular lines. The juridical aspect of marriage need not mean an exclusive sexual relationship between the parties. It is only with the growth of the concept of individualism and individual property and with the discovery of the concept of paternity. With primitive humanity, marriage does not seem to have involved sexual morality. Individual sexual passion could not have possibly engaged the attention of the primitive human

mind. Marriage at that stage meant a relationship between a group of men and a group of women who were respectively the husbands and wives of all in the group. The children also were supposed to belong to the group as a whole. Collective sex-life might have been a feature of primitive human society. Thus, an individual human marriage must have been a late discovery in human society. Individual marriage appears to have started with the forcible carrying off the bride from her maternal care to the groom's place. This is what is known as the *marriage by capture*. Forcible capture of women has been a social feature all over the world. McLenan and Avebury suggest that this was the original and most primitive form of marriage. The Indian society was a patriarchal one. Marriage in India is also possible in the system of marriage by capture'. It has the advantage of feeding the growing individualistic aspirations too. It is in the new setup of individual marriage that the concept of exogamy made its appearance in human history. Primitive marriage meant a group of collective sex life. To avoid such collective sex life man switched to her to his device and marriage within the class came to be despised and condemned. The heroes of the great epic, the Mahabharata, are found to share a woman procured to her own claim. The word '*vivaha*' or '*udvaha*' also possibly might indicate the association of marriage with capture. The word '*vivaha*' is derived from the root '*vah*' to carry and '*vivaha*' means "carrying in a social way". Marriage thus made history of its own. It is a history of development from collective sex life to full-fledged individual juridical sexual transition.

### **2.3: Factors of Marriage**

There are various factors of marriage. Let me explain each of them in turn:

#### **A) Satisfaction of sex**

Sex is an instinct with all living creation and man is no exception to this general rule. A man at a certain age feels the urge of this sexual impulse without any reference to anybody, in particular, belonging to the opposite sex. He thus seeks for the satisfaction thereof. He feels the longing for an actual union with the other sex. Woman at this stage is viewed purely from the standpoint of

sex and sexual pleasure. However, over time man got tired of this. He consciously allowed himself to be deprived of the freedom in sexual matters that he was entitled to so far. This propensity ultimately gave rise to marriage as a social institution.

### **B) Psychological Factor**

According to *shastras*, a mere physical union that is primarily concerned with the satisfaction of the sex was not enough to satisfy human love, nor could it constitute a sound basis of coherent family life. It is true that man was not happy simply with that much physical sexual enjoyment made possible through the union of the body. The enjoyment of sex is as good as physical and mental. It is complex because it is the union of both mind and body. Besides mind and body, man can access or desire to access to the inner heart of his partner. According to *shastra*, the physical union only forms the base upon which the superstructure of human love is built. It is through the spiritual concern of the two individuals that love gets culminated. Physical union is nothing but a mere brief conflagration of joy whereas mental communion is the 'steady glow of bliss'.

Man seeks a woman who would give the fulfillment of his desire. His creative urge makes him seek the company of the many. Woman, on the contrary, is the principle of definiteness. She gives the desired shape to the urge of man. She gives new birth to the soul of man in the form of progeny. She is prone to consistency, therefore, in a matter of sex. Inconsistency is against her nature. Man can beget as many children as he likes, while a woman, whether united with one or with many, can at best give birth to one child a year till a certain age. Thus, it is a woman who puts a gregarious mode of life of man. She impresses upon him the imperative need of constancy in sex life. Here woman domesticated man. In this regard, she should be called one's own 'home'.

### C) Progeny

There is no question of doubt that to bring good soul or good progeny in the world is the ultimate objective of marriage. The future construction or reconstruction of a society or a family is actually based on the very nature of the good soul of the progenies. It is recognized by both Indian *shastras* as well as a Western religion. It is clearly stated in the Christian religion that the main objective of marriage is to bring *good soul* on the earth. According to Sri Sri Thakur Anukul Chandra, we cannot have good progeny (good soul), without doing good marriage as prescribed by Indian *shastras*. In this regard, Westermarck says, “Marriage has its source in the family rather than the family in marriage.”<sup>23</sup>

The very impulse of sex is but the *will to love*. It is subjective in character and the living beings live through the fulfillment of this impulse of sex that serves the cause of the race by way of procreation. The lower animal does it and the man also is no exception to it. No man or woman is over complete in his or herself. He or she is partly masculine and partly feminine and one finds one’s partner in the *fact of creation* in one who duly compensates that one lacks in. This explains the fact of human love. He or she seeks one who would be best suited for the *purpose of creation*. There is no question of doubt that man craves immortality through his sons.<sup>24</sup> This idea of immortality however brought the system of marriage into existence. This is where the significance of the philosophical relevance of marriage is actually based on. We know that the concept of the immortality of the soul is a forceful philosophical concept and it can adequately be justified in the system of marriage. Indian *shastras* admit that there is *a life after death*. This can be justified based on the principle of immortality of the soul. Immortality of the soul of man cannot only be justified concerning his own soul but also concerning his son’s souls that he can attain through the system of marriage. We find the relevance of marriage also in the Buddhist

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<sup>23</sup> *History of Human Marriage*, Vol. I. p. 22.

<sup>24</sup> Rg-Veda, V. 4.10.

theory of *Pratītyasamutpāda* or dependent origination which states that every origination has dependent origination that means every origination before casing its existence produce its origination further through which the prior origination can exist through dependent origination. This theory is known as *Pratītyasamutpāda* in Buddhist philosophy. This position is in coherence with our Rigveda where it is stated that man craves immortality through his sons. According to shastras, “*Putrārthekriyatebhāryā*”. According to Vedic literature, one should marry just to have a child, *putra*. It is only the age *Dvāpara*, the system of marriage is vogue to afford one the scope to attain immortality through progeny.

In Vedic Aryans, it is learned that a son has been regarded as ‘*viras*’. Without a son life would remain incomplete. Thus the concept of complete life actually was based on, at that period, whether a man had a son or not. At that time, men were satisfied to see their own self to be reflected in their sons. Their spirits were still living in their children whom they found to be immortal. The wife was called ‘*jaya*’, because the husband found himself born in the wife as a son.<sup>25</sup> Man wanted to be sure that the children are directly related to him and thus looseness in sex morals had to be ruled out.

#### **D) Consideration of the Family**

Throughout human history, there have been a group of families and in this process due to craving for a son, there developed the system of the patriarchal family. It was the most suited to human nature. It is important to be noted here that once upon a time, there were stages of human history where there has the system of the *matriarchal family* looked after by females. A woman at these stages had a different life of their own and on ethics of sexual relationships in which thought to be necessary. But it did not last for long. Patriarchal family was taken to be a model system and dominated after unregulated sex life prevailing earlier. As a result of that, the whole conception of female virtue assumed its predominant role to further the interests of the patriarchal family.

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<sup>25</sup> Ait. Br. 33. 1. (Pancika. 7. 13.10).

Marriage thus was installed in the society with all its bindings on man. It was a self-created artificial institution even though it has great importance for the *existence of mankind*. This is another important philosophical significance of marriage. It is through marriage man had to change his nature, his attitude towards sex, his craving for good progeny. He has to realise the need for his life partner for his source of life and love, his source of wellbeing in society, a family at large.

### **E) Ancestor-worship**

The concept of ancestor worship is an integral part of the existence of marriage according to Indian *shastras*. While identifying oneself with one's progeny, one has to identify himself with one's ancestors. The continuity of the ego resulted in the continuity of the race. Ancestor worship found its beginning in the attempt of the people identifying themselves with their bygone ancestors. Paternity becomes an all-absorbing social institution. Here the concept of three-fold debts can be mentioned. These are a debt to the gods, debt to the *rsis*, and debt to the manes came in vogue, and begetting of children was deemed obligatory as otherwise, the debt to the manes would remain unpaid. Thus, marriage was reviewed in relation to children until and unless one would beget a son. According to Rigveda "The wife was installed to the position of a co-religionist and an active co-partner in one's religious pursuits."<sup>26</sup>

### **2.4: Religion and Marriage**

So far we have explained and examined various factors of marriage. We have seen after Hindu *shastras* that marriage is deeply ritualistic in nature. Where there is a ritual, religion is relevant. Here we will focus on religion and marriage. The development of Hindu marriage is closely connected with the socio-religious notion of the life of the Hindus. If we go through the history of the evolution of religious ideas, we reveal that the *Rigveda* marks a stage when the primary religion of man was confined to the mere worship of Nature in its various aspects. This was quite

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<sup>26</sup> Rg-veda X. 85.36.

in conformity with the mode of life of people. This aspect of nature was celebrated to the position of gods to whom they prayed. Gradually the Vedic seers realized the 'oneness' underlying the apparent diversity of nature. They felt what exists is but 'one'. They call 'It' by different names. In *Purusa-sūkta* it is called monotheism. That is the whole universe and man was set to have emanated from Him. Based on monotheism one can conceive the philosophical absolute of the Upanisads. It is the notion of Cosmic Purusa with Prajāpati as in the *Atharva-veda* and the Brāhmanas. The cult of sacrifice is eventually connected with the *Cosmic Purusa*. Sacrifice at this stage becomes the sole religion where the wife becomes an indispensable partner to her spouse. Wife is the half of the self of her husband. Thus, according to religion, without a wife one's life is incomplete. Vedic Indians found the immortal Purusa as the father of the mortals. The ultimate parenthood was ascribed to the Cosmic Purusa where individual souls identified themselves with the great cosmic father.

Sacrifice at this stage becomes the soul religion where life becomes an indispensable partner of her spouse. Wife is the half of the self of her husband. Without a wife one's life is incomplete. Marriage involves cosmic creation in which a phase of transition from the simple worship of nature to the well-coordinated philosophy of the Upanishad. The ultimate parenthood was ascribing to the Cosmic Purusa. Here the individual souls identified themselves with the great cosmic father and were supposed to return to the '*Brahman*' from whom they had emanated to this world of creation. The doctrine of the four *Purusārthas* was simultaneously forwarded that would channelize the instincts of the human-animal. Man has to qualify himself for the attainment of such communication. He has to undergo a certain course of discipline. This is known as dharma. Dharma is not an abstract idea but it is a concrete process of sublimation of men's instincts to the stature of divine virtue. According to Hindu *shastra*, the regulation of sex-life is largely based on this chastening aspect of religion. According to *shastra*, there are three primary factors, sexual gratification (*rati*), progeny (*prajā*), and observance of ethico-religious

duty (dharma), that have contributed towards the development of the Hindu marriage. Sexual instinct comes first of all to marriage. Sexual gratification then led to its natural fruition in the birth of children. Finally, there comes the question of *dharma* or observance of ethico-religious duty for which marriage becomes an utmost necessity. It is the chief end of a marriage. According to the *Āpastamba-dharma-sūtra*, if the first wife confers ethico-religious merits and is endowed with progeny then a second wife should not be taken in marriage. Thus *Āpastamba* considers *dharma* to be the primary purpose of marriage and then progeny and sexual gratification comes last of all.

It is important to note that marriage appears to have aimed at discharging the social duty of having progeny and thereby propagating the human race in conformity with the concept of dharma. With the philosophy of Upanisads, salvation or *moksa* is the ultimate goal of man. Attitude towards marriage actually keeps in tune with the general attitude towards life. Enjoyments of sex (*kāma*) and of property (*artha*) were regarded as means to an end and not end in themselves. Marriage, therefore, becomes a duty. Life, as a result, took to well-balanced discipline, and dharma bridged over the gap between man, the animal, and man, the rationale being. Man's mind now formed an aesthetic attitude towards life and could recognize the fine and sublime aspects of life and nature.

In the light of Hindu *Shastras* marriage is viewed as a sacrament. It gives rise to the status of the husband and the wife. Thus marriage necessary involves mutual rights and duties. According to *rshi Āpastamba* "The union of the husband and wife is affected through law"<sup>27</sup>. This legal character made marriage defer from other sex relations. Marriage assumed a religious fervor. It becomes a necessity and a duty as well from the religious point of view. The most important of the ceremonies associated with the life of marriage was the ceremony of homo and that of *saptapadi* or seven steps which are regarded as the conclusive rights of a valid Hindu marriage

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<sup>27</sup> Ap. Dh. Su. II. 6. 13. 1.

by the lawgivers. According to Hindu *shastra*, Vedic mantras are the essence of marriage. Manu says that Vedic mantras, if duly recited, in the marriage ceremony, indicates the sense of wifehood. However, it is not applicable in the case of *sudras*. In the case of the *sudras*, they have no access to the Vedic mantras. Their marriages are concluded by ceremonies according to the dictates of *shastras* and customs.

According to Hindu *shastra*, marriage actually transfers guardianship. A valid Hindu marriage affects the transfer of the guardianship of the father of the girl over her to that of the husband. It was also related in roman society “where marriage actually meant the handing over the rights of ‘*patria potestas*’ by the father of the girl to the husband”<sup>28</sup>. Thus a valid Hindu marriage involves the legal transfer of guardianship. After marriage, she enters into that of her husband. She would take up the *gotra* of her husband either on the expire of the year after marriage or on the fourth day. According to Hindu *shastra*, *gotra-nispatni* places a vital role in Hindu marriage.

### **2.5: The Concept of Sept Exogamy**

The implication of sept exogamy plays an important role in Hindu marriage. According to Hindu *shastra*, sept exogamy (*svagotra*) is not legitimate. It was reflected even in the writings of Sri Sri Thakur Anukul Chandra. Marriage within sept exogamy is not good for future progeny. Thus sept exogamy appears as a restriction of Hindu marriage. Here the term exogamy means prohibition of marriage within the same clan. This restriction prevents marriage between maternal or paternal relations, as the case may be.

The Hindu exogamy is of two kinds, namely the *gotra* exogamy and the sapinda exogamy. The *gotra* exogamy aims at prohibiting marriage within the same clan whereas the sapinda exogamy prohibits marriage with agnatic and cognatic relations to a certain degree, to avoid blood relationship. It tries to avoid blood relation and its aim at the betterment of progeny. Thus it not only prevented sexual relations between kindred’s but at the same time, it brought new blood

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<sup>28</sup> Mothers. Vol. I, p. 521.

into the family. Even in the Rg-veda (Sutra X. 10.8), the mating between a brother and a sister was looked down upon with disfavor. Yama and yamī are presented there as a brother and sister. Yamī maddened with passion approaches Yama to accept her as his mate. Yama however is very emphatic in his stand against such incestuous connection. He “warns his sister that man’s actions are watched by the spies of gods and directs her to go to someone else for the satisfaction of her passions”.<sup>29</sup> Even the Satapath-Brāhmana speaks of marriage being affected on the third or fourth generation. This possibly points to the marriage being held beyond such generation on the cognatic side and not on the agnatic one. Marriage on the agnatic sight must have been categorically prohibited in the Brāhmana-period. Marriage was held outside the family. According to Rg-veda marriage generally took place between strangers. However, the exogamy based on the *gotra* relationship did not arise by the time of Rg-veda. The word *gotra* in the Rg-veda meant ‘cow-stable’ or ‘herd of cows’ in a few passages. It is in the Atharva-Veda that the word ‘*gotra*’ is used in the sense of “a group of a person connected together” (V. 21.3.). The Kauśika-sātra quotes a mantra in which ‘*gotra*’ undoubtedly means “a group of person”. The word ‘*svagotra*’ occurs for the first time in the Tāndya-brāhmana. The Mahabharata sets forth at length the sub-divisions of the *gotras*. After that various Smriti manuals gave elaborate enumerations. However, in the Upanishad, it indicated blood relationship or Genealogy. Pānini uses the word ‘*gotra*’ also meant surname as is evident from what Baudhāyana says that there are thousands of *gotras*. In summing up we can say after shastra that by *gotra* new attempts to trace one's descents from a rsi and it is known by tradition.

Thus it appears that the *gotra* had nothing to do with Genealogy at the beginning. However, throughout history, the *gotra* was on its drift towards that ever seen the time of the *Rigveda* and the journey was complete by the time of Brāhmanas and the Upanishads. The Brāhmins declared themselves to be the progeny of the seven rsis and of Agastya. They thereby identified

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<sup>29</sup>Translation Hindu exogamy, pp. 10-11.

themselves with divinity. But if we go through Manu we have an ordinary interpretation of *gotra* where there are thousands of *gotra*. According to Manu, this *gotra*, in its popular sense, possibly identical with the family name of which some were patronymic, some metronymic, some local, and again professional. Later on, these family names served as many sub-divisions of the *gotra* organization formed later on. The *gotra* and the pravara organizations enabled the Brāhmins to attain spiritual supremacy over others. According to shastra, the Kshatriyas will borrow the pravara from their family priest. The Brāhmins made their services indispensable in sacrifices and the Kshatriyas were relegated to a minor position. This movement started with the *gotra* and pravara organizations which had its due spiritual implications. Lord Buddha, for example, belong to the Gautama *gotra* and also mahāvīra to the kāśyapagotra. In the Mahābhārata, Kshatriyas had their own *gotras* in as much Yudhistira is found to have declared that he belonged to Viyāghrapadyagotra. However, it is difficult to prove their *gotras* were not borrowed from their family priests.

Maharshi Gautama prohibits a girl of the same pravara in marriage but says nothing about the sameness of *gotra*. However, Baudhāyana has used the word 'svagotra' meaning the identity of pravara sage. Maharshi Gautama has used the term 'samāna-pravarā' in the context of marriage prohibition. However, in the context of inheritance, he has given preference to svagotra relations to the samāna-pravara relations. Thus Gautama is aware of the distinction between *gotra* and pravara. Coming to Manu we find he prohibits marriage between identical *gotra*. He does not specify an expiatory penance in violation thereof. According to Manu, even an adopted son cannot marry a girl whose *gotra* is the same as the genitive father. According to Nārada (6<sup>th</sup> Cen. A.D.), marriage is prohibited with girls of the same *gotra* and pravara. Having said that the aforesaid discursion is no wonder if the Indo-Aryans had borrowed of the system of sept exogamy from the Non-Aryans. The law of exogamy as practiced by the Indo-Aryans is found not to be associated with inter-tribal warfare as they indulged with the Non-Aryans type only.

Exogamy is a mark of sophistication of a later age. In all probability, the sept exogamy developed with the Indo-Aryans by way of imitation from the Non-Aryans.

#### 2.6: The Concept of Sapinda Exogamy :

In Hindu marriage, parallel to sept exogamy, they have developed another form of exogamy known as sapinda exogamy based on sapinda relationship. Marriage was prohibited with relatives within certain degrees on the father's side and the mother's side. The word sapinda hardly occurs in the Vedic literature, even though the word panda is used in the sense of "a part of the body of the sacrificial animal thrown into the fire as an offering"<sup>30</sup>.

The word sapinda exogamy was not clear among the Sūtrakāras, Āpastamba, Gautama, and Vaśīstha, but it is clear in Baudhāyana. In his Kalpa-sūtra the word 'pinda' means the ball of rice offered to the manes. Sapinda exogamy appears to be later origin than sept exogamy. In the *gotra* organization the spiritual father was of primary consideration with whom genealogy was associated. The Sūtra-writers differed widely concerning the rules of sapinda exogamy- the degrees of blood-relationship to be avoided in marriage. As per sapinda exogamy is concerned, Gautama Sanction marriage after seven generations from the father's side and after five generations from the mother side. He says that marrying a sapinda girl becomes an outcaste. Manu condemns marriage in the third generation and it is evident from his own observation. Manu clearly states that sapinda relationship extends up to the seventh degree and he further observes that an a-sapinda girl is to be sought for in marriage. Although Manu indeed condemns marriage with relation till the third degree of sapinda relationship it is difficult to accept that he supported marriage in the fourth generation.

According to Mitākṣarāsapinda exogamy are to be observed with the following rules. These are

- i) In computing degrees, the common ancestor is to be included.
- ii) Regard is to be had to the father and mother of the bride and the bridegroom.

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<sup>30</sup> Vide also Kane II, p. 478

- iii) If the computation is made from the Mother's side of either the propose of bride or bridegroom they must be beyond the fifth degree i.e. they must be sixth or further on. If it is made through the father of either, they must be beyond seventh from the common ancestor, i.e. they must be eighth. If the bride is eighth from the common ancestor and the bridegroom is sixth, there can be no marriage because the bride is beyond the limits of sapinda relationship to the common ancestor. The bridegroom is the sixth from the common ancestor has the sapinda relationship with the common ancestor.

According to shastras, these rules apply only when one married woman once own varna. However, in the case of an ancestor who married a Brahmin girl and a Kshatriya girl the question arises about the eligibility of marriage. Here the prohibition is based on sapinda relationship extends up to only three degrees and not seven or five. Devanabhata observes that woman is married following the Brahman form of marriage is freed from the sapinda-relationship that belongs to her before her marriage. He finally observes that Manu's verse recommends a non-sapinda marriage which he considers as *prasastha* or praiseworthy. Sapinda marriage may not be praiseworthy, but it does not at all follow that it is, illegal. Mādhava is an open advocate of marriage with cognates in the third generation. His line of argument is very similar to Devana Bhata.

In the Asura form of marriage, women's original *gotra* and sapinda remain unchanged. According to Devanabhata and Madhava, cross-cousin relation is legal not only in the **Deccan** but also in North India. They do not try to justify cross-cousin marriage on the doubtful authority of local custom. As females have no sapinda relations, distinct from their husbands, they can possibly be no objection to marrying in the third generation either in the South or in the north. The right of local custom is invoked in those cases only where the marriage was celebrated according to Asura form. According to Bisvesvasa, 'a sapinda marriage is an invalid marriage'

and girls so married are not entitled to be a wife. He further says that “even a Putrika is not to be regarded a full wife.”<sup>31</sup> The sapinda theory of Raghunandan is based upon Dayabhaga’s interpretation. Hereby sapinda relationship he refers to a verse from the Matsya-Purana. According to him, the sapinda relationship extends to the second generation beginning from the common ancestor. Moreover, he observes that the literal sense of the word Matuh in the text of Manu does not fit in, because by marriage girls lost their own *gotra* and sapinda and attain the same *gotra* and sapinda with their husband. So with the prohibition of the father *gotra* and sapinda relations, those of the mother are simultaneously prohibited.

## **2.7: The Concept of Endogamy**

It is to be noted here that the foundation of Indian culture is spiritual. The Hindu mind believes in the existence of an avoding principle in every individual being. It is known as the Atman. It also cognizes the external and conscious basis of the universe, i.e., the Absolute or the Brahman. The highest goal of life, according to the Hindu, is the realization of the identity between the individual and the universal. The meaning of life can be attained by going spiritual goal. One must cultivate the *values of life*, the four Purusharthas- Dharma, Artha, Kama, and Moksha. Dharma is the principle of life. It regulates the basic cravings in man. Artha stands for the material means of life. The Kama is the fulfillment of legitimate desires of life. Moksa is the complete liberation from all types of bondage. Thus, there is an amalgamation between Ātman and Brahman in the stage of Moksa. According to Sastra, the way of life should be organized in such a way so that it might be conducive to the attainment of these human values gained through four Purusarthas. According to Hindu, Varnashrama dharma or the code of life is onvarna and ashrama. Varna stands for the natural aptitude in the individual. Ashrama stands for individual

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<sup>31</sup> Madana-parijata pp. 139-140  
Vide also Hindu Exogamy p. 203.

nurture. This code was not legislated by any mundane authority. It was evolved by the society in course of time.

The concept of varna is particularly relevant here when we talk of the concept of endogamy. Endogamy, as oppose to exogamy, implies marriage within the same unit of people. Hindu endogamy is based upon the concept of *Jati* or caste. It seeks to resist marriage within the same caste. It aims to maintain the individuality of each class in its own way. Here each racial group is allowed freely to develop its own intrinsic merits without offending others. According to Hindu, marriage in the same caste was a point of the social owner. Each cast was supposed to have inherited the uniform tradition of the same cultural integrity.

Of course, it should be kept in mind that progeny was the sole aim of marriage with the Hindus. The Hindu also believes in the theory of heredity. So they could not allow indiscriminate sex relations. The Hindu believed that the nature of the progeny dependent on the nature of its parent. It is believed that the qualities of the parents were supposed to be faithfully transmitted to their children. In this regard, it is said, “Each cell of our body contains tiny chromosomes which particularly determine our being, height and weight form and color, nervous organization and vital energy, temperament, and intelligence. Half the number of chromosomes comes from the father and half from the mother and they transmit to us faithfully the qualities of our parents<sup>32</sup>”.

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<sup>32</sup> Hindu View of Life, p. 102.

## Chapter Three

### The Essence of Western Marriage

#### Section One

#### Kant's Contractual View of Marriage

##### 3.1: The problem of Sex

According to Kant, marriage resolves two moral problems underlying sexual activity. Each of which concerns the humiliation of humanity by the disposal of the body. We degrade our humanity if we compromise our ability to set goals for action for ourselves. According to Kant, our ability to set goals of action is materialized when we use ourselves as mere means to some further goal. The act of sex involves using our bodies as mere means to some further goal, namely, sexual gratification. While disposing of our bodies for sexual gratification qualifies as compromising our ability to set goals of action, and so qualify as a debasement of humanity.

The first moral problem with sex is that it involves the degradation of humanity in our own person. For Kant, disposing of one's own person as a mere means is morally wrong, but still, we can do it to have sex. In his *Metaphysics of Morals*, Kant goes on to say that 'disposing of oneself as a mere means to some discretionary end is debasing humanity in one's person.' The second moral problem with sex involves the degradation of the humanity of another. Humans have a particular impulse directed toward their own enjoyment of another person – a sexual impulse. Kant refers to the sexual impulse as a kind of love. In this context, he finds a distinction between 'love from sexual appetite' and 'love from true human affection'. Sex as a sign of love merely satisfies the sexual appetite of others. It involves using someone as an object. Sex in the context of love forms true human affection. But sex still vitiates the purpose of morality as sex

involves using the other person as an object. When someone becomes the object of another's satisfaction, 'all motives of moral relationship fall away. For Kant, sexual impulse is inherently human-debasing because in such a case our goal is always sexual satisfaction and never includes the other human as human.

### 3.2: Moral sexuality

The question then *is: can marriage resolve the problem of sex?* In this regard, Kant asserts that marriage can resolve the problem of sex. In marriage a person morally allows himself to be used for sexual satisfaction because in such a case he dedicates himself as a whole person. In marriage, one enjoys not only sex with the other person but also the overall happiness and life of the other person. In this regard, Kant says, "This right to dispose over the other's whole person relates to the total happiness and to all circumstances bearing upon the person."<sup>33</sup> In such a case one gives one's whole person – the composite body as well as personality- over to the other. In this regard, sex is morally justified and legitimized in marriage. In such a case they are considered morally inseparable. Thus in the case of moral sex or moral sexuality, one person has to obtain the other person as *a human subject* in addition to her body by freely submitting his own whole person over to the other. It is only through mutual submission that sex can be enjoyed morally. According to Kant, moral submission of the whole personhood through which sex is rendered morally permissible constitutes an essentially contractual view of marriage. Kant remarks, "I give the other person a right over my whole person, and this happens only in marriage. *Matrimonium* signifies a contract between two persons, in which they mutually accord

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<sup>33</sup> Kant, Immanuel, *Lectures on Ethics*, translated by Peter Heath, Schneewind, New York, Cambridge University Press, 1997, 27:388.

equal rights to one another, and submit to the condition that each transfers his whole person entirely to the other so that each has a complete right to the other's whole person.”<sup>34</sup>

### **3.3: Marriage as Contract**

Kant conceives marriage as a contract. For Kant, a contract is a particular means of acquiring property involving a transfer of possession from one person to another. It needs negotiation in terms of offering an assent. It involves promise and acceptance. The acquisition of a promise consists of the conferment of a right. Although Kant conceives marriage as a kind of contract, however, he does not spell out the process of marriage in terms of his mechanics of contract. What is mutually promised and accepted in a marriage contract is the possession of a whole person. By the term whole person, Kant means personality and body. In marriage when I promise my wife's possession of my whole person (personality and body) and I accept her promise to do the same. In Kantian ethics, the concept of promise has a strong moral dimension. It means making a promise is to keep the promise at the end. This kind of union involved in a marriage is generated only by the mutual acquisition of each other's whole person. Here promised is performed based on mutual acceptance. However, for Kant, a marriage contract is ‘consummated only by conjugal sexual intercourse’<sup>35</sup> A marriage contract remains a mere ‘simulated contract’ so long the partners have sex. Thus for Kant, no formal, public ceremony is necessary to constitute a marriage. The enjoyment of another person's body is after all the aim and objective of the marriage contract. In this regard, Kant goes on to say that marriage is nothing but purely a union between two people with an aim “for lifelong possession of each other's sexual attributes.”<sup>36</sup>

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<sup>34</sup> Ibid., 27:388.

<sup>35</sup> Kant, Immanuel, *The Metaphysics of Morals*, translated by Marry J. Gregor, Cambridge: Cambridge University Press, 1996, 6: 279.

<sup>36</sup> Ibid., 6:277.

## Section Two

### 3.4: Hegel non-contractual view of marriage

Hegel in his *Philosophy of Right* asserts that a marriage is only established after a wedding ceremony. For Hegel, marriage is the *immediate institution* of his ideal conception of community. As a result of that, marriage involves a sense of membership that we can experience in our social life. For Hegel, marriage is not contractual. To understand the perception of Hegel's marriage, one has to apprehend the role of the wedding ceremony because Hegel inclines to say that the wedding ceremony is necessary for constituting a marriage. In this regard, he goes on to say that the point of marriage comes 'only after this ceremony has first taken place. Hegel understands the ceremonial declaration of consent to be the performative act. The force of such an act actually transforms a relationship into a marriage where the agreement to marry be declared publicly. A public declaration is essential in marriage according to Hegel. The declaration of consent is involved in the wedding ceremony.

Hegel denies the Kantian contractual view of marriage. For Hegel, the Kantian contractual view of marriage is wrong. In this regard, Hegel remarks that "marriage is not a contractual relationship as far as its essential basis is concerned."<sup>37</sup> Unlike Kant, Hegel further contends that marriage cannot be subsumed under the concept of contract as Kant did. According to Hegel, normally marriage involves *a union of wills* that is essentially different from the kind of common will generated in a contract. Unlike Kant, Hegel thinks of marriage consent as consent to surrender one's personality. In marriage, the partners consent to constitute a single person and to give up their natural and individual personalities within this union. Later on, Hegel says marriage involves personality or individuality which enters into and surrenders itself to this relationship.

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<sup>37</sup> Hegel, G. W. F., *Elements of the Philosophy of Right*, translated by H. B. Nisbet, Allen Wood, New York: Cambridge University Press, 1991, 163R.

The marriage agreement is nothing but consent to the free surrender by both sexes of their personalities'. In marriage, each person gives his or her personality in exchange for membership in a new personality. Thus, there is a transformation from personality to a new personality in the marriage system. However, such transformation does not lead us to assume that I part with my personality and take on to others. Instead, both the partners would constitute a new person. Besides, consent in marriage also involves the subordination of sexuality. For Hegel, in marriage, the inward union of the natural sexes is eventually be transformed into a spiritual union through self-conscious love. This position of Hegel is very close to the Indian spiritualistic aspect of marriage. In Indian tradition, it is said that real marriage is nothing but the spiritual union of separate selves. It is an everlasting bond and it will remain inseparable even after the death of the husband.

According to Hegel, before marriage, the partners in the relationship lack a loving disposition. The union only has existence through sex, but it needs to have an existence in the partners' self-conception if it is to be a marriage. Here the concept of sex plays a vital role. In a relationship in which sex is unsubordinated, marriage can remove this deficiency. Moreover, the ethical character of love is the higher suppression than mere natural drive. For Hegel, marriage consent consists in the free choice to make the sexual drive inferior to the considerations of the ethical bond. This subordination of sexuality becomes real after the declaration has been uttered in the ceremony. Hegel further narrates the ethical determination of marriage as a 'pledging' that reduces the sensuous moment to a merely conditional one. It is conditioned by the true and ethical character of the relationship. In this regard, the recognition of the marriage bond is an ethical one. This would minimize the potency of romantic love and make marriage a happy conjugal tie. More specifically, it can be said that consent in the marriage ceremony is consent to make the end of the relationship an ethical one instead of one based on sexual satisfaction. This

does not however mean to say that the whole issue of marriage is to subordinate the sexual drive to some ethical purpose. The ethical perspective is relevant in the case to determine the motive of the partners to bring good progeny through sex. In such a case the partners vow to invest a principal interest in the well-being of this new person. Once married the lovers' approach to their relationship is not defined by a preoccupation with sexual gratification. In that case, sex is enjoyed merely in the context of an ethical relationship. This is where the relevance of sex ethics hinges on. In short, it can be said that the main objective of marriage consent is to surrender their *personalities* to constitute a new person. In such a case sexual gratification is subordinated to a higher-end, the higher end towards new progeny.

Why marriage is not contractual according to Hegel? Marriage is not a contract is that a contract is an agreement to exchange individual external things and only things of this kind are subject to alienation. However, marriage is an agreement between two people to surrender their personalities. Though they own their personalities as property, the partners cannot rightfully alienate their personalities because a personality is not an individual external thing. The surrender of personalities involved in marriage cannot be just like a trade-exchange that appears to be under Kant's view of marriage. Marriage and contract differ from each other. Marriage results in a transformation of one's self-identification whereas contract does not. Marriage for Hegel is not a contractual relationship rather the nature of marriage is to begin from the point of view of contract, i.e., that of individual personality as a self-sufficient unit to supersede it. The very transformation involves in marriage requires overcoming the individualistic self-identification from which we enter and leave the contract. For Hegel, when two persons enter into a contract, each of them is and remains a will distinctive for itself and not identical with each other. Marriage is founded on the disposition to have self-consciousness of one's individuality within this unit. As a result of that, in this system, one is present in it not as an

independent person but as a member. Thus for Hegel, marriage is not a contract because the common will generated in marriage is predicated on an overcoming of the individualistic self-identification from which we enter and leave contracts. Thus a new sense of membership can be acquired in marriage, but not in the contract. Here the partners' personalities become unified through their dispositions of mutual love and care. For Hegel, the ethical aspects of marriage consist of the consciousness of this union as a substantial-end. He then goes on to refer to this type of consciousness as a 'disposition' as the 'ethical spirit'. Marriage is different from the contract in two significant ways. First, marriage does not require the kind of trade exchange based on contractual relationships, and secondly, marriage results in a transformation from the contractual, self-interested disposition to a loving, communal disposition.

### **3.5: The Importance of Wedding Ceremony**

Hegel put emphasized more on the wedding ceremony. For Hegel, the subordination of sexual desire, the surrender of personality, and the transformation of disposition or spirit take place in the wedding ceremony. Marriage thus differs from contract precisely because it involves a transformation in a disposition that overcomes the deficiency of a self-sufficient life. Hegel thus takes the wedding ceremony to be a necessary component of marriage. The loving disposition constitutes a marriage that lifts the wedded out of the deficient. We cannot ignore the dispositional force of speech acts. There is the solemn declaration of consent spoken during the wedding ceremony. Marriage is constituted when both the members of the relationship achieve a loving disposition. However, this relationship cannot be transformed into marriage so long the wedding ceremony is completed. A wedding ceremony is an occasion where there is felt familiarity and a shared life. Dr. S. Ciavatta says, "The actual shared life we have come to live is itself the expression of our commitment to each other- a durable, living actualization of spirit that

says more than any contractual commitment could.”<sup>38</sup> Hegel then says that after the ceremony do the sexual act and the desire for it become subordinate to the substantial concerns of the marital unit. The declaration of consent binds each partner to the agreement to marry. In addition to this binding, the marriage union must be considered permanent. It cannot rely solely on love. Love is feeling. Therefore simply expressing one’s love is inappropriate for the kind of relationship of marriage. As love as a mere feeling is too capricious and transient. The feeling must take a rational form. It becomes rightfully ethical love. It is rationalized as a decision. It is thus expressed as an agreement, as the free consent of each partner. It is thus up to the partners to maintain the agreement indefinitely. This indissolubility feature is a key aspect of a marriage. For Hegel, marriage should be regarded as indissoluble in itself. If love is not rationalized, then in such a case the relationship depends on mere feeling which leaves the relationship quite susceptible to dissolution. Moreover, a relationship based on mere feeling cannot be regarded as ethical. Hegel says, “Love, as a feeling, is open in all respects to contingency, and this is a shape which the ethics may not assume. Marriage should therefore be defined more precisely as rightfully ethical love, so that the transient, capricious, and purely subjective aspects of love are excluded from it.”<sup>39</sup> The feeling is crucial for a successful marriage, but the arbitrariness of pure feeling must be overcome. There can be no marriage if the partners’ feelings are never rationalized. Thus for Hegel, instead of feeling, we need to have rationalized feelings.

To Hegel, the concept of the wedding ceremony has a different philosophical connotation. He conceives the wedding ceremony as the conclusion of the marriage. It is through the wedding ceremony the essence of the bondage is expressed and confirmed as an ethical quality. There are two aspects of the wedding ceremony, such as the formal aspect and the non-formal aspect.

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<sup>38</sup> Ciavatta, David V., *Spirit, Family and the Unconscious*, Albany: State University of New York Press, 2010, p.104.

<sup>39</sup> Hegel, G. W. F., *Elements of the Philosophy of Right*, translated by H. B. Nisbet, Allen Wood, op. cit., 161A

Attending the civil relationship and edification is the formal aspect of the wedding ceremony. Hegel then goes on to say that the function of the ceremony goes beyond merely reporting on some pre-established decision or feeling. For Hegel mere understanding and interpretation of the wedding ceremony is mistaken. The essential purpose of the ceremony is the norm-generating, performative act of the decision of consent. It may be tempting to think of the marital declaration of consent as a promise. According to the standard performative interpretation of promise, what I do when I promise is to enter into an obligation to do something in the future. To make a promise and to break a promise is not the real ethical force of promise. The ethical force of promise entails an obligation. That means to promise is entering into an obligation to keep the promise intact. In the case of a traditional wedding ceremony, there are various promises or promises like utterances made. Here the partners thereby oblige themselves to behave in certain ways in the future, such as, to love, to honor, to have and to hold, etc. However, the declaration of consent, according to Hegel, is not a promise. For Hegel, a promise is an expression of one's intention to do something in the future, but the fact is that a promise remains a '*subjective determination of the will*'.<sup>40</sup> Now if the agreement in the wedding ceremony were a promise, then in such a case the wedding ceremony would involve the expression of an intention to behave a certain way for the rest of the lovers' lives. The agreement in a marriage is expressed as *free choice*, the autonomy of will, to be unified, just as the expression of the agreement in a contract 'is itself already the existence of [the] will's decision'.<sup>41</sup> Hegel also talks in favor of publicity besides the wedding ceremony. For Hegel, publicity of the declaration is necessary because it facilitates the perception that the marriage is indissoluble. Once it is announced in front of the family and community, it will have always been announced. Moreover, the function of the public aspect of the ceremony is to provide a basis for the endurance of the union. Moreover, the declaration of

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<sup>40</sup> Ibid., 79R.

<sup>41</sup> Ibid., 79R.

consent implies the permanence of the new marital person because it is the rationalization of the partner's feelings for each other. The wedding ceremony entails leading an ethical life. Through the declaration of consent, the partners affirm their union with one another. Here marriage as an institution of ethical life is witnessed and understood as rational.

### **3.6: Marriage and Ethical life**

It thus seems that the insights of Hegel's wedding ceremony in marriage are to strengthen our ethical life. It is not implausible to think that marriage as a fundamental aspect of Hegel's ethical life always requires this type of confirmation from its participants. In this regard, Hegel inclines to say that to enter into marriage is to surrender one's personality for the sake of a new marital person. It thus seems to require an agreement to a self-limitation. To consider marriage as a self-limitation may make it undesirable to many people. The so-called wedding ceremony demonstrates that the institution is good because it adequately reflects the ethical spirit. Here one sacrifices his personality, one's individuality, in the way peculiar to love. Thus the act of marriage in some sense or other demonstrates marriage to be a rationally endorsable institution. While illuminating the ethical aspect of Hegel's marriage perception, Hardimon remarks, "Hegel thinks that marriage involves a transformation not only of one's public status but also of one's private self-conception. In his view, marriage is not, strictly speaking, a partnership – a union in which the separateness of the parties is perceived – but, instead, a deeper and more thoroughgoing union in which the separateness of the parties is overcome. We might take exception to this view, but it is crucial to recognize that it is the view that Hegel holds."<sup>42</sup> Thus the very objective of marriage is to overcome the separateness of two individuals. It is also crucial for understanding Hegel's claim that the agreement to marry be declared and recognized by an audience. In marriage, the two parties surrender their personalities to form a new person. For Hegel, part of

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<sup>42</sup> Hardimon, M. O., *Hegel's Social Philosophy*, New York: Cambridge University Press, 1994, p.180.

being a person in the fullest sense involves recognition by others, so these two individuals, as a new marital person, would require recognition by an outside party, namely, their society and community. In this regard, Hegel further contends that part of being a person in a fully ethical sense means relating to and being recognized by others. To be a fully ethical, right-bearing person, a subject must enjoy the freedom of a person who relates only to himself, and in doing so, he relates himself to another person. Thus the commandment of right is, therefore, to be a person and respect others as persons. It implicitly means that personhood requires some mutual recognition. The declaration of the agreement to surrender one's personality for the new marital person itself has the power to activate the loving disposition required to constitute a marriage. However, this new marital person is not technically a person until it is recognized by its community. This is where the philosophical and social significance of the wedding ceremony hinges on. After marriage, they are members of a personality with new ends, and to be a fully ethical person, their union requires the recognition afforded in the wedding ceremony.

Putting everything into perspective, we can say that Hegel's view of marriage is non-contractual. In this regard, Hegel differs from Kant as we saw that the Kantian view of marriage is contractual. In contrast, things are exchanged to make use of them, but no exchange proper takes place in marriage. A contract is for the sake of transference of things, whereas a marriage is for the sake of a new mode of self-identification. A contractual account of marriage is not based on love and feeling, but on the use and ownership of one's partner as Kant suggested. In contrast, a common will is forged from two self-sufficient wills, yet those wills remain self-sufficient. In marriage, a union is formed from two self-sufficient wills through which their self-sufficiency is overcome. Hegel's loving disposition is activated once the wedding ceremony is conducted. It is normatively binding as an embodiment of will. It has a performative force. It is not a mere expression of my will, but an embodiment of my will. The union formed in marriage endures

because it is built upon a rationalized feeling of unity, not of self-interest. For Hegel, the ceremony of marriage is an unambiguous symbol of ethical life. The public aspect of the ceremony is necessary because marriage consists of the creation of a new person. Personhood requires recognition by other persons. Thus it can be concluded by saying that to be a person, the couple's union needs to be recognized by Hegel.

### Section Three

#### 3.7: Mill's View about Ideal Marriage

John Stuart Mill conceives the necessity of an ideal marriage to form an ideal family, a new type of family grounded in *the classical union of friendship*. He conceives the notion of friendship as a relationship between equals and not on hierarchy and domination and extinction. Mill desires a kind of family formed through marriage that would be the *hub of a school of moral and civil education*. Mill's philosophical commitment is to overcome the artificial dichotomy between feminine and masculine. According to Mill, such artificial distinction is based on prejudice. In this regard, Sigmund Freud remarks, "Mill was perhaps the man of the century who best managed to free himself from the domination of customary prejudices."<sup>43</sup> However, Freud in this regard disagreed with Mill. According to Freud, Mill tried to *avoid any preconceived distinction between men and women*. Freud then estimated this attitude of Mill as a sign of a misunderstanding of the relationship between the sexes. Mill, on the other hand, revealed dated prejudice in Freud's perception of women. While rejecting the segregation of feminine and masculine, Mill explicitly gestured toward the unity of human beings beyond sexual difference. He subscribes to sexuality as something mechanical or pure physical factors. In this regard Mill distinguishes between sex and gender, i.e., between biological and social spheres. Biological sexuality was an accidental factor. Psychological qualities are not linked to sexual

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<sup>43</sup> Jones, Ernest, *The Life and the Works of Sigmund Freud*, New York: Basic Books, 1953, p.176.

determinations and that, properly speaking; masculine and feminine do not exist. According to the Freudian classification of theories of sexuality, Mill could be considered as a ‘sociologist’, because he thought that pure masculinity and femininity could not be defined in a biological sense. What is called feminine and masculine involves the existence of qualities that would be good for everyone to possess to develop their character in the best way. As a result of that what people call feminine and masculine are not incompatible properties at all. Mill, in his book *The Subjection of Women*, talks in favor of women’s opportunities for education, employment. According to Mill, women would choose marriage as a carrier. Friendship in marriage is crucial if marriage were to become a ‘school of genuine moral sentiment’. Male-female equality was essential to marital friendship and to the progression of human society. Mill’s vision of marriage is conceived as a locus of sympathy and understanding between autonomous adults not only reforms our understanding of his feminism, but also draws attention to an often submerged or ignored aspect of liberal political thought. In this regard, Mill put emphasized the value of non-instrumental relationships in human life. Marriage may be corrupt as well as well ordered. His interpretation of both corrupt and well-ordered marriage traces the relationship of family order to the right political order. His vision of marriage as a locus of mutual sympathy and understanding between autonomous adults stands as an unrealized goal for those who believe that the liberation of women requires not only formal equality of opportunity but measures that will enable couples to live in genuine equality, mutuality, and reciprocity.

### **3.8: Mill’s Reconstruction of Marriage**

Mill’s reconstruction of marriage is based on friendship. It was preceded by one of the most devastating critiques of male domination in marriage in the history of western philosophy. To outline the perception of marriage, Mill repeatedly used the language of ‘master and slave’ or ‘master and servant’ to describe the relationship between husband and wife. Mill called the

dependence of women upon men “the primitive state of slavery lasting on”.<sup>44</sup> The wife is the actual bond-servant of her husband: no less so, as far as legal obligation goes than slaves commonly so-called.”<sup>45</sup> There remain no legal slaves, except the mistress of every house. The women had no right to care about anything except how they may be the most useful and devoted servants of some man. To Auguste Comte, he wrote comparing women to ‘domestic slaves’ and noted that women’s capacities were spent “seeking happiness not in their own life, but exclusively in the favor and affection of the other sex, which is only given to them on the condition of their dependence.”<sup>46</sup> In what sense Mill conceives married women as chattel slaves? According to Mill, the position of married women resembled that of slaves in several ways. The social and economic system gives women little alternative except to marry. Marriage is an inevitable event and destiny for women. Once married, the legal personality of the woman was subsumed in that of her husband. Moreover, the abuses of human dignity permitted by custom and law within marriage were egregious. In Mill’s eyes, women were in a double bind. On one hand, they were not free within marriage, and on the other hand, they were truly free not to marry. If a woman is unmarried belongs to either the middle class or upper class, she could not attend any of the English universities. As a result of that, she was literally ‘barred from a systematic higher education’.<sup>47</sup> Even if somehow she acquired a professional education, the professional associations usually barred her from practicing her trade. It is said, “No sooner do women show themselves capable of competing with men in any career, than that career, if it is lucrative or honorable, is closed to them.”<sup>48</sup> In this regard Mill cited a glaring example of a young lady, Miss Garrett. The situation of working-class women was even worse off. They were enjoyed low wages due to the prejudice of society which making almost every woman, socially

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<sup>44</sup> Mill, J.S. *The Subjection of Women*, 1969, 1:130..

<sup>45</sup> *Ibid.*, 2: 158.

<sup>46</sup> Mill, J.S., *The Collected Works of John Stuart Mill*, Toronto: University of Toronto Press, 1963, p.609.

<sup>47</sup> Strachey, Ray, *The Cause*, London: G. Bell, 1928, pp.124-165.

<sup>48</sup> Hansard, V., 1867, P.189.

speaking, an appendage of some men enables men to take systematically the lion's share of whatever belongs to both. Moreover, women were the surplus of female labor for unskilled jobs. Law and custom predestined that 'a woman has scarcely any means open to her of gaining a livelihood, except as a wife and mother'.<sup>49</sup> Putting everything into perspective, Mill says, "Marriage was a "Hobson's choice" for women, "that or more " ".<sup>50</sup> Women's status is involved in marriage. Here Mill was talking of English common law about women's marriage. According to English marriage, common law deprived a married woman of a legal personality independent of that of her husband. According to Biblical notion, a man shall leave his father and his mother and shall cleave to his wife, and they shall be one flesh.<sup>51</sup> According to Blackstone, by marriage, the husband and wife are one person in law, and that 'person' was represented by the husband. This is what we call patriarchic society where women, in general, were subdued by men. Blackstone further contends, "The very being or legal existence of the women is suspended during the marriage, or at least is incorporated and consolidated into that of the husband."<sup>52</sup> Thus in a sense, married women lacked ownership of their earnings. As the matrimonial couple was 'one person, and that person is 'husband', the wife's earnings during the marriage were controlled by her husband. When Mill was an elected Member of Parliament, he supported a Married Women's, Property Bill. The Bill was placed in the Parliament to oppose the view that 'society can't exist on a harmonious footing between two persons unless one of them has absolute power over the other.' The Bill stated this stage as a 'savage state'. In this regard Mill argued that 'wife's position under the common law of England [concerning property] is worse than that of slaves in the laws of many countries.'<sup>53</sup> Mill also regarded the husband's exclusive guardianship over the married couple's children as a sign of the women's dependence on her

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<sup>49</sup> Mill, J. S., *The Principles of Political Economy*, 1848, p.394.

<sup>50</sup> Blackstone, W. *Commentaries on the Laws of England 4 vols.*, Oxford: Clarendon Press, 1765, p.430.

<sup>51</sup> Genesis, ii, 22-23.

<sup>52</sup> Blackstone, W. *Commentaries on the Laws of England 4 vols.*, op. cit., p.430

<sup>53</sup> Mill, J.S., *The Subjection of Women*, 1969, 2: 158-59.

husband's will. In Mill's eyes, she denied any role in life except that of being 'the personal body-servant of a despot'.

### **3.9: Wife to be the slave of the husband**

According to Mill, there are two main reasons for which wives to be the slaves of husbands. The assimilation of the wife to the slave was *her inability to refuse her master* and more importantly, her inability to obtain a legal separation from her husband. Mill in this regard goes on to say that no matter how brutal a tyrant a husband might be, and no matter how a woman might loathe him, he can claim from her and enforce the lowest degradation of a human being. A man and wife being one body, rape was by definition a crime that a married man could not commit against his wife. By marriage, sexual relation is legitimized both legally and morally. As marriage unifies two independent selves into one unified self, a wife by law could not leave her husband on account of a sexual offense. According to Mill, the most vicious form of male domination of women is rape within marriage. Mill attributes it as vicious because it is legal. Thus for Mill there we perceive a legally sanctioned system of domestic slavery that shaped the character of marriage in his day. In the modern era, however, marriage is a relationship grounded on the consent of the partners to join their lives. Mill thinks the other way round. To Mill, that the presumed consent of women to marry was not, in any real sense, a free promise, but *one socially coerced by the lack of meaningful options*. Moreover, the laws of marriage go against the interest of women. Laws of marriage in some sense or other deprived a woman of many of the normal powers of autonomous adults, such as controlling her earnings, entertaining contracts, to defending her bodily autonomy by resisting unwanted sexual relations. Marriage, for Mill, is a hierarchical relationship, a one-way dictatorship that does not reflect the relationship which should exist between those who were truly equal. Besides, Mill's view of marriage as slavery suggested a significantly more complicated and skeptical view of what constituted a free choice

in society. Hobbes, for example, regarded men as acting 'freely' even when moved by fear for their lives. Locke disagrees with Hobbes, but he talked about the individual's free choice to remain a citizen of his father's country. Mill's analysis of marriage demonstrated the great complexity of establishing that any presumed agreement was the result of the free violation and that an initial consent could create a perpetual obligation. In his *The Subjugation of Women*, Mill exposed the inherent fragility of traditional conceptualizations of free choice, autonomy, and self-determination so important to liberals, showing that economic and social structures were bound to limit and might coerce any person's choice of companions, employment, or citizenship. However, Mill did not rule out the possibility that marriage can be based on true consent. Even some individuals in his day established such associations of reciprocity and mutual support. He then suggested that to create conducive conditions of a marriage of equals rather than one of master and slave, marriage law itself would have to be altered. In such a case women would have to be provided equal educational and enjoyment opportunities where men and women would have to become capable of sustaining genuinely equal and reciprocal relationships within marriage. This may be treated as an alternative proposal of the marital relationship through which the master-slave is maintained.

### **3.10: Fear of Equality:**

Marriage creates fear of equality in the mind of men. While establishing legal equality in marriage and equality of opportunity would require that men sacrifice those political, legal, and economic advantages they enjoyed 'simply by being born male'. Mill supported such measures and attributed them to *women's suffrage*. For example, the Married Women's Property Bills, the Divorce Act of 1857, and the repeal of the Contagious Disease Acts are cases in point. According to Mill, women's participation in civic decisions enables married women to protect themselves from male-imposed injustices such as lack of rights to child custody and to control of

their income. Besides, access to education and jobs would give women alternatives to marriage. It would also provide a woman with self-support in the case of separation or divorce. The divorce act of 1857 would enable women and men to escape from intolerable circumstances. A married women's property act would recognize the independent personalities that would enable them to meet their husbands more nearly as equals. However, Mill thinks that the subjection of women could not be ended by law alone, but only by law and the information of education, of opinion, of social inculcation, of habits, and finally of the conduct of family life itself. Men fear living with equality. Marriage was retained as 'a law of despotism' that men shut all other occupations to women. Men who have a real antipathy to the equal freedom of women' were at the bottom afraid 'least [women] should insist that marriage is on equal conditions'. In this regard Mill remarks," Women disabilities in law are only clung to maintain their subordination in domestic life; because the generality of the male sex cannot yet tolerate the idea of living with an equal."<sup>54</sup> The public discrimination against women was a manifestation of a disorder rooted in family relationships. For the sake of the progression of humankind, the master-slave relationship should be eliminated from marriage.

However, Mill did not mention any single explanation of the origin of men's fear of female equality. His account of the fear of equality was not psychoanalytic. However, he did undertake to depict the consequences of marital inequality both for the individual psyche and for social justice. Women were affected by the denial of association with men on equal footing. According to Mill, women's confinement to domestic concerns was a wrongful 'forced repression'. For a woman, no public-spirited dimension to her life is possible. However, Mill was convinced that men were corrupted by their dominance over women. Unlike men, women were taught to live for others. Hegel in his book *The Phenomenology of Mind* conceived the relationship between

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<sup>54</sup> Ibid., 3:181.

husband and wife as master and slave. The master thinks that he is autonomous, but in fact, he relies totally upon his slave, not only to fulfill his needs and desires but also for his identity. Thus, without slaves, he is no master according to Hegel.

### **3.11: Call for a Friendship**

The master-slave relationship can be overcome to a great extent through the notion of marital friendship. According to Mill, friendship was the ideal of marriage. The same was reflected in Hegel as well. Hegel also voiced in favor of friendship. The ideal of friendship was ‘a union of thoughts and inclination’ which created a ‘foundation of solid friendship’ between husband and wife. Thus, Mill praises marital friendship. In this regard Mill wrote: “When each of two persons, instead of being a nothing, is a something; when they are attached and are not too much unlike, to begin with; the constant partaking of the same things, assisted by their sympathy, draws out the latent capacities of each for being interested in the things... by a real enriching of the two natures, each acquiring the tastes and capacities of the other in addition to its own.”<sup>55</sup> Here Mill subscribes that human capacities did not exhaust the benefits of friendship. A friendship develops the abolition of selfishness, the capacity to regard another human being as fully as worthy as oneself. Therefore, a friendship of the highest order could only exist between those equal in excellence. But the problem here is that women are far below men in this regard. For precisely this reason, philosophers from Aristotle to Hegel had consistently argued that women could not be men’s friends, for women lacked the moral capacity for the highest forms of friendship. It is common to distinguish the marital bond from friendship not solely based on sexual and procreative activity, but also because women could not be part of the school of moral virtue which was found in friendship at its best. Thus, Mill like Nietzsche put emphasized adopting the language of friendship in the discussion of marriage. According to Mill, the true

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<sup>55</sup> Ibid, 4: 233.

virtue of human beings is the fitness to live together as equals. Friendship is all about reciprocity and it has been a remarkable characterization of family life.

Mill repeatedly insisted that his society had no general experience 'of the marriage relationship as it would exist between equals'. Such marriage would be impossible until men rid themselves of the fear of equality and the will to dominate. Women were to be regarded as equals not only to fulfill the demand of individual rights but also so that women and men could form ethical relations of the highest order. In this regard, men and women alike had to learn to cultivate their strongest sympathy with an equal in rights and cultivation. In his *On Liberty*, Mill explicitly rejected von Humbolt's characterization of marriage as a contractual; relationship which could be ended by 'the declared will of either party to dissolve it'. To Mill, marriage involved a person's expectations for the fulfillment of a 'plan of life' and thereby 'created a new series of moral obligations toward that person, which may be overruled, but cannot be ignored'. Thus in a sense, there lie moral imperatives of such a friendship. Mill put forward for the fostering of the society of equals was providing equal opportunity to women in areas outside the family. In this regard, he remarked in his *On Liberty* that 'nothing more is needed for the complete removal of the almost despotic power of husbands over wives than those wives should have the same rights and should receive the same protection of the law in the same manner, as all other persons.' Within marriage there we observe a division of labor between husband and wife. Man earns the income and the wife superintends the domestic expenditure just like the most suitable division of labor between the two persons. Mill also indicates that women alone would care for any children of the marriage, what he called the 'care which nobody else takes'. As far as child care is concerned, nobody to compete with them. As a man when he chooses a profession, so, when a woman marries, it may be in general understood that she chooses the management of a household.' However, Mill's acceptance of the traditional gender-based division of labor in the

family has led some recent critics to fault Mill in various respects. Mill wanted the family to become a school of moral and civic education, i.e., a modern adaptation of the ideal of the ancient polis. Only cultural friendship could save humanity. Ideal marriage may be conceived as a school of freedom where equality, justice, and friendship are well secured. For Mill true marriage transforms the couple into a single being because it fulfills everyone's need for completeness. Thus, it can be said after Mill that the notion of an ideal marriage, of a soul mate, was a topos. Marital friendship, based on conjugal androgyny, could also represent a great opportunity to overcome the traditional division of domestic roles. In this regard Mill writes: "The association of men with women in daily life is much more complete than it was ever before. Men's life is more domestic. Formerly their pleasures and chosen occupations were among men, and in men's company: their wives had but a fragment of their life."<sup>56</sup>

## Section Four

### 3.12: Russell's View about Marriage

While outlining the essence of Western marriage, we particularly confine ourselves within Russellian interpretation of marriage as the paradigm of it. In the first few lines of the introduction of his book *Marriage and Morals*, Russell remarks, "In characterizing a society, whether ancient or modern, there are two elements, rather closely interconnected, which are of prime importance: one is the economic system, the other the family system."<sup>57</sup> Based on that there develop different types of thought of which one is primarily concerned with *economic sources* and the other derives everything from *family or sexual sources*. The former one is linked with Karl Marx and the latter one is linked with Freud. Russell did not go with either one of these as he thought there is no interconnection between the two. Of course, it would be true to

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<sup>56</sup> Ibid., p.335.

<sup>57</sup> Rusell, Bertrand, *Marriage and Morals*, London and New York, 2015, p.1.

say that the industrial revolution has a profound influence upon sexual morals and vice-versa, but Russell did not prepare to assign primary either the economic or the sexual factor. Russell attempts to show in what sense sex and economy are linked and interconnected with each other. According to Russell, the sexual morals of the community will be found to consist of several layers. The first would be the positive institutions embodied in law, for example, monogamy in some countries and polygamy in others. Next, there is a layer where the law does not intervene but public opinion is emphatic and finally there is a layer that is left to individual discretion in practice if not in theory. The fact is that sexual ethics and sexual institutions are not based on rational considerations except Soviet Russia. In Soviet Russia, sexual ethics are not the outcome of superstition and tradition. Otherwise, the perception of sexual ethics would vary from country to country, from situation to situation. Therefore, the effects of sexual ethics are of most diverse kinds, such as, *personal, conjugal, familial, national, and international*, and their effects would also vary good in some respect and bad in others. In the case of sexual relations, the psychological element plays significant role. It is even true to say that some sex relations have more value than others. Even many would say that sex relation is better when it has a large psychological element. Love in the real sense of the term increases in value in proportion based on the personalities of the concerned man and woman. According to the poet, sexual relation and the value of it actually hinges on the psychic element and their perception of love as an equal relation. In this regard polygamy, for example, cannot be regarded as an ideal system. Thus for Russell, it would be a prerequisite to count both marriage and extra-marital relations because extra-marital relations will vary according to the marriage system.

### **3.13: The Structure of the family**

The structure of the family also plays important role in marriage. There are different kinds of family groups, but the patriarchal has a very large impact on polygamy. The primary objective of

sexual ethics of Western civilization since pre-Christian times has been to secure the degree of female virtue without which the patriarchal family becomes impossible. Within a monogamy family again there are many varieties. It may be decided by the parties themselves or by their parents. Even in some countries, the bride is purchased and in others, for example, in France, the bridegroom is purchased. As a result of that, there occur all kinds of jittery, such as divorce and others. In the Catholic extreme divorce is not permitted, but in China, a man can divorce his wife for being a chatterbox.

### **3.14: Matrilineal Societies**

Russell subscribes to three factors, such as, *instinctive, economic, and religious*, as far as marriage customs are concerned. Russell reveals many laws and customs about sex. Some custom has a religious origin and it might not survive over a period. For example, shops are closed on Sundays has a religious origin, but now it is an economic fact. Accordingly, it would really be difficult to make the distinction between what is religious and what is instinctive. For Russell religion has a strong instinctive basis linked with tradition. For example, love and jealousy are both instinctive emotions but religion accepts love as a great virtue and decrees jealousy. The custom of religious defloration is another instinctive one. Polyandry is another custom that an unread white man would suppose contrary to human nature. The word instinct is hardly the proper one to apply to anything so far from rigid as human behavior in sexual matters. Thus in the strict sense of the term, the sexual act is not instinctive. According to Russell, all civilized modern societies are based upon the patriarchal family and as a result of that, the whole conception of family virtue has been built up to make the patriarchal family possible. For example, the feeling of a mother towards her child is not at all difficult to understand because there is a close psychical tie. However, the relation of the father to a child is indirect, hypothetical, and inferential. It is bound up with beliefs as to the virtue of the wife. Thus, the

concept of paternity would be a very complex one. According to Russell, Christianity is a patriarchal religion and it cannot be made emotionally or intellectually intelligible to people who do not recognize fatherhood. Instead of the Father', it would be necessary to speak of the Maternal Uncle'. But this does not reflect the right meaning since fatherhood implies both *power and love*.

Malinowski maintains that if a man remains with his wife during pregnancy and childbirth, he has an instinctive tendency to be fond of the child when it is born and this is the basis of paternal sentiment. He then remarks that human paternity can be shown to be deeply rooted in natural endowment and organic need. If a man is absent from his wife during pregnancy he would not instinctively feel affection for the child at first, although if customs and tribal ethics lead to associate with the mother and child. Affection will develop with the mother throughout. The important human relations, socially desirable acts are enforced by social ethics. Russell remarks, "Customs enjoins that the mother's husband shall care for the children and protect them while they are young, and this custom is not difficult to enforce, since it is, as a rule, in line with instinct."<sup>58</sup>

### **3.15: Patriarchal Systems**

Russell then claims that as soon as the psychological fact of paternity is recognized, a new element would enter into paternal feeling. It is necessary for the creation of patriarchal societies. The father recognizes that the child is his seed. It is also available in the Bible. In such a case father's sentiment towards his child is reinforced by two factors, such as the love of power and the desire to survive death. According to Russell, a man's decedents are in a sense his own achievements, and their life is a continuation of his life. In fact, *the discovery of fatherhood would make human society more competitive, more energetic, more dynamic, and hustling than it*

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<sup>58</sup> | bid., p.13.

*had been in the matrilineal stage.* Under the patriarchal system, a legitimate child is a continuation of a man's ego, and his affection for the child is a form of egoism. But if the child is not legitimate, the putative father is tricked into lavishing care upon a child with whom he has no biological connection. As a result that the discovery of fatherhood led to the subjugation of women, both physical and mental, as the only means of securing their virtue. Due to the subjugation of women, there has not been developed genuine companionship between husbands and wives. According to Russell in most communities women have been denied almost all experience of the world and of affairs. They have been kept artificially stupid and it was even reflected in Plato's dialogue. The domination of patriarchy is revealed everywhere. Daughters throughout civilization, and sons in a great many countries, could not marry without their father's consent. It was usual for the father to decide whom they should marry. Russell says, "A woman had in no period of her life any independent existence, being subject first to her father and then to her husband. At the same time, an old woman could exercise almost despotic power within the household; her son and their wives all lived under the same roof with her and her daughters-in-law were completely subject to her."<sup>59</sup>

### **3.16: The Role of Christian ethics in Marriage**

The role of Christian ethics has paramount philosophical significance in marriage. Westermarck says, "Marriage is rooted in the family rather than family in marriage".<sup>60</sup> This clearly suggests that the *fate and peace of the family at large depends on the quality of marriage*. It is clearly stated in the Christian religion. Christianity and more particularly St. Paul introduced an entirely novel view of marriage not at all related to the procreation of children, but to prevent the sin of fornication. In Indian religion, we notice the same. It states that the nature of progeny/offspring

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<sup>59</sup> Ibid., p.18.

<sup>60</sup> Ibid., p.27.

actually depends on the *novel idea of marriage*. According to St. Paul, the views on marriage are set forth with a clarity that leaves nothing to be desired. Some of the views St. Paul set forth are as follows:

- (i) It is good for a man not to touch a woman
- (ii) To avoid fornication, let every man have his own wife and every woman have her own husband.
- (iii) Let the husband render unto the wife due to benevolence and likewise also the wife unto the husband.

Here St. Paul makes no mention of whatever children. Thus the biological purpose of marriage appears to be wholly unimportant. St. Paul also holds that sexual intercourse, even in marriage, is something of a handicap in the attempt to win salvation. However, married people can be saved, but fornication is a deadly sin. The Old Testament forbids adultery, but it means adultery intercourse with a married woman. For example, when Abraham goes to Egypt with Sarah he tells the king that Sarah is his sister, and the king, believing this, takes her into his harem; when he subsequently transpires that she is Abraham's wife. The king is shocked to find that he has without knowing committed sin. He then reproaches Abraham for not having told him the facts. According to Russell, a woman who had intercourse outside marriage was thought ill of, but a man was not condemned unless he had intercourse with the wife of another. The Christians view that *all intercourse outside marriage is immoral and it was based upon the view that all sexual intercourse, even within marriage, is regrettable*. This view certainly goes against biological facts. However, the fact is that it is embedded in Christian ethics and it made Christianity, throughout the whole history, a force tending towards mental disorders and unwholesome views of life. St. Paul's views were emphasized and exaggerated by the early Church. The Church attacked the habit of the bath that makes

the body more attractive and it tends towards sin. The purity of the body according to St. Paul, 'means the impurity of the soul'.<sup>61</sup> According to the Church, sexual relations when they occurred would tend to be brutal and harsh very similar to drinking under pollution. *The art of love was forgotten and marriage was brutalized.*

It thus seems that *from an ethical point of view marriage and sexual relations were completely abandoned in Christianity, in the Church, and by St Paul.* We cannot ignore the religious impact on marriage. When any strong religious fervor fell upon a husband or a wife, its first effect was to make a happy union impossible. The more religious partner immediately desired to live a life of solitary asceticism or at least an unusual life of separation in marriage. It was even reflected in St. Abraham. St. Abraham ran away from his wife on the night of his marriage. What we gather from St. Paul is that for him marriage is to be regarded solely as a more or less legitimate outlet for lust. It was not clear whether he would have any objections to birth control, but what he would lead to suppose that he would regard as dangerous the periods of continence involved in *pregnancy and child-birth.* The Church has taken a different view. In the orthodox Christian, marriage has two purposes of which one has been recognized by St. Paul and the other is the procreation of children. The consequence has been to make sexual morality even more difficult than it was made by St. Paul. Further not only is sexual intercourse only legitimate within marriage but such relation even within husband and wife it becomes a sin unless it is hoped that it will lead to pregnancy. The desire for legitimate offspring is, in fact, according to the Catholic Church, the only motive which can justify sexual intercourse. But this motive always justifies it, no matter what cruelty may accompany it. If the wife hates sexual intercourse, if the child is likely to be diseased or instance, if there is not enough money to prevent the utmost extreme

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<sup>61</sup> Ellis, Havelock, *Studies in the Psychology of Sex*, vol. iv. P.31.

of misery, that does not prevent the man from being justified in insisting on his conjugal rights, *provided only that he hopes to beget a child*. According to Catholic teaching besides asceticism, marriage is good because *it will bring into the world as many souls as possible*. Every soul is capable of salvation. Even though souls are equally capable of damnation is not taken into account. The recognition of children is one of the purposes of marriage is very partial in catholic doctrine. It exhausts itself in drawing the inference that intercourse not intended to lead to children is sin. Thus, it has never gone so far as to permit the dissolution of a marriage on the ground of sterility. A man may desire children and if his wife is barren he has no remedy in Christian ethics. The positive purpose of marriage plays a very subordinate part and *its main purpose is the prevention of sin*. Having said marriage is still regarded essentially as a somewhat less regrettable alternative. It thus seems to us that the Catholic Church has tried to cover up the low view of marriage by the doctrine that *marriage is a sacrament*. It lies in the inference that marriage is indissoluble. However, unlike the Catholic Church, we have a different perception of the outlook of Protestantism about marriage. The text suggests that ‘it is better to marry than to burn’. Luther inferred that he and the nun had the right to marry; otherwise, he would have been *led to mortal sin*. This is where the philosophy of marriage actually hinges on. Thus the Protestantism denies the Catholic Church's position about marriage and gives a different view about marriage. Unlike the Catholic, Protestantism was more rigid in its moral condemnations. The Catholic Church expected a certain amount of sin, the Protestants, on the other hand, abandoned the Catholic practices of confession and forgiveness and thereby left the sinner in a much more hopeless position than he occupies in the Catholic Church. One sees this attitude in both its aspects in modern America, where divorce is exceedingly easy, but adultery is condemned with far more severity than in most Catholic countries.

In Christian ethics, though emphasis had been laid on sexual virtue, it did a great deal to degrade the position of women. Since the moralists were men, women appeared as the temptress. Again since the woman was the temptress, it was desirable to curtail her opportunities for leading man into temptation. As a result of that responsible women were more circumvented with restrictions. Women were regarded as *sinful* because they were not respectable. However, throughout history women regained their respect. It is only in modern times that women have regained the degree of freedom in the Roman Empire. The patriarchal system did much to enslave women, but a great deal of this was undone just before the rise of Christianity. In fact, the writings of the fathers are full of invectives against the woman. According to them, “woman was represented as the door of hell, as the mother of all human ills. She should be ashamed at the very thought that she is a woman. She should be ashamed of her dress, for it is a memorial of her fall. She should be especially ashamed for her beauty, for it is the most potent instrument of the demon. Physical beauty was indeed perpetually the theme of ecclesiastical denunciations...Women were even forbidden by the provincial Council, in the sixth century, on account of their impurity, to rescue the Eucharist into their naked hands. Their essential subordinate position was continually maintained.”<sup>62</sup>

### **3.17: The Concept of Romantic Love bangle**

*Love is an important virtue in marriage.* The ancient world was vicious, but not brutal. In the Dark Ages, religion and barbarism combined to degrade the sexual side of life. In marriage, the wife had no rights; outside marriage, there was no object in curbing the natural beastliness of the uncivilized male. It was only towards the end of the thirteenth century that the clergy of the clergy was radically enforced. The clergy, of course, continued to have illicit relations with women, though they could not give any dignity or beauty to these

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<sup>62</sup> Westermarck, op. cit., p.170.

relations because they considered them immoral and impure. Romantic love was unknown before the middle Ages. Romantic love appeared in the middle Ages. At first, it was not directed with whom the lover could have either legitimate or illegitimate sexual relations. It was directed towards women of the highest respectability. Romantic love is a form of passion and in this sense Romantic love is Platonic. According to Russell, it had become impossible to feel any poetic sentiment towards a lady unless she was regarded as unattainable. Accordingly, love, if it was to have any beauty, had to be Platonic. It is very difficult for the modern to feel in imagination the psychology of the poet's lovers in the Middle Ages. Thus the concept of love was taken as a novel spirit in the middle Ages. But our human instincts were to them the products of corruption and original sin. They have hatred the body and its lusts. Pure joy was to them only possible in ecstatic contemplation of the kind that seemed to them free from all sexual alloys. In the sphere of love, this outlook could not but produce the kind of attitude which we find in Dante. A man who deeply loved and respected a woman would find it impossible to associate with her the idea of sexual intercourse since all sexual intercourse would be to him more or less impure. His love would therefore take poetic and imaginative forms, and would naturally become filled with symbolism.

Romantic love reached over the period its summit in the Romantic Movement and Shelley was its chief apostle. Shelley when he fell in love was filled with exquisite emotions and imaginative thoughts of a kind lending them to expression in poetry. He revealed it very well that the emotion that produced these results was fully good and he saw no reason why love should ever be restrained. His argument, according to Russell, was rested upon bad psychology. It was the obstacles to his desires that led him to write poetry. Romantic love as it existed in Shelley actually depends upon a state of unstable equilibrium, where the conventional barriers still exist but are not quite insuperable. If the barriers are rigid,

romantic love is not likely to flourish. Let us explain an extreme Chinese system where a man never meets with any respectable woman except his own wife and when he feels her insufficient, he goes to a brothel. His wife is chosen for him and is probably unknown to him until the wedding day. As a result of that, all his sex relations are entirely divorced from love in the romantic sense. In a state of complete freedom, a man capable of great love poetry is likely to have so much success through his charm that he will seldom need of his best imaginative effort to achieve conquest. Thus, love poetry depends upon a certain delicate balance between convention and freedom. Love poetry is not the only purpose of love and romantic love can still be flourishing without artistic expression. According to Russell, romantic love is the source of the most intense delights that life has to offer. Russell says, "In the relation of a man and woman who love each other with passion and imagination and tenderness, there is something of inestimable value, to be ignorant of which is a great misfortune to any human being."<sup>63</sup> The social system should permit joy as an ingredient in life in the secondary sense.

In modern times, particularly, about the period of the French Revolution, an idea has been developed that marriage should be treated as the **outcome of romantic love**. According to Malaprop's principle, that love and aversion both wear off in matrimony. When people marry without previous sexual knowledge of each other and under the influence of romantic love, each imagines the other to be possessed of more than moral perfections and conceives that marriage is going to be one long dream of bliss. This is actually more relevant to a woman if she has been brought up ignorant and pure, and therefore incapable of distinguishing sex hunger from congeniality. The problem with romantic marriage is that it is not lasting long. It was noticed in America. In America, where the romantic view of marriage has been taken

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<sup>63</sup> Russell, Bertrand, *Marriage and Morals*, op. cit., p.46.

more seriously than anywhere else, and where law and custom alike are based upon the dream of spinsters, the result has been an extreme prevalence of divorce and an extreme rarity of a happy marriage. This clearly suggests that marriage is something more serious than the pleasure of two people in each other's company. Marriage is just like an institution that forms part of the *intimate texture of society*, and it has an importance extending far beyond the personal feelings of the husband and the wife. Of course, Russell did not deny the relevance of romantic love in marriage. In this regard, he goes on to say that romantic love helps to form *the motive of marriage*. However, the kind of love which will enable a marriage to remain happy and to fulfill its social purpose is not at all romantic but is something more intimate, affectionate, and realistic. In romantic love, the beloved object is not seen accurately but through a glamorous mist. As a result of that, there always remains a possibility for a certain type of woman to remain wrapped in this mist even after marriage, provided he has a husband of a certain type. This motive helps one to forget the real intimacy of a woman with her husband. Romantic love is essential to marriage is too anarchic, and like St. Paul's view, such marriage actually forgets that children are what makes marriage important.

### 3.18: **Emancipation of Women**

The emancipation of women is essential when we talk of sexual morality. According to Russell, the emancipation of women is part of the democratic movement that begins with the French Revolution. Mary Wollstonecraft's *A Vindication of the Rights of Woman* (1792) is a product of the ideas that were caused and were caused by the French Revolution. After that, the demand of women to equality with men has been asserted with continually increasing emphasis and success. John Stuart Mill's *Subjection of Women* is a very pervasive and well-reasoned book, which had a great influence upon the more thoughtful members of the

generation. After Wollstonecraft lot of modification was taken place in favor of women's emancipation of which the influence of democracy is one and women's engagement outside their home was another. As a result, women did not depend for the comfort of their daily lives upon the favor of fathers or husbands. This transition was radical and it gives a perception of women's attitude. The rights of women did not, of course, in fact, depend upon any belief that women were morally or in any other way superior to men. They depend solely upon their rights as human beings or rather upon the general argument in favor of democracy. The political emancipation of women, however, concerns our theme only indirectly. It is their social emancipation that is deeply connected with marriage and morals. The virtue of women was secured by segregating them. In fact, no attempt was made to give them inward self-control. On the contrary, everything was done to take away all opportunity for sin.

The demand of equality between men and women concerned itself from the first not only with political matters but also with sexual morality. The motive of female virtue in the past was chiefly fear of hell-fire and the fear of pregnancy.

### **3.19: Marriage and Family**

Marriage plays a significant role in social construction and the construction of the family. There are many facets of marriage and it varies from culture to culture, community to community, state to state. Having said marriage is prevailing everywhere. The main objective of marriage is to bring good progeny or soul to the world. It has many implications, such as social, religious, etc. There are other responsibilities involved in marriage. *Marriage is a social tie where the husband and wife love each other, take care of each other, and ensure economic and social commitment and responsibility as well.* Marriage in the real sense of the term enhances social dignity as well. It would be a misnomer to perceive marriage as a

sexual tie. Even sexual objectivity of marriage was not supported by religion as well. According to Russell, the main contention of marriage is to bring progeny. In fact, *marriage without reference to any progeny does not bear any sense*. In such a case there is no relationship between husband and wife, in such a case the relationship would be treated as men and women.<sup>i</sup> This clearly suggests that marriage is not a *mere sex relation*. It is also supposed to be a legal institution. According to Indian literature, marriage has two origins, , religious and legal. The religious implication in Indian culture and Shastras is so important where even legal marriage is ignored. In rural India within economic backward classes even today religious marriage is supposed to be the dominant practice. Indian Shastras believe in the *divinity of life*. There is a forceful religious commitment based on spirituality where marriage is taken to be a divine tie. Of course, legal marriage gradually comes into human life because it would be required when divorce and to protect wealth and rights. Russell also mentions the religious aspect of marriage. However, he thinks that a legal institution is more deniable than a religious institution.<sup>ii</sup> In this regard, Russell goes on to say that it would be the legal aspect that matters the most. Russell even goes beyond humans when he speaks of the legal aspect. In this regard, he goes on to say that the legal aspect is not only confined to humans even it goes beyond humans. It exists not only among the so-called primitive men but also existing in apes and other animals.<sup>iii</sup> Russell conceives the practice of animals actually a sort of marriage wherever the cooperation of marriage is necessary to the nurture of the infantile. Accordingly, it can be said, after Russell, that animal marriages are monogamic and it is revealed among the anthropoid apes.

### **3.20: The Concept of Primitive Monogamy**

Thus it seems to us that Russell fined the religious background of marriage in apes. He then goes on to say that there is a hidden religious conviction which states that if such the systems

are taken into account and thereby it is believed that such fortunate animals are not faced with the problems. It eventually beleaguered with human communities. Accordingly, it is believed that once a male married a woman, it virtually ceases to be attracted to any other female and once a female is married to a man, it virtually ceases to be attracted to any other male. Thus it seems to us that marriage is *a social tie* that appears as a religious and legal mark through which the status of both the male as well as the women has changed radically. It addresses social recognition and designation in a very specific way. Here Russell goes on to assert that it is true to say that even though the anthropoid apes, do not have the assistance of religion, but still it can be said that their instinct suffices to produce virtue. He notes it clear that there are evident even among the lowest races of savages where we can observe a similar state of affairs. In this regard Russell cites Bushmen. They are monogamous in the strict sense of the term. He further claimed that the Tasmanians, which no longer exist now, were customarily faithful to their wives. In this regard, Russell inclines to say that careful study would reflect that even in civilized mankind some faded marks of monogamic can be revealed at times. However unlike animals, human has peculiar mental set up from which vices and intelligence are developed parallel. As a result of that human power of imagination breaks up a habit and there it sets off new lines of conduct over instinct. 3.21: Economic motive and breakdown of Monogamy

So long economic issue was not prevailing in the society; the society at large was dominated by monogamy. However when the concept of economy entered the mind of the primitive people, then they left the concept of monogamy and favored polygyny. Under polygyny, the sexual relationship between the husband and the wife becomes secondary and more and more importance was given to slavery where a tendency was grown towards slavery of relations. It thus seemed that in early agricultural and rural communities both wives and children were an

economic asset to man. It was thought that the wives and sons accumulated economy and helped the man at large. As a result of that, the tendency of a manifold of marriages was developed in the minds of the people simply for economic benefit. They believed at large that the wives worked for him, and the children after the age of five to six began to be useful in the field and they were also helpful in tending beasts. Therefore, more and more children were desirable at that point in time. As a result of that the most powerful men at that time would be one who had many wives and many children. The heat of this tendency is felt even in today's society. There are some religious communities and castes who in the name of religion desire to have many wives and many children.

However, it should be kept in mind that though polygyny was prevailing it was no longer a general practice at that time. The practice was limited only to those powerful people in the society and community. In this regard, Russell says that polygyny can hardly ever see as a general practice of a community. Due to the scarcity of women in the society, it was a prerogative of only chiefs and affluent men. However, it was the clear perception at this point of time that many wives and children would form a valuable property and this would further open the path of enhancing their privileged position of their owners. Powerful men just needed more wives for the sake of economic benefits. At that time the primary function of wives was actually based on nurturing profitable and well-financing related domesticated animals. As a result of that their sexual relationships were radically subdued and it becomes secondary to them. Women at that time were more prone towards economic accumulation and they were least bother about a sexual relationship. They focused more on the economy and considered themselves mere slaves. They revealed that relations can be purchased with regard to slaves. Thus as a civilization grows over the century economic issues get more and more important and relevant in the context of survival both to men and women. As a result of

that, the so-called husband-wife relationship was based just on economic matters and issues, and where there is no economic outcome in the desired sense the relationship between the husband and the wife is broken. Thus there arises the concept of divorce in the realm of conjugal life.

### **3.22: Divorce and Dowry**

Divorce and dowry are responsible for the economic outlook. The present society is materialistic in nature. It is all about individualism, materialism, subjectivism where money matters the most. As a result of that, the present society takes marriage as an agreement based on the economic outlook. It is a general hidden tendency, acknowledgeable or not acknowledgeable, that marriage, in turn, will boost economic affluence in some sense or other. Either the wife would be economically solvent or doing a job that would ensure economic demand and desire after marriage or the husband demand dowry from the wife's parent to fulfill his needs and demands through marriage. It thus forgoes the essence of marriage that was prevailing among primitive people at large. In this situation, divorce law is a prerequisite because the wife would be the loser if the divorce will happen in the conjugal life. Divorce law is framed in order to separate living and at the same time, it is framed to regain the properties of women from the husband after divorce. Otherwise, it would almost impossible for a wife to divorce her husband from a realistic perspective.

Russell in this context brings back the concept of adultery or faithlessness. He then goes on to remark that at the very low level of civilization, adultery is tolerated at times. The Samoans at the time of their journey expect that at the time of their absence from home, the wives of them would console themselves for their absence.<sup>iv</sup> However, at the slightly higher level of civilization, adultery in women is punished with death and with very severe

penalties. Adultery is a humanly moral and ethical crisis. It is not good for the well-ordered society and the well-ordered community at large. It would vitiate the human mind, perturbed human minds in the wrong direction. The domination of men over women was prevailing everywhere in the past and it was equally prevailing even in the minds of great thinkers like Aristotle, Plato, and Rousseau. As a result of that, the modern forceful theory of feminisms is developed where exploitation and subjugation of women in the name of gender are criticized. Russell reveals it very well. In this regard, he subscribes that a man who had intercourse with another man's wife was treated as a criminal, but a man who had intercourse with an unmarried woman did not incur any blame unless *he diminished her value in the marriage market*. The term marriage market is important here. Russell termed it in terms of value. It seems from his remark that unrecorded or secret intercourse by a man to an unmarried man was allowed at that time. However, he rightly confessed that the marriage market value of a woman can be diminished if it would be vital to society. The same is prevailing right now in our society. If it is transmitted to the community that an unmarried woman is engaged in sexual relationships with a married man or even with an unmarried man, the marriage market value of that woman would hamper or so to speak would decline. However, over the course, this perception is changed. With the advent of religion, particularly, Christian religion this outlook was changed. More sanction was laid on sexual intercourse. With the appearance of Christianity, the part of religion in marriage was amplified at large. The infraction of the marriage law has been blamed on grounds of taboo rather than of property. Besides the sanction of law on sexual relation, the sanction of God for the same was injected. Accordingly, it was said that in the eyes of law to have sexual intercourse with another man's wife is punishable and to have any sexual intercourse outside marriage was an offense against God. According to Church, it would be treated far graver matter in the eyes of religion. Thus, with the advent of Christianity religion eventually became a sacrament. It has

been a lifelong matter. The same is reflected in the Indian marriage system. In Indian literature and Shastras, it was admitted that there is life even after death because the soul is immortal. The body is perishable whereas the soul is not perishable according to Indian Shastras. Accordingly, it is said that from a religious perspective, *marriage is an eternal relation*. It may be missed from a physical point of view when either the husband or the wife after marriage has died, but their *souls remain the same*. So even there appeared physical detachment, but there is no mental detachment. Therefore, marriage as a relation between two souls cannot be dissected in the true sense of the term.

What can we gain out of a religious interpretation of marriage? To me, the religious interpretation of marriage is actually portrayed the real philosophical essence of marriage. Marriage is not a mere social tie or engagement. The essence of marriage actually hinges in somewhere else. Marriage is an honest commitment both from an empirical and religious perspective. To realize this is good for society. Marriage in the real sense of the term is not a system of slavery where the economy matters the most. Women were, are, and will be the most sufferers of the marriage system from a non-religious perspective. That is why feminism has appeared. However, women are always subdued by nature. Women are passive in nature and in most general cases they intend to be subdued. By nature, women are very close to nature or the environment. The religious sanctions also work as the background of women where more restrictions are laid on women rather than on men. If we go through the history of religion we find that there are many religious sanctions laid on women and by talking about all these sanctions, men's outlook on women was backed up and such things do not bear any significance from a rational perspective. Russell mentions a few of them. According to Russell, among peasants, the life of married women has always been a very hard one. It is equally true in India as well. The majority of Indian people are living in a rural

village, the majority of them are peasants and maintaining their livelihood through agriculture. Moreover, they are a firm believer in religion. Every Indian living in the rural area is religious-minded people even today in the 21<sup>st</sup> century. The impact of religion in the mind of Indian rural people is colossal. As a result of that women had to abide by the religious sanctions laid on them. More importantly, every religion including *Manusmriti* emphasized has been laid on men and lots of religious sanctions were imposed on women in the form of serving their husbands. There is nothing to hide to say that peasants everywhere in the world are less civilized than others. A less civilized community anywhere in the world is dominated by religion. When peasants are less civilized, women's jobs and livelihood would be harder. Russell then reminds the outlook of barbaric men towards women. In the barbaric society or community, women were treated old at the age of twenty-five. They felt that after the age of twenty-five, a woman cannot retain her beauty. Women in the barbaric society were just treated very similarly to domesticated animals. As a result of that for women, it actually meant a life of extreme toil and hardship. According to Russell, there is no question of doubt that Christianity in the name of religion created or prescribed some worse sanctions on women and thereby made women's life tougher on the religious front. But the only point that Christianity acknowledged in favor of women is that it treated all men and women equally from a religious perspective. That means it ensured religious justice to all men and women. This is indeed a fair point. Therefore women should be abided by the instructions given to them from a religious perspective and these religious sanctions would remain inviolable in any situation whatsoever. Christianity denies that women are the property of their husbands. According to Christianity, a married woman cannot have the right to go away her husband for another man, but she could leave her husband for leading a life of religion. Thus Christianity has offered two paths to women. Either lead a conjugal life with

the husband or leave the husband to lead a religious life. No other alternative is possible under the *womb of Christianity*.

### **3.23: Wherein lays the happiness of Marriage?**

The pertinent question that needs to be taken care of is that *where lies the happiness of marriage*. Why people in most general cases have prompted to engage with conjugal life? This question is difficult to answer. There are multifarious means and ways for which every people is desired to engage with marriage. Of course, there is no point in saying that people are reluctant to engage in marriage to have happiness. Certainly, it would not be the case. People, of course, do expect happiness while engaging with marriage than unhappiness. However, there is no guarantee to assume that the objective of marriage is fulfilled concerning happiness. Marriage at times brings unhappiness and it eventually leads people towards divorce or separation. Happiness arising out of marriage does not relate with the civilized man or uncivilized man as such. It seems that the more civilized people become the less capable of lifelong happiness with one partner. According to Russell, Irish people still believe that the conjugal life after marriage would be much happier if the marriage is organized by the parents or the ancestors. For Russell marriage would be easier where people are least differentiated. This is indeed the great agony of modern society. The modern civilized society is the hallmark of differentiation. If there is the least differentiation between the husband and the wife, the conjugal life would be happy enough. In this regard Russell goes on to say that when a man differs little from other men and a woman differs little from other women, then there would not be any particular reason to regret it. As a result of that, there would not create an alternative view to marry one instead of the other. Unhappiness, therefore, is created because of so *much excessive differentiation between man and man and between woman and woman and also between man and woman*. That is why Russell

justified in saying that marriage is the easiest where people are least differentiated. The paper ends with two important issues. First, the difference between man and man and woman and woman has to be minimized, and secondly, even in the globalized environment, we cannot forgo the impact of religion in marriage.

To me happiness should not be determined based on expectation; rather it should be *based on realization*. If marriage is supposed to be a hypothetical agreement based on the hidden consequence, then happiness in the real sense would be difficult to come by. There are so many expectations in present couples and they think to each other that fulfilling expectation by any means is the basic objective of marriage. The other point is not that marriage is likely to be what is called happy if husband, nor wife ever expected to get much happiness out of it. The expectation on either side vitiates the sanctity of marriage at great length. It makes the marriage conditional and hypothetical in nature. Here both the husband and the wife must be sensible and respect and tribute each other. To make marriage *conditional is uncalled for*. Our social customs are set forth to prevent unhappy marriages. The point is that if that of the bond of marriage is recognized as final and irreversible and immutable, then there is no need for outside motivation or spur for mitigating imaginary ecstatic happiness. When we talk of marriage concerning family, we are primarily concerned with domestic peace and happiness where this state of mind exists. Therefore, the best-proposed solution is that here neither the husband nor the wife should fall disgracefully below the commonly recognized standard of decency. One must take lesson it from family customs and family cultures.

### **3.24: Causes of Unhappiness of Marriage**

According to Russell, marriage does not ensure or bring happiness among the so-called civilized people in the modern world. It seems that not many marriages after the first few

years are happy. Some of the causes for unhappiness are bound up with civilization. Modern civilization is responsible at large for bad sexual education and it is far common among the well-to-do than it can ever be among peasants. Unlike the children of well-to-do, the children of peasants early became accustomed to the real facts of life. They can observe not only in human beings but also animals as well. They are lucky in the sense that they are thus saved from both ignorance and fastidiousness. We have a different situation in the case of civilized children. Fortunately or unfortunately the carefully educated children of the economically affluent families are shielded from all practical knowledge of sexual matters and even the most modern parents who teach their children out of books; do not give them the sense of practical familiarity which the children of peasants acquired much earlier. This is where the relevance of Christina's teachings actually hinges on. The triumph of Christian ethics is when a man and woman marry without either having had previous sexual experience. According to Russell, sexual behavior among human beings is not instinctive, so that the inexperienced bride and bridegroom find themselves overwhelmed with shame and discomfort. It would be better when the woman alone is innocent but the man has acquired his knowledge from prostitutes. Even most men do not realize that a process of persuading is necessary after marriage. Many well brought up women do not realize what harm they do in marriage by remaining reserved and physically aloof. All this could be put right by better sexual education. There is a widespread belief among women that they were morally superior to men on the ground that they had less pleasure in sex. That means extreme sexual desire would hamper the ethical and moral perception of men. Sex is mere passion and it is nothing but external bodily gratification. It would hamper the ethical perception of men. As women are morally superior to men because of less sexual urge, it would not be possible to develop companionship between man and woman. It is asserted that failure to enjoy sex is a mere physiological or psychological deficiency like a failure to enjoy food.

According to Russell, there are other causes of modern unhappiness in marriage which cannot be ignored. One main reason is, of course, related to uninhibited civilized people. In such a case men and women are generally polygamous in their instincts. As a result of that, they may fall deeply in love and for some years they entirely absorbed in one person. But the problem is that love based on sexuality did not last long. According to Russell, sooner or later *sexual familiarity dulls the edge of passion*. As a result of that, they began to look elsewhere for a revival of the old thrill. This tendency cannot be overcome without developing a sense of morality. That means the development of moral sense may help one to overcome such outward tendency. However, it is not easy to come out from the existing propensity. As a result of that extreme unhappiness was created among the couples. Even with the growth of women's freedom, there has come a much better opportunity for conjugal infidelity or disloyalty than the earlier. This sort of opportunity gives rise to the thought; the thought gives rise to the desire and in the absence of a religious sense of right and wrong the desire gives rise to the act. This is where the justification of marriage with morals actually hinges on. Marriage based on sexual desires creates voluminous problems without a moral foundation. Only morality helps one to rationalize sexual desire or outlook. According to Russell, women's emancipation has in various ways made marriage more difficult. In old days women were subdued and they blindly respect their husband and had to adapt herself to the husband. Even in the old day, the husband did not have to adapt himself to the wife. Thus the dominant culture of a wife by the husband was prevailing in the old day. However, over time women are being enlightened in every respect and they are very much concerned about their rights as well. Nowadays it is observed that many wives on the ground of women's right to their own individuality and their own career are unwilling to adapt themselves to their husbands beyond a point. Side by side while men who still hanker after the old tradition of masculine domination, see no reason why they should do all the adopting. This problem is

created in connection with disloyalty. In the old days, the husband was occasionally and in most general cases it was unknown to the wife. If the wife came to know it, he confessed that he had sinned and made her believe that he was apologetic. She, on the contrary, was usually virtuous as he used to be. If she was not and if it is known to her husband, then is such a case the marriage was broken. In many modern marriages, it seems that mutual faithfulness is not demanded and the instinct of jealousy survives and often proves fatal to the persistence of any deeply rooted intimacy where no overt quarrels occur. It thus seems that the human ego outruns everything and making marriage a hub of unhappiness. Where there is the human ego, there is extreme anthropocentrism and subjectivism. It would vitiate the dignity of man. The dignity of man actually rested on a moral foundation. If we desire happiness out of marriage, the first and foremost aspect is to have a sound moral foundation of both husband and wife.

There is another difficulty in the way of modern marriage which is felt especially in those who are most conscious of the value of love. Love can only flourish so long it is free and spontaneous. However, it tends to be killed by the thought that it is a duty. Love is no longer a duty. It cannot be conditioned. In fact, conditional love is no longer love. Love is spur-of-the-moment. It is impulsive by nature. Thus we cannot say that you have to love so and so. It would then be the surest way to cause you to hate him or her. Marriage is a combination of love with legal bonds thus falls between two tools. Marriage actually detaches one's outlook of love from elsewhere. It diminishes receptivity and sympathy and the opportunity for valuable human contacts. It is to do violence from something which is in itself desirable. Very similar to restrictive morality it tends to promote what one may call a policemen's outlook upon the whole of human life. It would be a sort of outlook which is always looking for opportunities to forbid something. For all these reasons many of which are bound up with things undoubtedly good.

Marriage has become difficult if it is not to be a barrier to happiness. It must be conceived in a somewhat new way. When marriage creates unhappiness and becomes difficult, one can take a divorce to overcome the problem. There are many grounds based on which divorce can be admitted, but Russell did not think that **easy** divorce would be a solution to the troubles of marriage. However, Russell thinks that when marriage is childless, divorce may be often the right solution. It would even be the case when both parties behave decently. This suggests begetting progeny is the main objective of marriage. One may engage with marriage for bringing good soul/s into the world. There is no other alternative. For this purpose sexual engagement is acceptable after marriage. However, if there is no possibility of becoming a mother /father, then one may take a divorce. However, when there are children, the stability of marriage is a matter of considerable importance according to Russell. In this regard, Russell goes on to say that when a marriage is fruitful in the real sense of the term when happiness is associated with marriage when both parties are reasonable and decent, there is of course an expectation that *it would be lifelong*. There is no point in sexual exclusion and exclusion of sex relations. A marriage that begins with passionate love and leads to children and loved ought to produce so deep a tie between man and woman. In such a case they will realize something *infinitely precious in their companionship*. In such a case sexual limitation or sexual dissatisfaction does not hamper their happy conjugal life.

However, such melodious marriage has been prevented by jealousy. Jealousy is an instinctive emotion. However, it can be controlled if it is recognized as bad and not supposed to be the expression of just moral indignation. Russell in this regard contrasted between an old love and new love. He then goes on to say that there is no justification for developing or searching for new love through a marriage where companionship is last for so many years, where so deeply many felt events are involved or recorded and has a richness of contents that were not present in the first day of love. There is a passage of time when marriage relation focuses on the enhancement of values and there is no point to throw away such companionship for the sake of

new love. Thus it is possible and even desirable for both civilized men and women to be happy in marriage. However, it has to fulfill so many conditions. There must be a feeling of trust and complete equality on both sides. Secondly, there must be *no interference with mutual freedom*. Thirdly, there must be the most complete physical and mental intimacy. Fourthly, there must be a certain similarity regarding standards of values. The value is very important. If one favors instrumental value and dislike intrinsic value and the other favors just the opposite, then all sorts of problem would be created in the conjugal life. Value parameter actually determines the longevity of marriage. In summarizing all these as cited above, Russell goes on to say, *“I believe marriage to be the best and most important relation that can exist between two human beings. If it has not often been realized hitherto, that is chiefly because husbands and wives have regarded themselves as each other’s policemen. If marriage is to achieve its possibilities, husbands and wives must learn to understand that whatever the law may say, in their private lives they must be free.”*<sup>v</sup>

### **3.25: Marriage and Prostitution**

Prostitution is another hub of sexual intercourse. If marriage is eyed *as a mere sexual relation and nothing else*, then it would be very similar to prostitution. According to Russell, marriage is legal prostitution. However, it would not be the case so long the virtue of respectable women is regarded as a matter of great satisfaction. In this regard, Russell remarks, ‘the institution of marriage has to be supplemented by another institution which may really be regarded as a part of it – I mean the institution of prostitution.’<sup>vi</sup> The term ‘prostitution’ is a well-known language and Lecky ‘speaks of prostitutes as safeguards of the sanctity of the home and of the innocence of our wives and daughters.’<sup>vii</sup> Moralists, of course, would deny Lecky because his remark makes them feel furious even though they have not succeeded in showing that what he said was untrue. The moralists assert that if men followed his teaching, there would be no prostitution. Thus, the relevance of prostitution would be a moral fall out; it would be a great deterioration of human

morality. Russell, however, does not deny the need for prostitution. Prostitution may be required for those men who are either unmarried or away from the wives on journeys. Such men are not content to remain continent. In a conventionally virtuous community, they do not find respectable women available to them. As a result of that society sets apart a certain class of women for the satisfaction of those masculine. Russell, however, reveals some advantages of a prostitute. In this regard, he goes on to say that prostitute has the advantage not only that she is available at very short notice, but that she can remain hidden without difficulty. On the other hand, a man who has been with her can return to his life, his family, and his church with unimpaired dignity and self-respect. She despite the undoubted service she performs, although she safeguards the virtue of wives and daughters and the apparent virtues of churchwardens, is universally abhorrent to the community. She is thought to be an outcast and she is not allowed to associate with ordinary people except in the way of business. Having said, we can say that the real offense of the prostitute is that she shows up the hollowness of moralistic professions. There are at least two grave objections against prostitution, first, the danger to the health of the community, and second, the psychological damage to men. The danger to the health of course counts the most. It is mainly through prostitutes that venerable disease is spread. The real problem is that those who acquire a venerable disease often postmen treatment because they are ashamed. There is no question of doubt that prostitution existing at present is a kind of undesirable kind of life. It demoralizes life. It tends to excessive drinking. It has a great drawback as well. It is a life against instinct, quite as much against instinct as the life of a nun. Putting everything into perspective we can say that prostitution as such is not a desirable carrier. It had a bad psychological effect upon a man. He will get into the habit of feeling that is not necessary to please to have sexual intercourse. Even some men are incapable of desiring sexual intercourse with a woman whom they deeply love and respect. Even many old-fashioned men treat their wives with exaggerated respect and prevent them from experiencing sexual pleasure.

We find the opposite scenario as well. Sexual intercourse should occur when both desire it. It is the outcome of mutual desire and any sexual desire without the desire of a woman would accordingly be treated as rough and brutal. It would produce disgust in the mind of the wife and it would be very difficult to eradicate.

Russell further contends that the intrusion of the economic motive into sex is equally disastrous. Sexual relations should be a mutual delight, a spontaneous impulse of both parties. Otherwise, it does not bear any moral value. Then it would be treated as a brutal act deeply associated with bodily gratification. It then lacks respect because it is performed for the sheer strength of the physical urge. It applies not only to prostitution but also to marriage. For women, marriage is the commonest mode of livelihood, and morality in sexual relations consists essentially of respect for the other person. We have already mentioned that after Russell there is no rational justification of marriage without children. According to Russell, a disinfected marriage should be easily dissoluble. If children are the main objective of marriage, then it is through children alone that sexual relations become of importance to society. Thus in an institutional sense without the purpose of begetting children, there is no point in marriage and therefore there is no point or issue of sexual intercourse. Even in the recent past, it seems that there are western societies where sexual relation has been treated as a legitimate practice even before marriage. It is no longer allowed in Indian culture and traditions.

### **3.26: Call for Sexual ethics**

We think that sex plays an important role in marriage. Marriage does not bear any sense without a sexual relationship. The prime objective of marriage in any society whatsoever is to bring good progeny. Without sexual relation, the question of producing progeny simply does not arise. However, sexual relation has many dimensions and it needs to be evaluated within ethics. That means sexual ethics is pertinent in a sexual relationship. In the context of family, there is a rational basis for the limitation of sexual freedom. There is sin in sex and sexual ethics resist the

sin in sex. Sin in sex can be eliminated by the combination of marriage with the desire for offspring. Indeed the degree of stability in sex relations has been demanded by the interests of children. Thus in a sense, we have to consider the family as a reason for a stable marriage. However, divorce seems contrary to the interests of the children. For Russell, the whole question of the connection of marriage with the interests of children needs to be considered without any prejudice.

### **3.27: Marriage and Family**

According to Russell, the family is a pre-human institution where the help of the father during pregnancy and lactation tends to the survival of the young. The primitive father does not know that the child has any biological connection with himself. Rather the child is the offspring of the female whom he loves. Since he has seen the child born, it produces the instinctive tie between him and the child. At this stage, he sees no biological importance in safeguarding his wife's virtue. At this stage, he has no sense of property in the child. The child is the property of his wife and his wife's brother, but his relationship with the child is merely one of affection. However, with the development of intelligence, he becomes aware that the child springs from his seed, and he must therefore make sure of his wife's virtue. Gradually the wife and the child become his property and from an economic perspective, they became valuable property. He brings religion to bear, to cause his wife and children to have a sense of duty towards him. The growth of civilization had increased the strength of the family. In this regard, we notice a considerable difference between Russell and Buddhism on the economic front. Buddhism did not believe in any economic relevance in human marriage, but Russell thinks the other way round. For Buddhism economy can vitiate an individual soul, but Russell did not think so. For Russell, economic salvation is important and it may solve a bit through marriage.

The position of the family at the present day has been weakened. Earlier all family members were living together, cooperating with each other as one economic unit. Now the family is

drastically reduced to the parents and their younger children. The children spend most of the time in school and they learn there what the state thinks good for them. This sort of teaching may not be at par with their parent's desire. Even the State provides medical and dental care and feeds the child if the parents are impoverished. As a result of that the functions of the father are reduced. In a primitive state of affairs, the father was necessary. The family is important at the present day, more through the emotions with which it provides parents than for any other reason. For Russell, parental emotions in men as well as in women are perhaps more important than any others in their power of influencing action. Both men and women who have children as a rule regulate their lives largely concerning them. One cannot ignore the impact of individual psychology within the family. There is no question of doubt that an individual is affected by family relations; there is the effect upon children, upon the mother, and upon the father. Since the family is a closely-knit unit and anything that affects the parents affects also their influence upon the children. If we believe Freud, the emotions of a young child towards the other members of his family have a somewhat desperate character. A boy hates his father, whom he regards as a sexual rival. He hates his brothers and sisters because they absorb some part of the parental attention. The effects of these turbulent passions are of the most diverse and terrible kinds, varying from homosexuality at best to mania at worst. Thus, the relevance of marriage is not only to bring good progeny by birth, but it needs massive attention for proper development of the progenies. This is one of the important aspects which have been caught in Russell's mind. He talks of individual psychological development and also brings back the relevance of economy as the basic objective of marriage at large.

### **3.28: Marriage and Divorce**

The concept of divorce is an integral part of marriage. When marriage is based on legal ground, divorce is also based on legal ground. The concept of divorce is permitted in most ages and countries for reason. Where marriage life seems to be intolerable, the relevance of divorce is a

possible best means. Divorce laws are different in different countries, but what is common in all forms of divorce is the separation between the husband as well as the wife. In some cases, divorce is good for the husband or rather to say that divorce has been very easy for a husband to obtain, and in other cases, it has been easy for a wife. The Mosaic Law allows a husband to give a bill of divorcement; the Chinese law allows divorce provided the property which the wife had brought into the marriage was restored. The Catholic Church, on the ground that marriage is a sacrament, does not allow divorce for any purpose whatsoever. Protestants recognized divorce for adultery. However, nowadays the great majority of clergymen in the Church of England are opposed to all the divorce.

## **Section Five**

### **3.29: Friedrich Nietzsche's view about the ideal marriage**

Friedrich Nietzsche talks of the philosophy of marriage and in this regard, he offers various measures. According to Nietzsche, there are ten important tips for a great or ideal marriage. In this section, we propose to analyze the philosophical insights of ten tips for a great marriage after Nietzsche. While talking of ideal marriage, Nietzsche admires the ancient Greek model of relationships where friends were great, men were warriors, and women were for their recreation. According to Nietzsche, friendship is the highest form of love, because great friends inspire each other and even push others towards the ideal superman (Übermensch). Nietzsche conceived friendship as essential to a good marriage. Sex, in contrast, creates complications. According to him, a relationship based on romantic feelings is unlikely to endure a lifetime. The ontological differences between man and woman eventually tend to turn love into a war. So owing to overcome the power games highest form of friendship is a prerequisite. Thus it would really be a great challenge to the lover of becoming a great friend. Nietzsche is not a firm believer of modern marriage which is predominantly concerned with love, or so to speak romantic love. He elsewhere views modern marriage as another example of the collapse of standards in our

hedonistic world which eventually heading towards nihilism. Nietzsche estimated it as a predicament. He then advocated a philosophy of ‘aristocratic radicalism’<sup>64</sup> It is a philosophical stage where a few courageous and strong human beings take up the challenge of becoming a superman who transcends, strives passionately and creatively to go beyond lives life to the fullest. He thus constantly combats and overcomes obstacles to be a greater person while rejecting comfort and security. While explicating the insight of ideal marriage after Nietzsche, his time of appearance is very important. Nietzsche lived from 1844 to 1900. It was an era in which the roles of men and women in society were very different from today. At that time the dominant role of women was to be wife and mother. Moreover, one might be tempted to conclude that as Nietzsche said some critical things about women, he is a misogynist. In fact, Nietzsche talked contemptuous things not only about women but also about many different groups of people, including men. In his book *Human, All Too Human*, he says, “The perfect woman is the highest type of human being than the perfect man.”<sup>65</sup> This position of Nietzsche reminds us of the philosophical outlook of Swami Vivekananda about women. This remark of Nietzsche reflects it clearly that he had immense respect for women. It seems to us that many of Nietzsche’s remarks about women, loving relationships, and marriage are, at face value, outrageous by modern standards. But the very intention of Nietzsche is to explore a few of his suggestions relating to love relationships and marriage is to embrace his challenge, to acknowledge his contradictions, and to look beyond the provocation. In this regard, Nietzsche suggests ten important tips for an ideal or great marriage. We explain his ten tips one after another and also try to unearth his philosophy about marriage.

### **3.30: First Tip: *Don’t Marry for Love, (Marry someone ugly but whom you like talking to.)***

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<sup>64</sup> Fuss, P. and Shapiro, H. (eds), *Nietzsche: A self- portrait from his letters*, Cambridge, MA: Harvard University Press, 1971, p.104.

<sup>65</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, Cambridge, UK: Cambridge University Press, 1996, p.150.

According to Nietzsche, a marriage based only on romantic love is on shaky ground because it is fleeting or short-lived. He says, "Sexuality often makes love grows too quickly so that the root remains weak and is easy to pull out."<sup>66</sup> Before marriage, true friendship must be developed where there is no sexual attraction. Thus, it has paramount importance not to confuse between friendship and sexual attraction. This is indeed the problem of modern romantic marriage. Romantic love is a fleeting love, and it has been grown out of sexual attraction. It is mainly directed towards bodily gratification. Nietzsche in this regard quips: "How many married men there are who have experienced the morning when it has dawned on them that their young wife is tedious and believes the opposite."<sup>67</sup> Nietzsche tries to avoid this complication arising out of romantic love. In this context, he recommends preparing lovers for the inevitable evaporation of attraction to curb the disappointment when it happens. In this regard, he says, "Sometimes it requires only a stronger pair of spectacles to cure the lover, and he who had the imagination to picture a face, a figure twenty years older would perhaps pass through life very undisturbed."<sup>68</sup> According to Nietzsche, romantic love relationships are bound to crackle and fizzle. In this regard, Zarathustra, the protagonist of Nietzsche's argues that romantic love relationships are just brief follies. It is stupid to turn a folly into a long-term commitment. Romantic love is transitory; it has no long-term commitment which is very essential for becoming a life-partner. Nietzsche equally stresses the insanity of love-matches. He says, "Marriage contracted from love (so-called love-matches) have an error for their father and need for their mother."<sup>69</sup> Marriage based on romantic love actually undermines the whole institution by basing it on an idiosyncrasy. But this

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<sup>66</sup> Nietzsche, F., *Beyondgood and evil*, translated by Hollingdale, London, UK: Penguin Books, 1990, p.98.

<sup>67</sup> Nietzsche, F. *Daybreak: Thoughts on the prejudices of morality*, translated by Hollingdale, Cambridge, UK: Cambridge University Press, p.150.

<sup>68</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, op. cit., p.150.

<sup>69</sup> *Ibid.*, p.151.

is not desirable. For Nietzsche, “You never ever base an institution on an idiosyncrasy.”<sup>70</sup> Nietzsche further contends do you believe that you are going to enjoy talking with this woman up into your old age if you engage with marriage based on romantic love? He then says that everything else in marriage is transitory, only devotion to the conversation will be lasting at the end of life. That is why forgo romantic love in marriage, but bank on conversation, concentrate on the conversation with whom who is your ever-lasting friend. Thus, for Nietzsche, true friendship gets priority over romantic love in the case of marriage. However, to retain or so to speak preserve a friendship between a man and a woman, *a slight physical antipathy* is required. Nietzsche was extremely pessimistic about marriage. In his famous *Twilight of the Idols*, he notes that ‘marriage has become completely irrelevant and irrational’.<sup>71</sup> Nietzsche in his *Daybreak* also highlighted that marriage is ‘very often and almost as a general rule refuted’. As a result of that marriage has introduced a very great deal of hypocrisy and lying into the world. Instead of marriage, it would be better to remain as friends and lovers. In such a case one can avoid unnecessary complications with vows that would inevitably be broken. The ethics are that if you vow or promise in marriage, it should be kept from a moral perspective. However, in most general cases it will be broken. As a result of that, it would create unnecessary complications in human life. Nietzsche says, “We ought not to be permitted to come to a decision affecting our whole life while we are in the condition of being in love, not to determine once and for all the character of the company we keep based on a violent whim: the oaths of lovers ought to be publicly declared invalid and marriage denied them: the reason being that one ought to take marriage enormously more seriously!”<sup>72</sup>

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<sup>70</sup> Opiel, F. N., *Nietzsche on gender: Beyond man and woman*, Charlottesville, VA and London, UK: University of Virginia Press, 2005, p.215.

<sup>71</sup> Nietzsche, F. *Twilight of the Idols*, translated by J. Norman, Cambridge, UK: Cambridge University Press, 2005b, p.215.

<sup>72</sup> Nietzsche, F. *Daybreak: Thoughts on the prejudices of morality*, translated by Hollingdale, op. cit. p.150.

We think that Nietzsche did not undermine the essence of marriage, but he certainly undermined the logic of romantic marriage which creates unnecessary complications in human life. He had high regard for the ancient Greek marriage system. For him, we have to look at why marriage existed? Greek ancient marriage system was based on solid foundations and rules were very clearly defined. In ancient Greek marriage, couples could not get divorced and love was not a factor in the decision. For Nietzsche, marriage ‘knew how to hear above the accidents of feeling, passion, and the distractions of the moment.’ But unfortunately today in western cultures the ancient Greek marriage idea seemed old-fashioned. However, there are many cultures where arranged marriages are still prevailing. Nietzsche tells that it would be sensible and advisable to marry not only because the individuals happen to be in lust, but by taking other factors into account, such as being able to talk to the spouse and to maintain the family’s power, influence, and wealth for future generations. This is essential for strong and healthy offspring.

### **3.31: Second Tip: Make Super-Babies**

There is no question of doubt that owing to producing strong and healthy progeny is the main objective of marriage. But Nietzsche would be hugely disappointed with what he saw going on with the modern marriage. As modern people marrying for love and romance, mate-selection is based on chance, and making progenies is, thus, a random exercise. If the objective of marriage is romance and the appearance of progeny is a mere chance, then the progeny cannot be healthy and strong. Mankind is capable of amazing things and that creating new generations of even more amazing individuals is a great achievement. Therefore, it is actually in the individual’s greatest self-interest to marry not for love but *to create strong, healthy, well-educated children*. Nietzsche acknowledges that we can improve the human species and can build great civilizations through careful mate selection. Zarathustra says, “You should propagate yourself not only forward, but upward.” Interestingly, *Nietzsche talked in favor of gene matching. He claimed that through gene matching, the parents should be able to create children greater than*

*themselves*. Nietzsche thinks that marriage is not a necessary condition for procreation. However, the family unit will assist in building those new generations. Even maybe the garden of marriage helps one to do this. Even though Nietzsche denies the essence of a loving marriage, but there is no guarantee that love marriage and the intention of producing a super-baby are mutually exclusive. There may be cases where better progeny will produce through love-marriage. For even in love partners may tend to think very highly of each other. In such a case it is logically possible that the lovers would also think that their partners would be able to produce good offspring. Nietzsche perhaps thinks that love-marriage actually means ‘mere romantic marriage’, where romanticism overrules sexual responsibility, sexual obligations, mutual trust, and responsibility. It would then be a sort of barbarism or a sort of animalism. Marriage needs everlasting love and perpetual love. As love is the outburst of emotion and irrational feeling, it cannot be everlasting in the true sense of the term.

### **3.32: Third Tip: Never Promise Everlasting Love**

According to Nietzsche, to promise everlasting love is false. Love cannot be everlasting. For him, if romantic love is ephemeral and transient, promising to love your partner forever would simply be absurd and a lie. Everlasting love is an exception, not the rule. For Nietzsche, like any other feeling love is not within the individual’s power. For him, love is a feeling. Feelings are involuntary. What is involuntary is beyond control. Therefore, love as a promise cannot be made based on something that one has no control over it. When love is taken as a promise, it is treated as an action. Thus in a loving relationship, one can promise actions that ‘are usually the consequence of love’.<sup>73</sup> Then in such a case love would be treated as a consequence. Then again it would be treated as conditional love. Therefore, it would be much more appropriate to recognize this contingency and one has to be honest about it. To avoid deception in wedding

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<sup>73</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, op. cit., p.42.

vows, Nietzsche recommends saying something along these lines: “For as long as I loved you I shall render to you the actions of love; if I cease to love you, you will continue to receive the same actions from me, though from other motives.”<sup>74</sup> That means my actions will remain the same to you whether I love you or do not love you. There is no scope of deception because one is promising to act as if still in love, rather than mistakenly promising the feeling of love. Thus one needs to have a candid confession. In such a case the beloved can still say that ‘I do’ to marriage when confronted with a partner who is uncertain about how long the loving feeling will last. Since love is feeling and feeling is involuntary, therefore love is not a choice. Nietzsche is right in recognizing the absurdity of promising a feeling. The key point here is that if both partners are consciously aware of what they are promising on their wedding day, there is a much better chance of the marriage enduring. Since romantic love relationships are often not strong enough to endure a lifetime. Therefore to endure a marriage lifetime affair, other considerations are needed.

### **3.34: Fourth Tip: Try Serial Monogamy**

Here Nietzsche intends to say that to avoid the problem of the temporary nature of romantic love relationships, why do people not agree to short-term marriage upfront? He termed it as ‘serial monogamy’. In fact, Nietzsche at one stage of his life considered the option of *two-year marriage*. To understand the insight of his perception of ‘serial monogamy’, let us explain his view of friendship. In this regard, Nietzsche refers to a noble kind of friendship called a ‘star friendship’. He remarked, “ We are two ships, each of which has its own goal and course: we may cross and have a feast together as we did – and then the good ships lay so quietly in one harbor and in one sun that it may have seemed as if they had already completed their course and had the same goal. But then the almighty force of our projects drove us apart once again, into

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<sup>74</sup> Ibid., p.42.

different seas and sunny zones...”<sup>75</sup> Nietzsche in his life experienced that some of his own star friendship eventually turned into sour and they lasted for a short period of time. He applied the same concept to romantic love relationships. In this regard, he goes on to say that the risk for lovers is not only that the loving feeling may diminish, but that people over time change too. In this regard he says like ships that come together and separate in the star friendship, so too do lovers have their personal goals and seek to pursue their own path. As a result of that, it seems that the custom of marriage when two people are bound together for life is *mutually untenable*.

Nietzsche in this regard talks in favor of serial monogamy. In his book *Human, All too Human*, he inclines to say that it would be prudent to prefer serial monogamy considering the fragility of marriage. In this regard, men can do act out of their own customs for one wife for life. Instead ‘one might very well consider whether nature and reason do not dictate that a man ought to have two marriages.’<sup>76</sup> Thus as serial monogamy, Nietzsche suggests two marriages. The first marriage is the most important and necessary for *a man’s education about conjugal life*. It should be when the man is twenty-two years old to a woman who is “intellectually and morally his superior and who can lead him through the perils of the twenties.”<sup>77</sup> A second marriage though useful but not necessary should be during a man about thirties and to a younger disciple ‘whose education he would himself take in hand.’<sup>78</sup> In his later work, Nietzsche cites a raft of great philosophers who have not been married as evidence for this incompatibility between marriage and personal fulfillment. Socrates, Heraclitus, Plato, Descartes, Spinoza, Leibnitz, Kant, Schopenhauer did not engage with marital relationships or engagement. It should be noted here that Nietzsche does not go into detail about the benefit of serial monogamy, but he acknowledges that it would require generosity on their part. More specifically, it would create an opportunity

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<sup>75</sup> Nietzsche, F., *The Gay Science: With a prelude in German rhymes and an appendix of songs*, translated by J. Nauckhoff and A. Del Caro, New York: Cambridge University Press, 2001, p.159.

<sup>76</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, op. cit., p.150.

<sup>77</sup> Ibid., p.156.

<sup>78</sup> Ibid., p.156.

for female generosity. Moreover, the star friendship is not just a male domain. However, once children are introduced or in case of a strong family unit for a child's upbringing and education, it reflects a contradiction with Nietzsche's position. We think Nietzsche actually offers us various alternatives of leading a conjugal life and he does not mean that either one of the proposals is absolutely good for a systematic solution.

### **3.35: Five: Make it Work**

According to Nietzsche, marriage needs a plan, a systematic one. One has to think about whether he is fit for a great marriage. For Nietzsche, it is indeed a big thing always to be with another. The problem is that without understanding the burden and responsibility of great marriage, people very often rush into marriage. But when it goes wrong, it causes the couple as well as everyone around them a great deal of aggravation and annoyance. Just be honest in marriage. In this regard, Zarathustra says, "We love each other: let us see to it that we stay in love! Or shall our promise be a mistake."<sup>79</sup> According to Nietzsche, it would be prudent to promise the semblance of love, but not the continuation of the feeling of love. In such a case it would have been easier to keep the promise and to stay together. One has to realize and one should try to convince the other that love actually is irrelevant in a marriage. In this regard, Nietzsche remarks, "Suppose she loves me, how burdensome she should become to me in the long run! And supposing she does not love me, how really burdensome she would become to me in the long run! It is essentially a position of two different kinds of burdensome- therefore let us get married."<sup>80</sup> For Nietzsche, low expectations will avoid disappointment in the long run. During marriage life, a married couple will face inevitable problems. It is reality. Therefore couple has to keep in mind other alternatives for *how to make the marriage work*.

### **3.36: Tip Six: Give Her a Baby**

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<sup>79</sup> Nietzsche, F., *Thus spoke Zarathustra*, R. J. Hollingdale, London, UK: Penguin Books, 1969, p.228.

<sup>80</sup> Nietzsche, F. Nietzsche, F. *Daybreak: Thoughts on the prejudices of morality*, translated by Hollingdale, op. cit. P.172.

It is a general perception that becoming a mother is a great achievement in life. It cannot be denied. Therefore, one of the main intentions of a married woman is to bring a pregnancy to life. In this regard, Zarathustra says, “Everything about women is a riddle, and everything about woman has one solution: it is called pregnancy.”<sup>81</sup> For Nietzsche, pregnancy is the solution because it is the only reason that a woman needs a man. In this sense man is for a woman a means, the purpose is always the child. While taking these comments at face value, Diethe reads Nietzsche as saying that *women are ‘completely defined by the reproductive urge’ and more importantly their ‘sole instinct is to create for children, permanently craving for sex, women are predators or ‘vamp-like femmes fatales’ who seduce men simply for impregnation’*. It is also true that people should choose mates based on the criteria of attempting to produce strong offspring. It is very natural for women to use their skills of seduction to this end. According to Ackermann, it is still unclear whose pregnancy is being discussed because elsewhere Nietzsche also uses pregnancy as a metaphor for creativity. Thus there we have two different interpretations, such as *women as sex animals and women as stimulating creativity*. They are not mutually exclusive. Of course, women are capable of being independent. They do not need a man for anything except sperm. Women for her urge to create a super-baby uses man to impregnate her. It could also mean that men and women use each other as fertilized for creativity. In this regard, they use marriage as a launching pad to greater things and to achieve greater goals.

### **3.37: Tip Seven: Get a Little Action on the Side**

Nietzsche asserts that man put a huge strain on women while conceiving her good wife, (friend, assistant, mother, family head, and housekeeper), businesswoman, and concubine to boot. For him, it would be too much to demand of her. However, the reality was there in the Western country a century before, according to Abbey. According to Nietzsche, men naturally need sex

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<sup>81</sup> Nietzsche, F., *Thus spoke Zarathustra*, R. J. Hollingdale, London, UK: Penguin Books, 1969, p.91.

more than women and his solution is not to help a wife out with the housework, but to realize women of the burden of satisfying their husband's sexual desires by finding a "*natural assistant*, namely, concubinage". Nietzsche urges women to think of the higher conception of marriage as a 'soul friendship. We think this is very significant and this view has proximity with Indian tradition. In Indian spiritualism, it is said that marriage is a spiritual bond, the union of two souls and such a spiritual bond is eternal and everlasting in nature. We think the perception of 'soul-friendship' differs from the perception of 'body-friendship'. The former is internal whereas the latter is external. If one focuses mainly on 'body-friendship' in marriage, then it would be mere prostitution and in such a case the possibility of separation is comparatively high than other forms of marriage. By the term 'soul-friendship', Nietzsche really desires to say that in such a case 'sexuality is a rare, occasional means to a greater end'<sup>82</sup>, i.e., creating children. When marriage is treated as 'soul-friendship', then in such a case sexuality is functioning as per sex-ethics. In such a case the very objective of sexuality is to bring good progeny. Elsewhere Nietzsche suggests that trustworthiness comes naturally to a woman but not to a man. In Nietzsche's time, contraception was not widespread. As a matter of that sex often resulted in reproduction. For Nietzsche, the role of a woman as a mother is different from that of a woman as a sex partner. This distinction is pertinent to Nietzsche as he thinks that there is no supporting evidence for this essentialist idea that women are naturally faithful. Nevertheless, it is plausible that introducing a concubine into a marriage may only increase a wife's stress.

### **3.38: Tip Eight: Let Him Suffer:**

According to Nietzsche, the very nature of women is different from the very nature of men. Women, unlike men, usually like peace and comfort. On the other hand, men just want the opposite. Unlike women, men welcome challenges and obstacles. Women hate to see men suffer

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<sup>82</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, op. cit., p.150.

and try to help them to have easier lives by removing obstacles. But this is again is very frustrating to men. In this context, Zarathustra shares the most harrowing experiences: “You must be ready to burn yourself in your own flame: how could you become new, if you had not first become ashes?” Like giving birth, great creations and achievements are painful. Nietzsche remarks, “All becoming and growth, everything that guarantees the future involves pain.”<sup>83</sup> Becoming is painful. This position of Nietzsche reminds Buddhism. Buddha said that pain is an integral part of life. Every moment is momentary and painful as well. This is where the significance of the remark let him suffer. Nietzsche experienced it very well when he was ill. In a letter to a friend, he wrote: “My illness has been my greatest boon: it unlooked me, it gave me the courage to be myself.” While overcoming the obstacles and challenges in life, he proved the strength of character and could bring the greatest rewards and creativity. One of Nietzsche’s most enduring maxims that he truly believes is, “What does not kill me makes me stronger.” It actually links with the assumption – ‘the greater the challenge, the greater the achievement when it is overcome’. Max Stirner, like a predecessor, asserts that preserving life only to squander it. Nietzsche admires those people who care more about challenging than safeguarding themselves. In this regard, he says, “I love those with my whole love those who can down and perish: for they are going beyond.”<sup>84</sup>

### **3.39: Tip Nine: Take a Whip to Her!**

According to Nietzsche, do not forget your *whip* when you are visiting women. Taken literally, one might believe it suggests a disregard for women and advocates physical violence against them. This is not the real meaning of whip. It is advice, a secret one. It is given to Zarathustra by an old woman and she warns him *to keep it a secret*. There is a possibility that in the wrong hands it would be misunderstood. Nietzsche says elsewhere that love is war and the deadly

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<sup>83</sup> Nietzsche, F., *Twilight of the idols*, op. cit. p.228.

<sup>84</sup> Nietzsche, F., *Thus spoke Zarathustra*, R. J. Hollingdale, London, op. cit., p.217.

hatred between the sexes. Distance is essential to keep power over oneself. A whip is essential either creating or preserving a 'motivational distance'. Distance from women is very important for Nietzsche for safeguarding *the mystery and beauty of the feminine*. It is also reflected in Derrida. Derrida reveals the power struggle between men and women. He in this regard suggests that a man must keep his distance to avoid falling under the spell of a woman's beguiling song of enchantment' and to remain free to 'seduce without being seduced'.<sup>85</sup> We think the term *whip* has a different connotation. For Nietzsche, it does not mean physical violence. The comment of the whip is rather metaphorical where the term *whip* is used by either or both lovers to preserve distance from one another *to avoid forgetting their individuality*. Even the concept of the whip to give to a woman will him be even greater. For Nietzsche, the best type of relationship is one where the partners are brave enough to 'whip each other into shape'.

### **3.40: Tip Ten: Marry Your Best Friend**

The concept of *best friendship* is the fundamental aspect of a great marriage. For Nietzsche, marriage does not bear any sense in life without the virtue of friendship. As a philosopher, his understanding of friendship is not at par with laymen's interpretation of friendship. Friendship is a very common concept, but real friendship is hard to come by. A best friend can be known when you are in a real crisis. During conjugal life, a crisis would be inevitable. At that time the friendship between husband and wife will help to overcome the crisis. Real friendship will endure or carry out marriage. What then is friendship according to Nietzsche? For Nietzsche, friendship is the 'ultimate ideal' of love and 'a kind of ideal of Being-with-Others'.<sup>86</sup> Nietzsche always thinks highly of the ancient Greek ideal of friendships between men and in this regard he agreed with Aristotle that great friends could inspire each other. This kind of friendship is neither

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<sup>85</sup> Derrida, J., *Spurs: Nietzsche's styles*, translated by B. Harlow, Chicago, IL and London, UK: The University of Chicago Press, 1979, p.49.

<sup>86</sup> Solomon, R. C., *Living with Nietzsche: What the great 'immoralist' has to teach us*, New York: Oxford University Press, 2003, p.95.

about mutual benefit nor based on pleasure and enjoyment. Real great friends help one another to become better people through ‘a shared the highest thirst for an ideal above them’. For Nietzsche, in the case of real friendship, each friend acts like a ‘catalytic muse’<sup>87</sup> for the other. If an individual is left alone for too long without friends, he too easily falls into a groove. In this regard, Nietzsche warns, “He who fights with monsters should look to it that he himself does not become a monster. And when gaze long into an abyss the abyss also gazes into you.”<sup>88</sup> Following Sartre, it can be said that the friend is valued not so much for his or her gaze, rather for his or her ability to pull the individual up from the depths of the abyss and be a launching pad to a greater existence. However, becoming a great friend will not be an easy task. The best teachers are the harshest critics and should be wary of being too sympathetic towards the friend. Zarathustra says, “Let your pity for your friend conceal itself under a hard shell.”<sup>89</sup> In this regard, the view of Succumb is particularly relevant as he goes on to say that “friends do not unquestioningly uphold, reinforce and echo our attitudes but provides new perspectives and interrogate our presuppositions.”<sup>90</sup> Having said that we cannot rule it out those at times great friends must be so ruthless that they are also the enemy. In this regard, Nietzsche says, “If you want a friend, you must also be willing to wage war for him; and to wage war; you must be capable of being an enemy.”<sup>91</sup> Thus it seems to us that Nietzsche is challenging all of us to be better friends. He urges loves not to get caught up in power games, rather help each other find the way to becoming an *Übermensch*, i.e., the best kind of love-longing for Superman. This kind of love propels us to want to be the best kind of person. This kind of great friendship will make a

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<sup>87</sup> Lungstrum, J. ‘Nietzsche writing woman/Woman writing Nietzsche: The sexual dialectic of palingenesis’ included in *Nietzsche and the feminine*, edited by P. J. Burgard, pp.135-157, UK: University Press of Virginia,1994, p.137.

<sup>88</sup> Nietzsche, F., *Beyond Good and Evil*, 1990, p.102.

<sup>89</sup> Nietzsche, F. *Thus spoke Zarathustra*, London, UK: Penguin Books, 1969, P.83.

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<sup>91</sup> *Ibid.*, p.82

*great marriage*. In fact, “The best friend will probably acquire the best wife because a good marriage is founded on the talent for friendship.”<sup>92</sup>

Thus real friendship would be the great virtue of marriage. Marriage is the will of two to create the one who more than those who created it. It is not a lack of love, but a lack of friendship that makes unhappy marriages. There is no parity between love and friendship. Real friendship may be missing in romantic love. Romantic love is *a sort of illusory love, a mere glimpse of love*. Good friendship ensures talk and most of the time in married life is taken up by talking. The quality of a marriage is proven by its ability to tolerate an occasional exception. Nietzsche had no faith in modern marriage. For him, all sense has gone out of modern marriage. Here he had no objection to marriage but to modernity.

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<sup>92</sup> Nietzsche, F. *Human, all too human*, op. cit, p.150.

## Chapter Four

### A Comparative Study between East and West

So far we have outlined the perspectives and philosophical significance of marriage following Indian and Western tradition. In the Western tradition, we have explained the view of Kant, Hegel, Plato, Mill, Russell, and Nietzsche. It seems that there are some similarities and dissimilarities regarding the objective and philosophical aspects of marriage. In Indian tradition, there are as many as eight different types of marriages out of which four types are recognized as valid and the remaining are recognized as invalid according to the Shastras. The eight types of marriages are Brahma Marriage, Daiva marriage, Arsha Marriage, Prajapatya Marriage, Asura marriage, Gandharva Marriage, Raksha Marriage, and Pichachi Marriage. In Western tradition there we do not find any divisions of marriage. However, the concept of Polygamy, Polyandry, and Monogamy is common in both Indian and Western literature.

According to Indian Shastras, the very objective of marriage is to produce good progeny. In this regard an ideal matching is essential. How to get an ideal matching is clearly stated in the Shastras. In this regard, the concept of Varna is introduced. The first four types of marriages as cited above in order are maintained according to the Varna system and the remaining four types of marriages are not maintained following Varna-system according to Shastras. Indian Shastras clearly stated that if the matching of Varna is violated, then the progeny or offspring would not be sound and better. As a result of that, the development of the family, society, community at large would have degenerated. If the future progeny is not good then all sorts of problems will be created. We do not know whether the concept of Shastras is at par with Eugenic. Many would claim that the concept of Shastras is at par with Eugenic. There is no question of doubt that even in the age of the Feminist movement and civilization at large, majority of marriage is held

following Shastras in India. Indian Shastras do not accept love marriage or romantic marriage legal. The concept of Gandharva Marriage is a case in point. Gandharva Marriage is based on love. It is not legitimate according to Shastras. The progeny created through Gandharva Marriage would not be a better progeny. We find a considerable similarity between Indian Shastras and Nietzsche. Nietzsche denies love marriage or romantic marriage (Gandharva Marriage) because he reveals that it would create problems and complications in conjugal life. He acknowledges gene matching which is very similar to Indian Shastras. For Nietzsche, through gene matching, parents should be able to create children greater than themselves. The same is applied in Indian Shastras. According to Indian Shastras, through the concept of Varna matching, the parents should be able to create or produce better progeny than themselves.

Another important aspect of marriage is to engage in a sexual relationship. There are various interpretations of sexual relationships. Most Western traditions acknowledge sexual relationships as an important aspect of marriage. Russell also talks in favor of sexual engagement. He even attributes marriage *to legal prostitution*. The business of prostitution is nothing but sexual engagement. In marriage, whether it is love, or romantic, or spiritual, sexual relationships cannot be ignored. There is nothing wrong with a sexual relationship so a long sexual relationship does not violate the *ethics of sex*. The ethics of sex is very important. The sexual relationship must have *ethical implications*. In this regard, it can be said that the basic objective of sex ethics is directed to produce *good progeny*. This is single line ethics of sex that has been pronounced in Christianity, Indian literature, and in various other philosophers' writings. A sexual relationship without producing good progeny is nothing but *prostitution*. In prostitution, sexual relationship occurs without the motive of producing good progeny. Now the vital question is: Why does Russell attribute marriage to legal prostitution? Marriage has been regarded as legal prostitution because modern-day romance overtakes the essence of marriage; mere love takes the upper hand

of the marriage system. Physical gratification with the help of condoms or with the help of medicine, an invention of science, is the main objective of sexual relationships. Such a sexual relationship goes against the *very essence of marriage*. Modern marriage is legal prostitution because the basic objective of modern marriage is a romance where the sexual relationship is going on without the motive of bringing good progeny of good offspring. However, it is legal in the sense that it is accepted by the community, society, and the law. It has been legalized by law. Here we find the relationship between Indian Shastras and Western traditions. In Indian tradition, the very objective of marriage is to produce good progeny, and to produce good progeny sexual relationship is welcome. We find the same in Russell, Mill, and Nietzsche as well.

We think that instead of the spiritual and religious bondage that we normally perceive in Indian society, Western society is more pronounced about moral and ethical sanctions. Kant takes marriage as a social contract. By the term ‘contract’, Kant actually brings the relevance of ethics. That means Kant interprets marriage as a contract – an ethical one where and through which the sexual engagement is justified. Otherwise, sexual engagement is difficult to justify. Thus in Kant, the ethics of sexuality is pronounced. It is a general perception that sexual engagement is a prerequisite in marriage. But the motive or intention of sexuality or sexual engagement is very crucial when we engage ourselves in philosophizing marriage. If mere sexual engagement is the motive of marriage, then it would be treated as a mere passion and physical gratification which is morally wrong according to Kant. Thus like many other systems, Kant does not find any relevance of love marriage. For Kant, if marriage is a social contract, the very objective of it is to bring good progeny and for that matter, sexual engagement is required, then it should include under moral contract. That means we are morally obliged to engage with sex because our moral obligation is directed to bring good progeny. Hegel in this regard differs from Kant. Hegel voices in favor of the non-contractual view of marriage. Hegel reveals a transformation of personality

through marriage. He talks in favor of the unification of selves. We think there is close proximity between Hegel's concept of marriage and the Indian concept of spiritual marriage. Indian spiritual marriage is based on the unification of selves. Moreover, Hegel like the Indian system of marriage gives importance to Weddings and social gatherings. In the Indian spiritual system, there are social gatherings as well. The relevance of social gathering is *the recognition or social acceptance of the marriage*. It has a huge social impact.

There are two different types of marriage, such as legal marriage and divine marriage or spiritual marriage. Initially, Indian marriage held following *shastras* is called divine marriage. It is purely based on religious and spiritual vows and oaths. Such religious oaths and vows are inviolable and unquestionable according to Shastras. However, with the advent of science, technology, and civilization, there we find a transformational shift in the marriage system. The perception of marriage in India is being changed and the concept of legal marriage has been accepted as a means of marriage. This actually opens up the possibility of ignoring the verdict of marriage as postulated in Indian Shastras. If legal marriage is not introduced then the so-called love marriage between upper and lower Varna, a romantic marriage which ignores the verdict of Shastras, cannot be held. Of course, there are some other rational implications of legal or court marriage. It ensures economic rights and stability in case of divorce. It ensures fundamental rights and justice, freedom of the individual. Modern feminism is a case in point. Feminism goes against the so-called divine marriage where there are so many sanctions set up against women's rights and freedom. There is no role of Shastras in the Western tradition. Even though we find some ritualistic aspect in ancient Greek tradition as mentioned by Nietzsche, but such ritual aspects are overturned and subdued by the so-called modern materialistic and individualistic marriage system. The problem with the modern marriage system is that it invites unnecessary separation in the name of divorce which occur in most general cases out of irrational sentiments, irrational

emotion where an extreme form of individualism, subjectivism, egoism are focused. Divorce is a legal process and it helps the couples to lead a separate life. But the fact is that such separate life never ever brings happiness, stability, and peace in their life. Instead, it will create voluminous problems and complications in their life. A divorce is an event of great loss in the sense of humanity. There is no doubt about it. It is true in every society. People of the West would hamper less than the people of the East. The difference is simply for the outlook of marriage. The Western people initially take marriage as a legal agreement and they are the believer of free sex. There is no necessary connection between sexual engagement and producing better progeny. Their understanding of marriage and sexual engagement is just a sort of physical gratification and nothing else. Therefore, they do not bother about divorce or separation. They take it very lightly. But from a human perspective, we cannot rule out the loss of human virtues. It certainly bears follow-up consequences. It cannot be denied.

We have a different perception if we look back at Indian traditions guided by Shastras. In Indian traditions, various forms of marriage are prescribed according to Shastras. Those types of marriages that have been accepted by Shastras are called divine marriage. The essence of divine marriage is a bond between two souls, not between two bodies. As a result of that in the case of divine marriage or spiritual marriage, spiritual oaths or spiritual vows are cited according to the Shastras. The bondage between two souls is supposed to be eternal bondage and it cannot be separated even after the death of the husband. That is why widow marriage has been prohibited in the Shastras. Once the divine bond has been established through marriage, there is no possibility of detachment. Therefore, if there appears external detachment, but from an ontological perspective, there is no possibility of internal, inward, or spiritual detachment at all. However, besides divine marriage or spiritual marriage, legal marriage is also introduced in Indian tradition. However, there are various implications of court marriage. Court marriage is a

Western concept. It has been introduced for economic safety and security. Violation of the laws of legal marriage is not possible because in such a case judicial action will be imposed against the violator. However, the genesis of divine marriage is something different. As it is the dictation of Shastras, it is based on faith, but not on science. The intrusion of science in faith is not possible. It would be a futile exercise. Now what is faith is either based on confession for Wittgenstein, based on the practical reason for Kant, based on dogmas, superstitions, and prejudices for logical positivism and philosophers like Hume and others. Having said that in India we have high regard for divine life, divine marriage because we believe that there is a life after death. The soul is eternal. It will reappear in the name of another jiva. After death, the soul occupies another body in the name of jiva according to the fruit of Karma (action). The reappearance of the human soul through the human body is not possible without marriage. Because only through marriage sexual engagement has been validated and only through sexual engagement based on sexual ethics, a better progeny can be created. Thus the creation of progeny makes it possible to reappearance a human soul through the human body in the empirical world, i.e., in the world of illusion of Maya, according to Shastras. Thus we notice a perceptible difference between the Western marriage system and the Indian marriage system. Even though there we find some rituality in the Western marriage system, but the essence of rituality is different from the Indian system of rituality.

The western marriage system is far more *pragmatic than the Indian marriage system*. Indian marriage system is orthodox, unlike a Western marriage. Western marriage is pragmatic because here marriage is held on mutual agreement having epistemological justification. The outlook of Western marriage is just a tie of co-partnership and nothing more than that. We notice a law-driven practice everywhere in American society. A son after the age of eighteen years must pay house rent legally to his parent if his parent will demand it. Thus, in Western countries, the

marriage relationship is purely based on laws and nothing else. Law is primary and the other issue, if there be any according to their respective culture, would be secondary. When a crisis will come, laws speak the truth. This is all about. The western outlook is pragmatic in the sense that they give more importance to the economy and education when they engage with marriage. Besides, love or romance plays a significant role as well. Religious sanctions and dictations are less important to them. Religious sanctions and interpretation for them are myths. We cannot completely detach from Western culture. In modern Indian society, we witness an artificial type of marriage in various communities where the economic issue takes the upper hand irrespective of the Varna system. There are cases particularly in the urban educated society where the economic issue gets priority over spirituality. The fate of such marriages is the same. A high percentage of divorce is witnessing among such groups of marriage. But the point is that the social implication of divorce is much more complicated in Indian society than in Western society. Nobody is interested to marry a divorcée in Indian tradition. The cases are very small. Moreover, the social status of Indian divorcee is low than the of non-divorcee. This is a fact. It cannot be denied. We are social animals. We cannot live comfortably within the environment of social ignorance. Social ignorance is not legal ignorance. Therefore, the victim cannot take legal action when she is being ignored socially. The fate of a divorcee is more precarious even in village areas. A divorce cannot be married even though Iswarchandra Vidyasagar as a reformist took the initiative to legalize widow marriage law. Legally widow marriage is accepted, but socially it is not accepted. The victim can only realize, other people are either disinterested to realize it or they ignore it in a more calibrated way.

Western marriage is based on a consumerist economy and it is controlled by the dominant world view alternatively known as materialism. On the other hand, the Indian marriage system is based on spiritual welfare.

## Chapter Five

### Concluding Remarks

In this sequel, we are primarily concerned with some of the outcomes of this thesis. Marriage is a common social tie persisting in all communities within the globe. There is no question of doubt. Therefore, prima-facedly *it is more than a social issue rather than a philosophical issue*. This is indeed the general perception. My intention is not to view it as a mere social issue, but to reassess it as *a socio-philosophical issue*. Therefore, the main task at my hand is to exemplify wherein lays *the philosophical relevance of marriage*. Let me specify first what is philosophy? There are as many as hundreds of possible definitions of philosophy. However, to me, the most acceptable and relevant one is '*philosophy is life*'. Philosophy is a way of life where marriage plays a significant role in it. The genesis of philosophy essentially hinges on determining *the meaning and value of life*. What then is life? What is the locus of life? By the term 'life', we mean human life. *The locus of life is marriage*. Only through marriage, a new life comes on earth that has been accepted by the community and society. Thus, legalizing marriage is very important. There are two different ways through which marriage can be legalized. Court marriage is one of them and the other is a wedding ceremony where family, society, community play their part. Court marriage is legal whereas social marriage is not legal, but it has informal force as well. When court marriage was not there, only social marriage based on rituals was the only acceptable system of marriage.

As per a legal or court marriage is concerned, marriage is nothing but *a tie or an agreement* that has been constructed based on laws. Now, laws are articulated, man-made, and constitutionally approved. Accordingly, violation of laws is punishable. The concept of divorce is particularly relevant in the case of court marriage. There is a legal path through which marriage can be

ignored and the outcome of it is divorce. In the case of divorce, the rights of both the husband and the wife are protected. After divorce, they can lead a separate life as well. Court marriage is holistically applied right now throughout the globe. In India even though court marriage is prevailing, but besides court marriage, social marriage plays an important role. India is the hub of spiritualism. The people of India believe in the divine life, divine journey, and spiritual way of life contrary to the materialistic way of life. Indian spiritualism asserts that there is a life after death. Therefore, marriage in the real sense is nothing but divine bondage where physical detachment does not lead to mental detachment. Even after the death of the husband, the wife becomes a widow and she believes in the internal relation with her husband. This bondage is unique and it is completely foreign in Western countries. Thus in the real sense of the term, court marriage in Indian spiritualism is a secondary issue and it is only needed for economic safety and security and nothing else. The real essence of marriage lies in divinity. Moreover, the concept of Varna and *gotra* plays a significant role in the Indian marriage system. In this regard, two complementary theories, namely, *anulum and protulum*, have been developed. The concept of Varna is completely foreign in Western marriage.

It is through marriage the continuity of human life is evolving. A progeny will come into the world with fresh life. A progeny is the by-product of sexuality between husband and world. This is biology and there is nothing mysterious in it. The main objective of marriage is to bring new souls, new lives to Earth. In this regard, sexual *relation is morally and ethically desirable*. It is said that sexual relations between the husband and wife are desirable and morally acceptable *if the very motive of a sexual relationship is directed to bring good progeny in the world*.

**Why do we engage in marriage?** Why does marriage matter to philosophy? In this regard, I can say that there are two important fundamental aspects for which marriage is necessary for humans. The first is a *biological necessity* and the second is a *cultural necessity*. Let me explain

these two points in turn. For the sake of biological necessity, men are prone to engage in marriage. Men are also conscious of kinship because men are social animals as well. Thus for biological and social necessity, men engage with marriage. The basic objective of marriage is not physical gratification as we observed in Western culture and society, rather the basic objective of marriage is the *unification of two souls into one Soul*. Marriage thus for me is not a mere connection between man and women, it is not a mere sexual relationship, rather it is a kind of agreement where moral commitment, moral obligation, and moral responsibility of both man and woman have been developed. Marriage is thus an agreement of bringing up the children and a partnership for economic ends. Social cooperation is also an important aspect of marriage. Thus, there are some ethical and philosophical insights into the very definition of marriage. Marriage is a sanctioned union. It leads to a family and social life. Through marriage, moral and ethical values upgrade in society. Besides, it helps man to lead a disciplined and responsible life. According to Hindu ancient law, marriage is a tie, a sacred tie. It is a holy union that can never be broken. Marriage in the real sense bears the concept of oneness. It is a process of religious and ethical resolution. Accordingly, it can be asserted that marriage as such is obligatory for begetting a son to discharge the ancestor's debt. Thus the ultimate objective of marriage is nothing but the welfare of society.

Marriage as such helps one to be responsible. Even though the beginning of marriage differs from culture to culture, society to society, from community to community due to cultural varieties, but after marriage, real-life begins. In Western countries, marriage begins with love. But there are various senses of love, such as love for physical gratification, love for mental gratification, and love for perpetual peace. When the journey of marriage begins with love where love means physical gratification and nothing else, then there should not be any distinction between *prostitution and physical gratification*. Russell uses the term 'legal prostitution'. Of

course, sexuality is an integral part of marriage because the basic objective of marriage is to bring good progeny. To bring good progeny, sexual relation needs to be developed. As soon as the point of begetting good progeny comes to the mind, the husband and wife make themselves more responsible to each other. They then feel that they have to take more responsibility in the family, in society, and the community at large. They take care of each other, faith in each other, and above all, they come to realize that they are the best friends themselves. The realization of friendship plays vital bondage among the husband and the wife to move forward.

Let me specify here one *ontological issue* concerning new life. In Indian ethics and literature, it is believed that the human soul is eternal in the sense that after death the human body will perish and the soul will retain and reappear. It will reappear as a new body based on the fruits of karma. It is also believed in Varna-system. It is said that according to *Varna-Vyavastha*, a shudra cannot be upper Varna in this life. If a shudra will perform good karma in this life, then after death he will become a Kshatriya or Vaisya based on *Karma-Phala*. Let me assume that there is ten Kshatriya family in the world and after marriage, each of them engages sexual relationship to bring the new soul in the world. The soul which is waiting to reappear as a Kshatriya progeny will get the opportunity to born as a new child. This is how the birth-death cycle-recycle is going on and this is where the *ontological relevance of marriage hinges on*. If the marriage system will not invite new progeny through sexual engagement, then the hovering souls waiting for rebirth as humans cannot be possible. This is the *ontological implication of marriage*.

Marriage has both *internal and external philosophical implications*. From an external perspective, marriage is a social event where both the husband and the wife are engaged with marriage laws. Considerable philosophical promises are belonging to marriage laws. The moral and ethical commitment, mutual trust and respect, individual freedom, the autonomy of the will are protected in marriage laws. Such marriage laws also provide the option to divorce when both

are agreed upon. In western culture, marriage is taken as an agreement or contract where the emotional feeling is much lesser than the Eastern tradition. Unlike Western tradition and culture, marriage has a great internal philosophical commitment to Eastern culture. The spiritual and ritual aspects play important role in the Indian marriage system. Thus there are two perspectives of marriage in Indian traditions. One is legal and the other is spiritual. As far as the spiritual aspect of marriage is concerned, divorce is not possible from an ontological perspective. According to the spiritual ceremony, marriage is an everlasting bond between two souls instead of two different bodies. From a religious perspective, this bondage cannot be dissected through a divorce. That is why widow marriage in Hindu shastras was completely prohibited before Iswarchandra Vidyasagar and Raja Rammohan Roy. As they are social reformers, they attempted to reform society from a practical, pragmatic and rational point of view. But the essence of spiritualism cannot be evaluated from an epistemological and pragmatic point of view. Spiritualism is a sort of divinity bestowed in the divine life.

In modern times the spiritual aspect of marriage has been subdued by the legal aspect. With the advent of civilization and with the influence of feminism and modernity, the concept of marriage has been changed radically. Now marriage has been taken *just a mere agreement*. In most cases, the economic aspect is highlighted while engaging in marriage. The very intention of marriage is to benefit economically. There we hardly find a couple where educational qualifications and economic aspects are not considered before marriage. This is equally true in both the husband as well as wife. As a result of that, the very essence of marriage appears to be secondary. Such an individualistic and egoistic and materialistic approach vitiates the very objective of marriage. It has been accepted in general that the very objective of marriage is sexual engagement. When we talk of sexual engagement, we are talking about *sex - ethics*. Sex has moral and ethical implications. Sex remained a cause of concern to many philosophers. Even Kant, for example,

was concerned about sex-ethics. According to Kant, the problem with sex involves the degradation of humanity. Kant takes moral sexuality that involves promise and acceptance under contact. To Kant, a promise is performed by mutual acceptance. Sexual engagement for sheer bodily gratification is a sort of violation of sex-ethics. In modern days bodily gratification is the main objective of sexual engagement. It goes against sex-ethics. In Russell's sense, it would be treated as prostitution. In prostitution sexual engagement is going on just for bodily gratification. There was no husband-wife relationship. Rather the male as a seeker of sex is treated as a customer and the female as the provider of sex is treated as the seller. The female sells her sex for the sake of the economy to the male, the customer who purchases the sex by offering money. Thus in a sense, it is purely an agreement between the male and the female. Here male takes sex as an instrument or source for mere bodily gratification whereas the woman remains silent. She intends to pass the schedule of the agreement. Of course, prostitution has some advantages and disadvantages.

In marriage, the concept of love is very much present whether it is temporary or everlasting. In Indian shastras, Gandharva marriage is a case in point. Love is a psychological phenomenon. It is purely mental and it has various dimensions as well. People very often talk of romantic love out of which romantic marriage is materialized. What does it mean? Romantic love cannot be retained forever. It is short lasting. Nietzsche also talked against romantic love. Instead of love, Nietzsche gives importance to friendship in marriage. Mill also was in favor of friendship because only through friendship the master-slave or master-servant relationship between husband and wife respectively can be overcome. A true friend is a friend that will be available in the need of an hour. If it is the primary objective of marriage, then after a certain period when romance is evaporated, they do not find any significance in marriage life. As a result of that, there creates agony and disgrace in marriage life and it eventually leads to separation in the name of divorce.

America is a case in point. There is nothing wrong with romantic love, but there must be the perception of the essence of marriage and the ethical and social, economic, and philosophical commitments besides romantic love. This will help to retain marriage more prolonged. Besides romantic love, we can also talk of divine love. Divine love is everlasting love. Following Kant, we can say that divine love offers us perpetual peace in life. We think besides romantic love or materialistic love which is primarily concerned with bodily gratification, divine or spiritual love is essential to fulfilling the code of sex ethics, the criteria of bringing or producing good progeny. Where spiritual and divine love is prevailing in marriage, both husband and wife are committed to the well-being of each other, committed to sharing economic and moral responsibility, social responsibility, and equally committed towards future generations. Such moral commitment restores justice in conjugal life. Thus, to me marriage is just not a legal agreement; rather true marriage is based *on moral, social-economic commitment*. Such commitment eventually has transmitted their outlook towards better and sound progeny.

To understand the principle underlying Hindu marriage, it is necessary first to come to a true appreciation of this principle underlying the Hindu social system. Manu gives the name of Gandharva to marriage by mutual choice, and signifies his disapprobation by stigmatizing it as 'born of desire'. The way to marriage which is shown by the torchlight of passion has not for its goal the welfare of society, but the satisfaction of desire. Even in Europe, where the obligation of the individual to society is much lighter, it is well known how the mingling of the sexes under the impulse of passion often gives rise to anti-social difficulties, but there, society being mobile, the effects are not so deep as with us. In our *shastras*, therefore, Brahma marriage is considered to be the best. According to this, the bride should be given to a man who had not solicited her. If the institution of marriage has to be regulated strictly from the social standpoint, a room cannot be found for the personal wishes of the people concerned; so the system which obtains in the

case of the royal houses of Europe is the system which prevails throughout Hindu society. Another way for a better understanding by the European of the mentality underlying our marriage system would be by reference to the discussions of eugenics which are a feature of modern Europe. The science of eugenics attach but little weight to personal sentiment. According to it, selection by personal inclination must be rigorously regulated for the sake of the progeny. If the principle involved be once admitted, marriage needs must be rescued from the control of the heart and brought under the province of the intellect.

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### **Selected Bibliography**

Acharya, B. R., (1998):*Marriage and Divorce in Nepalese Society: A Sociological Study*, Nepal: Sage Publications, 1998.

Acock, A. C. *Family Diversity and Well-Being*, London: Sage Publications, 1994.

Ahrons, C., *The Good Divorce: Keeping Your Family Together when Your Marriage Falls Apart*, New York: Harper Collins, 1991.

Ahuja, R.,*Indian Social System*, Jaipur & New Delhi: Rawat Publications, 1992.

Amato, P. R., & Booth, A., *A Generation at Risk: Growing Up in an Era of Family Upheaval*, Cambridge: Harvard University Press, 1997.

Alston, Margaret & Bowles, Wendy,*Research for Social Workers: An Introduction*, New Delhi: Rawat Publications, 2003.

- 
- Altekar, A. S., *The Position of Women in Hindu Civilisation*, I edn., Benares, 1938.
- Apte, H. N., *Brhadāranyakopaniṣad*, III edn., Poona, 1912.
- Arora, K., *Marriage & Divorce Laws*, New Delhi: Professional Book Publishers, 2006.
- Augustine. "Sexual Lust and Original Sin." In *philosophy and Sex*. Amherst, New York. Prometheus Books. pp 53-64. 2009.
- Banerjee, G., *Marriage and Strīdhana*, II edn., Calcutta.
- Bernard, W. *Dynamics of Personal Adjustment*, Boston: Hollerock Press, 1978.
- Bosanquet, H., *The Family*, London: Macmillan, 1915.
- Brake, E. "Justice and Virtue in Kant's Account of Marriage." *Kantian Review*, Volume 9, Number 1, pp. 58-94, May 2005.
- Briffault, R., *The Mothers*, II edn., Allen & Unwine, 1987.
- Cherlin, A. J., *Marriage, Divorce, Remarriage*, Cambridge: Harvard University Press, 1992.
- Chhibbar, Y. P., *From Caste to Class*, New Delhi: Associated Publishing House, 1968.
- Choudhry, J.N., *Divorce in Indian Society: A Sociological Study of Marriage Disruption and Role Adjustment*, Mumbai: Sage Publications, 1988.
- Colebrook: *Digest of Hindi Law*, III edn., Madras, 1874.
- Cook, V., "Kant, Teleology, and Sex Ethics." *International Philosophical Quarterly* 31(1), 1991.
- Cornish, H. D., *The Hindu Joint Family*, Cambridge University Press, 1915.
- Cummings, E.M., & Davies, P.T., *Children and Marital Conflict*, New York: Guilford Publications, 1994.
- Count, E. W., Ed., *This is Race*, New York: Henry Schuman, 1950.
- Deborach, K. P., *Qualitative Methods in Social Work Research, Challenges and Rewards*, London and New Delhi: Sage Publications, 1983.
- Deshpande, *Intercaste Marriage*. Poona: Loksangraha press, 1972.
- Dougal, M. & Jill, F., *Marriage and How to Survive it*, London: Judy Piatkus Publishers, 1983.

- 
- Emery, R., *Marriage, Divorce, and Children's Adjustment*, Thousand Oaks, CA: Sage Publications, 1999.
- Emery, R. E., & Forehand, R., *Parental Divorce and Children's Wellbeing: A Focus on Resilience*, Cambridge: Cambridge University Press, 1994.
- Fan, C. S. & Lui, H. K., *How Does the Change of Marriage Quality Affect Divorce Decisions*, Dept. of economics, Honkong: Lingan University, 2001.
- Fonseca, M., *Counseling for Marital Happiness*, Bombay: Manaktalas, 1966.
- Furer, A. A., *Harsacarita*, I edn., Bombay, 1909.
- Furer, A. A., *Vaśistha-dharma-sūtra*, I edn., Bombay, 1914.
- Gandhi, M. K., *Hindu Dhama*, Ahmedabad: Navajivan Publishing House, 1950.
- Gerald, R. L., *The Family in Social Context*, New York: Oxford University Press, 1982.
- Gerstel, N., *Divorce and Stigma, Perspectives on the Family: History, Class and Feminism*, Belmont: Wadsworth Publications, 1990.
- Ghureye, *Caste and Class Of India*, I edn., London, 1952.
- Gour, H. S., *Hindu Code*, I edn., Calcutta, 1924.
- Groot, *The Religious System of China*, I edn., Leyden, 1892.
- Hall, T. E., *The Dance of Life*. New York: Anchor Books. 1983.
- Herman, Barbara. "Could It Be Worth Thinking about Kant on Sex and Marriage?" in *A Mind of One's Own. Feminist Essays on Reason and objectivity*, Louse M. Antony and Charlotte Witt (ends), boulder, San Fransisco, Oxford: Westview Press, 53-72. 1993.
- Herrnstein, R.J. & Murray C., *The Bell Curve: Intelligence and Class Structure in American Life*, New York: Free Press, 1994.
- Hill, T. E. Jr. "Humanity as an end in itself." *Ethics*, 91(1), 84-99. 1980.
- Hess, B. and Waring, J., *Parent and Child in Later Life: Rethinking the Relationship*, New York: Academic Press, 1978.

---

Hetherington, E. M., *Divorce: Challenges, Changes, and New Chances*, New York: Longman Press, 1997.

Hooper, A., *Divorce and Your Children*, London: Robson Books, 1990.

Hultzech, E., *Baudhāyana-dharma-sūtra*, I edn., Leipzig, 1884.

Jivananda, *Samskāratva of Raghunandana*, II edn., Calcutta, 1895.

Johnson, C. L., *Ex Familia: Grandparents, Parents, and Children's Adjustment to Divorce*, New Brunswick, NJ: Rutgers University Press, 1988.

Kannan, C. T., *Intercaste and Intercommunity Marriages*, Bombay: P. C. Manaktala, 1963.

Kant, I. *Critique of Practical Reason*. (L. W. Beck, Trans.). Indianapolis: The Bobbs-Merrill Company inc. 1956.

Kaith, A. B. *Religion and philosophy of the Veda and the Upanishads*, Harvard Oriental Series, I edn., Cambridge, Massachusetts, 1925.

Kaith, A. B. & Macdonell: *Vedic Index*, I edn., London, 1912.

Kapadia, K. M., *Marriage and Family in India*, Oxford University Press, India, 1968.

Karandikar, *Hindu Exogamy*, I edn., Culcutta, 1929.

Kitson, G. C., *Portrait of Divorce: Adjustment to Marital Breakdown*, New York : Gulliford Publications, 1992.

Kobak, R., *The Emotional Dynamics of Disruptions in Attachment Relationships*, Handbook of attachment, New York: Gulliford Publications, 1999.

Kothari, R. (Ed)., *Caste in Indian Politics*. Hyderabad: Orient Longman limited. 2001.

Kuppuswamy, B., *A Study of Opinion regarding Marriage and Divorce*, Bombay: Asia Publishing House, 1957.

Landis, J. C., *Personal Adjustment, Marriage and Family Living*, New York: Prentice – Hall, Inc, 1955.

---

Leela, D. S., *Women-Headed Family-Problems, Coping Patterns, Support System, and Some Related Policy Matters*, Bombay: Tata Institute of Social Sciences, 1991.

Mathew, P.D., *Hindu Marriage and Divorce*, New Delhi: Indian Social Institute, 1998.

Maye, D., *A Study of Divorce Cases of 1971& 1972, a Project Report of M.A.,Social Work*, Mumbai: Tata Institute of Social sciences, 1975.

Mehta, R.,*Divorced Hindu Woman*, New Delhi: Vikas Publishing House Pvt. Ltd., 1975.

Nussbaum, Marth. *Sex and Social Justice*, Oxford University Press. 1999.

Papadaki, Lina. "Sexual objectification: From Kant to Contemporary Feminism." *Contemporary Political Theory*, 6(3):330-348. 2007.

Paraba, K. P., *Rāmāyana*, I edn., Bombay, 1810 (Saka).

Papadaki, Lina. "Kantian Marriage and Beyond: Why it is Worth Thinking about Kant on Marriage." *Hypatia*, 25(2) 276-295. 2010.

Poathan, S., *Divorce; Its Causes and Consequences in Hindu Society*, India: Vikash Publishing House, Pvt. Ltd, 1986.

Primortaz, Igor. "Sexual Morality: Is Consent English?" *Ethical Theory and Moral Practice*, 4 (3), 201-218. 2001.

Ray, E. B., *Marriage and the Family*, New York: Mc Graw – Hill Book Company, Inc, 1939.

Sarkar, G. C., *Hindu Law*, Calcutta, 1936.

Reibstein, J. & Bamber, R.,*The Family Through Divorce*, London: Thorsons, 1977.

Rodgers, B., *Divorce and Separation: The Outcomes for Children*, New York: Joseph Rowntree Foundation, 1998.

Rossi, A.S. & Rossi, P.H., *Human Bonding: Parent-Child Relationship Across the Life Course*, New York: Aldine de Gruyter, 1990.

Sastri, A. S. V., *Rg-vidhana*, I edn., Sriranga, 1914.

- 
- Sastri, A. M. *Āpastamba- grhya-sūtra*, I edn., Mysore, 1893.
- Sastri, A. M. *Taittirīya-brāhman*, I edn., Mysore, 1908.
- Schaf, Kory. "Kant, Political Liberalism, and the Ethics of Same-Sex Relations." *Journal of Social Philosophy*, 32 (3), 446-462. 2001.
- Schulz, Joshua. "Good Sex and Kantian grounds or a reply to Alan Soble." *Essay in Philosophy*, 8 (2), article 13. 2007.
- Seymour, S. C., *Women, Family, and Child Care in India: A World in Transition*, New York: Cambridge University Press, 1999.
- Sharma, K. M., *Matrimonial Laws*, New Delhi: Kamal Publishers 2007.
- Siddhantavagisha, H., *Mahābhārata*, I edn., Calcutta, 1338 (Banga era).
- Singer, Irving. "The Morality of Sex: Contra Kant." *Critical Horizons*, 1 (2), 175-191. 2000.
- Soble, Alan. *Sexual Investigations*. New York: New York University Press. 1996.
- Soble, Alan. "Sexual Use and What To Do About It: Internalist and Externalist Sexual Ethics." In *Philosophy and sex 4<sup>th</sup> Edition*. Amherst, New York. Prometheus Books. 2001.
- Soble, Alan. *Pornography sex and Feminism*. Amherst, New York: Prometheus Books: 2002.
- Stuart, I. R. & Lawrence, E., *Children of Separation and Divorce*, Canada: Van Nostrand Reinhold Company, 1988.
- Tarkālamkāra, C., *Gobhila-grhya-sūtra*, II edn., Calcutta, 1908.
- Warner, R. L., & Seccombe, K., *Marriage and families: Relationships in Social Context*, Toronto, Canada: Wadsworth Publications, 2003.
- Westermarck, E., *History of Human Marriage*, I Reprint, London, 1921.
- Westermarck, E., *The Future of Marriage in Western Civilization*, London: Macmillan, 1936.
- Wilson, Donald. "Kant and Marriage Right." *Pacific Philosophical Quarterly*, 85 (1), 103-23. 2004.

---

Wilson, J., *Indian Castes*, I edn., Bombay, 1877.

Wood, Allen W. *Kantian Ethics*. Cambridge: Cambridge University Press. 2008.

Wood, Allen W. *Kant's Ethical Thought*. United States of America: Cambridge University Press. 1999.

### Articles

Amato, P. R. (1994):“The Impact of Divorce on Men and Women in India and the United States”, *Journal of Comparative Family Studies*, p. 208–210.

Amato, P. R. (2000):“The Consequences of Divorce for Adults and Children”, *Journal of Marriage and the Family*, p. 269–287.

Amato, P. R., & Booth, A. (1996):“A Prospective Study of Divorce and Parentchild Relationships”, *Journal of Marriage and the Family*, p. 356–365.

Amato, P. R., & Keith, B. (1991):“Parental divorce and adult well-being: A meta-analysis”, *Journal of Marriage & the Family*, p. 43-58.

Anderson, M. (1997):“Impact of Family Type and Family quality on Child Behaviour Problems: A Longitudinal Study”, *Journal of American Academy of Child and Adolescent Psychiatry*, p. 57-60 241

Appel, A.E., & Holden, G.W. (1998):“The co-occurrence of spouse and physical child abuse: a review and appraisal”. *Journal of Family Psychology*, p. 78-99.

Arditti, J. A. (1999):“Rethinking Family Relationships between Divorced Mothers and their Children: Capitalizing on Family Strengths”, *Journal of Family Relations*, p. 109–119.

Arditti, J. A., & Keith, T. Z. (1993):“Visitation Frequency, Child Support Payment, and the Father-child Relationship Post divorce”, *Journal of Marriage and the Family*, p. 699–712.

Armistead, L. & Tannenbaum, L. (1998):“Parental divorce during early adolescence in Caucasian families: The role of family process variables in predicting the long-term consequences for early adult psychosocial adjustment”, *Journal of Consulting and Clinical Psychology*, p. 327-336.

Axinn, W. G. & Thornton A. (1992):“The Influence of Parental Resources on the Timing of the Transition to Marriage”, *Journal of Social Science Research*, p. 61- 85.

Ayoub, C.C. & Maraganor, A. (1999):“Emotional distress in children of highconflict divorce: the impact of marital conflict and violence,”*Family Conciliation Courts Review*, 37 (3):297-314.

- 
- Banerjee, K. (1999):“Gender Stratification and the Contemporary Marriage Market in India”, *Journal of Family Issues*, 20 (1):648–676.
- Belsky, J. & Youngblade, L. (1991):“Patterns of marital change and parent-child interaction”, *Journal of Marriage and the Family*, 53 (4): 487-498.
- Berman, W. H. (1988):“The role of attachment in the post-divorce experience”,*Journal of Personality and Social Psychology*, 54 (4): 496-503. 242
- Bohanna, P. (1973):“The Six stations of divorce”, *Journal of Family*, p. 113-128.
- Booth, C. (2000):“Effects of parental separation and divorce on very young children”, *Journal of Family Psychology*, p. 304-326.
- Bryant, T. L. (1992):“Responsible' Husbands, 'Recalcitrant' Wives, Retributive Judges: Judicial Management of Contested Divorce in Japan”, *Journal of Japanese Studies*, p. 407–443.
- Burkhauser, R. V. & Bernstein, R. (1991):“Wife or Frau, Women Do Worse: A Comparison of Men and Women in the United States and Germany after Marital Dissolution”,*Journal of Demography*, p. 353–360.
- Catlett, B. S. & McKenry, P. C. (1996):“Implications of Feminist Scholarship for the Study of Women's Post-divorce Economic Disadvantage”, *Journal of Family Relations*, p. 91–97.
- Chekki, D. (1996): “ Family Values and Family Change”, *Journal of Comparative Family Studies*, p. 409–413.
- Cole, C. L., & Cole, A. L. (1999):“Boundary Ambiguities that Bind Former Spouses Together after the Children Leave Home in Post-Divorce Families”,*Journal of Family Relations*, p. 271–272.
- Coleman, M., Ganong, L. & Fine, M. (2000):“Reinvestigating Remarriage: Another Decade of Progress”, *Journal of Marriage and the Family*, p. 1288–1307.
- Cooney, T. M., & Uhlenberg, P. (1990):“The Role of Divorce in Men's Relationship with Their Adult Children”, *Journal of Marriage and the Family*, p. 677–688.
- Coysh & Colleagues (1989):“Parental Post Divorce adjustment in Joint and Sole physical custody families”,*Journal of Family Issues*, p. 52-71 243
- Dadds, M.R. & Lendich, B. (1999):“Family conflict and child adjustment: evidence for a cognitive-contextual model of intergenerational transmission”, *Journal of Family Psychology*, 13 (2): 194-208.
- Demo, D. H., & Acock, A. C. (1996):“Family Structure, Family Process, and Adolescent Well-being”, *Journal of Research on Adolescence*, 6 (1): 457–488.

- 
- Demo, D. H., & Cox, M. (2000):“Families with Young Children: A Review of Research”, *Journal of Marriage and the Family*, 62 (4): 876–895.
- Donovan, C.F. (1984):“Divorce”, *British Medical Journal*, 2 (1): 597-600.
- Dykeman, Bruce F. (2003):“The Effects of Family Conflict Resolution on children's Classroom Behavior”, *Journal of Instructional Psychology*, 30 (1): 110-113.
- Emery, R. (1988):“Children in the Divorce Process”. *Journal of Family Psychology*, 2 (2): 141-144.
- Emery, R. E. & Dillon, P. (1994):“Conceptualizing the Divorce Process: Renegotiating Boundaries of Intimacy and Power in the Divorced Family System” , *Journal of Family Relations*, 43 (8): 374–379.
- Emery, R. E. (1995):“Divorce Mediation: Negotiating Agreements and Renegotiating Relationships” , *Journal of Family Relations*, 44 (3): 377–383.
- Farnsworth & Lund (1989):“Predictors of loss management and wellbeing in later life widowhood and divorce” , *Journal of Family Issues*, 10 (2): 102-112. 244
- Fine, M. A., & Fine, D. R. (1994):“An Examination and Evaluation of Recent Changes in Divorce Laws in Five Western Countries: The Critical Role of Values” , *Journal of Marriage and the Family*, 56 (4): 249–263.
- Finnie, R. (1993):“Women, Men, and the Economic Consequences of Divorce: Evidence from Canadian Longitudinal Data”,*Canadian Review of Sociology and Anthropology*, 30 (3): 205–241.
- Fowers, Blaine J., Montel, Kelly H., & Olson, David H (1996):“Divorce and its aftermath” , *Journal of Marital and Family Therapy*, 22 (1):103-119.
- Frisco Michelle, L., & Kristi Williams (2003):“Perceived housework equity, marital happiness, and divorce in dual-earner households , *Journal of Family Issues*, 24 (4): 51-73.
- Furstenberg, F. F., & Kiernan, K. E. (2001):“Delayed Parental Divorce: How Much Do Children Benefit,*Journal of Marriage and Family*, 63 (4): 446–457.
- Gottman, John (1992):“Communication patterns and Divorce”, *Journal of Divorce*, 14 (3): 185-186
- Granvold, Donald & Schellie Susan (1979):“A study of sex role expectancy and female post divorce adjustment”, *Journal of Divorce*, 2 (1): 383-393.

- 
- Grych, J. H., & Fincham, F. (1999):“Interventions for Children of Divorce: Toward Greater Integration of Research and Action”, *Psychological Bulletin*, 11 (2): 434–454.
- Gupta, G. (1976): “ Love, Arranged Marriage, and the Indian Social Structure” , *Journal of Comparative Family Studies*, 7 (1):75–85.
- Guttman, J. (1989):“Intimacy in young adult males’ relationships as a function of divorced and non-divorced family of origin structure” , *Journal of Divorce*, 12 (2), 253-261. 245
- Hamon, R. R. (1995):“Parents as Resources When Adult Children Divorce” , *Journal of Divorce and Remarriage*, 23 (2): 171–183.
- Hanson, T. L. (1999):“ Does Parental Conflict Explain Why Divorce Is Negatively Associated with Child Welfare?” ,*Social Forces*, 7 (1): 1283– 1316.
- Harlow, H. F. (1958):“The nature of love”, *American Psychologist*, 13 (2), 573-585.
- Hazan, C. & Shaver, P. R. (1987):“Romantic love conceptualized as an attachment process” , *Journal of Personality and Social Psychology*, 5 (2): 511-524.
- Henry, R. G., & Miller, R. B. (2004):“Marital problems occurring in midlife: Implications for couple therapy”, *American Journal of Family Therapy*, 32 (3): 405–417.
- Hyatt, Kaye (2000):“Adjustment to divorce” , *Journal of Marriage and family*, 32 (4): 113-114
- Jain, A. & Belsky, J. (1996):“Beyond Fathering Behaviors: Types of Dads”, *Journal of Family Psychology*, 10 (2): 431–442.
- Joan, R. Kahn & Kathryn A. London (1991):“Premarital Sex and the Risk of Divorce” , *Journal of Marriage and the Family*, 53 (2): 845-855.
- Johnson, C. L. (1988):“Post-Divorce Reorganization of the Relationship between Divorcing Children and Their Parents” , *Journal of Marriage and the Family*, 50 (4): 221–231
- Johnston, J.R., & Campbell, L. (1993): A clinical typology of interparental violence in disputed custody divorces, *American Journal of Psychiatry*, 63 (8): 190-199. 246
- Juffer, F.,& Van Ijzendoorn, M. H. (2002):“Maternal sensitivity, infant attachment, and temperament in early childhood predict adjustment in middle childhood: The case of adopted children and their biologically unrelated parents”, *Developmental Psychology*, 38 (4), 806-821.
- Kelly, J. (1988): “ Longer-Term Adjustment in Children of Divorce: Converging Findings and Implications for Practice” , *Journal of Family Psychology*, 2 (2): 119-139.
- Kelly, J. (2000):“Children's adjustment in conflicted marriages and divorce: A decade review of research” ,*Journal of the American Academy of Child and Adolescent Psychiatry*, 4 (2): 963-973.

- 
- Kitson, G. C., & Morgan, L. A. (1990):“The Multiple Consequences of Divorce: A Decade Review”, *Journal of Marriage and the Family*, 5 (2): 913–924.
- Kline, M. & Techann, J. (1991): The long shadow of marital conflict: A model of children's post divorce adjustment, *Journal of Marriage and the Family*, 13 (4): 297.
- Kumar, P. & Rohatgi, K. (1987):“Value Patterns as Related with High and Low Adjustment in Marriage” , *Indian Journal of Current Psychological Research*, 2 (1):98–102.
- Kurdek, L. A. (1991):“The Relations between Reported Well-Being and Divorce History, Availability of a Proximate Adult, and Gender” , *Journal of Marriage and the Family*, 5 (3):71–78.
- Leslie, L. A. & Grady, K. (1985):“Changes in Mothers' Social Networks and Social Supports following Divorce” , *Journal of Marriage and the Family*, 7 (4): 663–673. 247
- Lorenz, F. O. & Chao, W. (1997):“Married and Recently Divorced Mothers' Stressful Events and Distress: Tracing Change across Time” , *Journal of Marriage and the Family*, 5 (2): 219–232.
- Masheter, C. (1997):“Healthy and Unhealthy Friendship and Hostility between Ex-Spouses”, *Journal of Marriage and the Family*, 9 (2): 463–475.
- McNeal, C. & Amato, P.R. (1998):“Parents' marital violence: long-term consequences for children”, *Journal of Family Issues*, 19 (2): 123-139.
- Misra, G. (1995):“Reflection on Continuity and Change in the Indian Family System”, *Journal of Social Science Research*, 2 (1):27–30.
- Morgan, L.A (1989) “ Economic wellbeing following Marital Termination: A comparison of widowed and divorced women”, *Journal of Family Issues*, 10 (2): 86-101
- Mott, F. L. (1990):“When Is a Father Really Gone? Paternal-child Contact in Father-Absent Homes, *Journal of Demography*, 7 (2): 499–517.
- Mtengeti, Migiro, R. (1990):“The Division of Matrimonial Property in Tanzania”, *Journal of Modern African Studies*, 28 (3): 521–526.
- Najman, J. M. & Williams, G. M. (1997):“Impact of Family Type and Family Quality on Child Behavior Problems: A Longitudinal Study”, *Journal of the American Academy of Child and Adolescent Psychiatry*, 36 (4): 1357–1365.
- Nakonezny, P. A. & Rodgers, J. L. (1995):“Divorce rate across the 50 states and its relation to income, education, and religiosity”, *Journal of Marriage and the Family*, 7 (2): 477-488.
- Neighbors, B. R., & McVicar, D. (1993):“Resilient adolescents and interparental conflict”, *American Journal of Orthopsychiatry*, 6 (2): 462-471. 248

- 
- Pattison, Mark (2001):“*Study on access the Center for Marriage and Family's Web site*”, [www.creighton.edu/MarriageandFamily/](http://www.creighton.edu/MarriageandFamily/). "Time, sex, money biggest obstacles for young married Couples "By Catholic News Service, *Journal of Marriage and the Family*, 4 (2): 605-616.
- Peterson, R. R. (1996):“A Re-Evaluation of the Economic Consequences of Divorce”, *American Sociological Review*, 6 (2):528–536.
- Pothan, S. (1989):“Divorce in Hindu Society”, *Journal of Comparative Family Studies*, 20 (2): 377–391.
- Richard M. & Wardsworth M. (1997):“The effects of divorce and separation on mental health in a national UK birth cohort”, *Research Article, From the MRC National Survey of Health and Development, Psychological Medicine, Cambridge University Press*, 27 (3): 121-128
- Rose, A. (2000):“Socio-Economic Factors and Family Size and Determinants of Marital Dissolution in Italy”, *European Sociological Review*, 8 (1): 71-91.
- Sethi, B. B. (1989):“Family as a Potent Therapeutic Force”, *Indian Journal of Psychiatry*, 31 (1):22–30.
- Shapiro, A. & Lambert, J. D. (1999):“Longitudinal Effects on the Quality of the Father-Child Relationship and the Father's Psychological Well-Being”, *Journal of Marriage and the Family*, 61 (4): 387–408.
- Sheehan, G. & Hughes, J. (2000): The Division of Matrimonial Property in Australia, *Journal of Family Matters*, 2 (1): 28–33.
- Shone, S. & Pezzin, L. E. (1999):“Parental Marital Disruption and Intergenerational Transfers”, *Journal of Demography*, 6(2): 287–297.
- Smyth, B. & Sheehan, G. (2001):“Post- Divorce Parenting Patterns”, *Journal of Family Matters*, 2 (1): 61–63.
- South, S.J. (2001): Time-dependent effects of wives’ employment on marital dissolution”, *American Sociological Review*, 6 (1): 226-245 249
- Techman, J. D. (2000):“The Changing Demography of Today's Families, *Journal of Marriage and the Family*, 6 (2): 1234–1346.
- Thornton, A. (1985): Changing attitude forwards separation and divorce, causes and consequences”, *American Journal of Sociology*, 19 (4): 856-872.
- Thuen, F., & Eikeland, O. J. (1998):“Social Support among Males and Females after Marital Disruption, *Psychology, Health and Medicine*, 3 (1): 315–326.

- 
- Tilson, Dana & Larsen, Ulla (2000):“Divorce in Ethiopia: The impact of early marriage & childlessness”, *Journal of Biosocial Science*, 32 (3): 355-356
- Trent Katherine & South S.J. (1989):“Structural Determinants of the Divorce Rate: A Cross Societal Analysis”, *Journal of Marriage and the Family*, 5 (1): 391-404.
- Umberson, D. (1992): Relationships between Adult Children and Their Parents: Psychological Consequences for Both Generations, *Journal of Marriage and the Family*, 15 (3): 664–685.
- Vandewater, E. & Lansford, J. (1998):“Influences of family structure and parental conflict on children's well-being;”, *Family Relations*, 47 (4): 323-330.
- Wadsby, M. & Svedin, C. G. (1996):“Academic Achievement in Children of Divorce”, *Journal of School Psychology*, 34 (3): 325–336.
- Wallerstein, J. S. (1989):“Resources, Stressors, and Attachment as Predictors of Adult Adjustment after Divorce: A Longitudinal Study”, *Journal of Marriage and the Family*, 5 (1):1033–1046. 250
- Wallerstein, J.S. (1986):“Children of divorce: Preliminary report of a ten-year follow-up of older children and adolescents”, *Journal of Marriage and Family*, 4 (1): 30-44
- Wang, H. & Amato, P. R. (2000):“Predictors of Divorce Adjustment: Stressors, Resources, and Definitions”, *Journal of Marriage and the Family*, 6 (2): 655–668.
- Weiss Yoram & Robert J. Willis (1985):“Children as Collective Goods and Divorce Settlements”, *Journal of Labor Economics*, 3 (3): 268–292.
- Weiss, R S. (1976):“The emotional impact of marital separation”, *Journal of Social Issues*, 3 (2): 135-145

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## NIETZSCHE ON PARADIGM OF MARRIAGE

*Shyamal Das*

*UGC Fellow, Department of Philosophy, North Bengal University*

### Abstract of the paper

The main contention of this paper is to explicate and examine the paradigm of marriage after Nietzsche. Nietzsche outlines the paradigm of great marriage with some socio-philosophical stipulation. The significance of marriage is colossal towards reformulating our family, society and community. It is said that the very objective of marriage is to bring good progeny. The future fate of the family in general actually hinges on the contribution of the future progeny. Therefore if the future progeny is not morally sound, then it would create innumerable problems in the family, society and community. Therefore, ideal marriage or great marriage is essential to build up a better society. In this regard there are so many theories developed over the years. Some would say that sexual relationship is the objective of marriage; some other would say that marriage is contractual; some other would say that marriage is non-contractual. For Nietzsche the perception of ideal marriage is based on friendship, but not on love. This paper will address Nietzsche's idea of friendship as the paradigm of ideal marriage.

**Key words:** marriage, progeny, contractual, community, morality

### PAPER

Friedrich Nietzsche talks of the philosophy of marriage and in this regard he offers various measures. According to Nietzsche, there are ten important tips for a great or ideal marriage. Here we propose to analyse the philosophical insights for a great marriage after Nietzsche. While talking of ideal marriage, Nietzsche admires the ancient Greek model of relationships where friends were great, men were warriors, and women were for their recreation. According to Nietzsche, friendship is the highest form of love, because great friends inspire each other and even push other towards the ideal superman (Übermensch). Nietzsche conceived friendship as essential to a good marriage. Sex, in contrast, creates complication. According to him, a relationship based on romantic feelings is unlikely to endure a lifetime. The ontological differences between man and woman eventually tend to turn love into a war. So owing to overcome the power games highest form of friendship is prerequisite. Thus it would really be a great challenge to the lover of becoming a great friend. Nietzsche is not a firm believer of modern marriage which is predominantly concerned with love, or so to speak romantic love. He elsewhere views modern marriage as another example of the collapse of standards in our hedonistic world which eventually heading towards nihilism. Nietzsche estimated it as a predicament. He then advocated a philosophy of 'aristocratic radicalism'<sup>1</sup> It is a philosophical stage where a few courageous and strong human beings take up the challenge of becoming a superman who transcends, strives passionately and creatively to go beyond lives life to the fullest. He thus constantly combats and overcomes obstacles to be a greater person while rejecting comfort and security. While explicating the insight of ideal marriage after Nietzsche, his time of appearance is very important. Nietzsche lived from 1844 to 1900. It was an era in which the roles of men and women in society were very different from today. At that time the dominant role of women was to be wife and mother. Moreover one might be tempted to conclude that as Nietzsche said some critical things about women, he is a misogynist. In fact, Nietzsche talked contemptuous things not only about women, but also about many different groups of people, including men. In his book *Human, All Too Human*, he says, "The perfect woman is a highest type of human being than the perfect man."<sup>2</sup> This position of Nietzsche reminds us the philosophical outlook of Swami Vivekananda about women. This remark of Nietzsche reflects it clearly that he had immense respect to women. It seems to us that many of Nietzsche's remark about women, loving relationships and marriage are, at face value, outrageous by modern standards. But the very intention of Nietzsche is to explore a few of his suggestions relating to love relationships and marriage is to embrace his challenge, to acknowledge his contradictions, and to look beyond the provocation. In this regard, Nietzsche suggests ten important tips for ideal or great marriage. We explain his ten tips one after another and also try to unearth his philosophy about marriage.

### Don't Marry for Love, (Marry someone ugly but whom you like talking to.)

According to Nietzsche, a marriage based only on romantic love is on shaky ground because it is fleeting or short lived. He says, "Sexuality often makes love grows too quickly, so that the root remains weak and is easy to pull out."<sup>3</sup> Before marriage true friendship must be developed where there is no sexual attraction. Thus, it has paramount importance not to confuse between friendship and sexual attraction. This is indeed the problem of modern romantic marriage. Romantic love is a fleeting love and it has been grown out of sexual attraction. It is mainly directed towards bodily gratification. Nietzsche in this regard quips: "How many married men there are who have experienced the morning when it has dawned on them that their young wife is tedious and believes the opposite."<sup>4</sup> Nietzsche tries to avoid this complication arising out of romantic love. In this context, he recommends preparing lovers for the inevitable evaporation of attraction in order to curb the disappointment when it happens. In this regard, he says, "Sometimes it requires only a stronger pair of spectacles to cure the lover, and he who had the imagination to picture a face, a figure twenty years older would perhaps pass through life very undisturbed."<sup>5</sup>

According to Nietzsche, romantic love relationships are bound to crackle and fizzle. In this regard, Zarathustra, the protagonist of Nietzsche's argues that romantic love relationships are just brief follies. It is stupid to turn a folly into a long-term commitment.

Romantic love is transitory; it has no long term commitment which is very essential for becoming life-partner. Nietzsche equally stresses the insanity of love-matches. He says, "Marriage contracted from love (so-called love-matches) have error for their father and need for their mother."<sup>vi</sup> Marriage based on romantic love actually undermines the whole institution by basing it on an idiosyncrasy. But this is not desirable. For Nietzsche, "You never ever base an institution on an idiosyncrasy."<sup>vii</sup> Nietzsche further contends do you believe that you are going to enjoy talking with this woman up into your old age if you engage with marriage based on romantic love? He then says that everything else in marriage is transitory, only devotion to conversation will be lasting at the end of life. That is why forgo romantic love in marriage, but bank on conversation, concentrate on conversation with whom who is your ever lasting friend. Thus, for Nietzsche, true friendship gets priority over romantic love in case of marriage. However, in order to retain or so to speak preserve a friendship between a man and a woman, 'a slight physical antipathy' is required.

Nietzsche was extremely pessimistic about marriage. In his famous *Twilight of the Idols*, he notes that 'marriage has become completely irrelevant and irrational'.<sup>viii</sup> Nietzsche in his *Daybreak* also highlighted that marriage is 'very often and almost as a general rule refuted'. As a result of that marriage has introduced a very great deal of hypocrisy and lying into the world. Instead of marriage, it would be better to remain as friends and lovers. In such a case one can avoid unnecessary complications with vows that would inevitably be broken. The ethics is that if you vow or promise in marriage, it should be kept from moral perspective. However, in most general cases it will be broken. As a result of that it would create unnecessary complication in human life. Nietzsche says, "We ought not to be permitted to come to a decision affecting our whole life while we are in the condition of being in love, not to determine once and for all the character of the company we keep on the basis of a violent whim: the oaths of lovers ought to be publicly declared invalid and marriage denied them: the reason being that one ought to take marriage enormously more seriously!"<sup>ix</sup>

We think that Nietzsche did not undermine the essence of marriage, but he certainly undermined the logic of romantic marriage which creates unnecessary complications in human life. He had high regard towards ancient Greek marriage system. For him we have to look at why marriage existed? Greek ancient marriage system was based on solid foundations and rules were very clearly defined. In ancient Greek marriage, couples could not get divorced and love was not a factor in the decision. For Nietzsche, marriage 'knew how to hear above the accidents of feeling, passion, and the distractions of the moment.' But unfortunately today in western cultures the ancient Greek marriage idea seemed old-fashioned. However, there are many cultures where arranged marriages are still prevailing. Nietzsche tells that it would be sensible and advisable to marry not only because the individuals happen to be in lust, but by taking other factors into account, such as, being able to talk to the spouse, and to maintain the family's power, influence and wealth for future generations. This is essential for a strong and health offspring.

#### Never Promise Everlasting Love

According to Nietzsche, to promise everlasting love is false. Love cannot be everlasting. For him, if romantic love is ephemeral and transient, promising to love your partner forever would simply be absurd and a lie. Everlasting love is an exception, not the rule. For Nietzsche, like any other feeling love is not within the individual's power. For him, love is a feeling. Feelings are involuntary. What is involuntary is beyond control. Therefore, love as a promise cannot be made based on something that one has no control over it. When love is taken as a promise, it is treated as an action. Thus in a loving relationship, one can promise actions that 'are usually the consequence of love'.<sup>x</sup> Then in such a case love would be treated as consequence. Then again it would be treated as conditional love. Therefore, it would be much more appropriate to recognize this contingency and one has to be honest about it. To avoid deception in wedding vows, Nietzsche recommends saying something along these lines: "For as long as I loved you I shall render to you the actions of love; if I cease to love you, you will continue to receive the same actions from me, though from other motives."<sup>xi</sup> That means my actions will remain the same to you whether I love to you or do not love to you. There is no scope of deception because one is promising to act as if still in love, rather than mistakenly promising the feeling of love. Thus one needs to have a candid confession. In such a case the beloved can still say that 'I do' to marriage when confronted with a partner who is uncertain about how long the loving feeling will last. Since love is feeling and feeling is involuntary, therefore love is not a choice. Nietzsche is right in recognizing the absurdity of promising a feeling. The key point here is that if both partners are consciously aware of what they are promising on their wedding day, there is much better chance of the marriage enduring. Since romantic love relationships are often not strong enough to endure a lifetime. Therefore to endure marriage lifetime affair, other considerations are needed.

#### Give her a good progeny

It is a general perception that becoming a mother is the great achievement in life. It cannot be denied. Therefore, one of the main intentions of a married woman is to bring pregnancy in life. In this regard Zarathustra says, "Everything about women is a riddle, and everything about woman has one solution: it is called pregnancy."<sup>xii</sup> For Nietzsche, pregnancy is the solution because it is the only reason that a woman needs a man. In this sense man is for woman a means, the purpose is always the child. While taking these comments as face value, Diethe reads Nietzsche as saying that women are 'completely defined by the reproductive urge' and more importantly their 'sole instinct is to create for children, permanently craving for sex, women are predators or 'vamp-like femmes fatales' who seduce men simply for impregnation'. It is also true that people should choose mates based on the criteria of attempting to produce strong offspring. It is very natural for women to use their skills of seduction to this end. According to Ackermann, it is still unclear whose pregnancy is being discussed because elsewhere Nietzsche also uses pregnancy as a metaphor for creativity. Thus there we have two different interpretations, such as, **women as sex animal** and **women as stimulating creativity**. They are not mutually exclusive. Of course, women are capable of being independent. They do not need a man for

anything except sperm. Women for her urge to create super-baby, uses man to impregnate her. It could also mean that men and women use each other as fertilized for creativity. In this regard they use marriage as a launching pad to greater things and to achieve greater goals.

### Marry Your Best Friend

The concept of best friendship is the fundamental aspect of great marriage. For Nietzsche, marriage does not bear any sense in life without the virtue of friendship. As a philosopher, his understanding of friendship is not at par with laymen interpretation of friendship. Friendship is a very common concept, but real friendship is hard to come by. Best friend can be known when you are in real crisis. During conjugal life crisis would be inevitable. At that time the friendship between husband and wife will help to overcome crisis. Real friendship will endure or carry out marriage. What then is friendship according to Nietzsche? For Nietzsche, friendship is the 'ultimate ideal' of love and 'a kind of ideal of Being-with-Others'.<sup>xiii</sup> Nietzsche always thinks highly of the ancient Greek ideal of friendships between men and in this regard he agreed with Aristotle that great friends could inspire each other. This kind of friendship is neither about mutual benefit nor based on pleasure and enjoyment. Real great friends help one another to become better people through 'a shared highest thirst for an ideal above them'. For Nietzsche, in case of real friendship, each friend acts like a 'catalytic muse'<sup>xiv</sup> for the other. If an individual is left alone for too long without friends, he too easily falls into a groove. In this regard Nietzsche warns, "He who fights with monsters should look to it that he himself does not become a monster. And when gaze long into an abyss the abyss also gazes into you."<sup>xv</sup> Following Sartre, it can be said that the friend is valued not so much for his or her gaze, rather for his or her ability to pull the individual up from the depths of the abyss and be a launching pad to a greater existence. However becoming a great friend will not be an easy task. The best teachers are the harshest critics and should be wary of being too sympathetic towards the friend. Zarathustra says, "Let your pity for your friend conceal itself under a hard shell."<sup>xvi</sup> In this regard the view of Scomb is particularly relevant as he goes on to say that "friends do not unquestioningly upheld, reinforce and echo our attitudes but provides new perspectives and interrogate our presuppositions."<sup>xvii</sup> Having said that we cannot rule it out that at times great friend must be so ruthless that they are also the enemy. In this regard Nietzsche says, "If you want a friend, you must also be willing to wage war for him; and to wage war, you must be capable of being an enemy."<sup>xviii</sup> Thus it seems to us that Nietzsche is challenging all of us to be better friends. He urges loves not to get caught up in power games, rather to help each other find the way to becoming an *Übermensch*, i.e., the best kind of love longing for the Superman. This kind of love propels us to want to be the best kind of person. This kind of great friendship will make a great marriage. In fact, "The best friend will probably acquire the best wife, because a good marriage is founded on the talent for friendship."<sup>xix</sup>

### Concluding remarks

Thus real friendship would be the great virtue of marriage. Marriage is the will of two to create the one who more than those who created it. It is not lack of love, but lack of friendship that makes unhappy marriages. There is no parity between love and friendship. Real friendship may be missing in romantic love. Romantic love is a sort of illusory love, a mere glimpse of love. Good friendship ensures talk and most of the time in married life is taken up by talk. The quality of a marriage is proven by its ability to tolerate an occasional exception. Nietzsche had no faith on modern marriage. For him all sense has gone out of modern marriage. Here he had no objection to marriage but to modernity.

<sup>i</sup> Fuss, P. and Shapiro, H. (eds), *Nietzsche: A self-portrait from his letters*, Cambridge, MA: Harvard University Press, 1971, p.104.

<sup>ii</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, Cambridge, UK: Cambridge University Press, 1996, p.150.

<sup>iii</sup> Nietzsche, F., *Beyond good and evil*, translated by Hollingdale, London, UK: Penguin Books, 1990, p.98.

<sup>iv</sup> Nietzsche, F. *Daybreak: Thoughts on the prejudices of morality*, translated by Hollingdale, Cambridge, UK: Cambridge University Press, p.150.

<sup>v</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, op. cit., p.150.

<sup>vi</sup> *Ibid.*, p.151.

<sup>vii</sup> Opper, F. N., *Nietzsche on gender: Beyond man and woman*, Charlottesville, VA and London, UK: University of Virginia Press, 2005, p.215.

<sup>viii</sup> Nietzsche, F. *Twilight of the Idols*, translated by J. Norman, Cambridge, UK: Cambridge University Press, 2005b, p.215.

<sup>ix</sup> Nietzsche, F. *Daybreak: Thoughts on the prejudices of morality*, translated by Hollingdale, op. cit. p.150.

<sup>x</sup> Nietzsche, F., *Human, All To Human*, translated by R. J. Hollingdale, op. cit., p.42.

<sup>xi</sup> *Ibid.*, p.42.

<sup>xii</sup> Nietzsche, F., *Thus spoke Zarathustra*, R. J. Hollingdale, London, UK: Penguin Books, 1969, p.91.

<sup>xiii</sup> Solomon, R. C., *Living with Nietzsche: What the great 'immoralist' has to teach us*, New York: Oxford University Press, 2003, p.95.

<sup>xiv</sup> Lungstrum, J. 'Nietzsche writing woman/Woman writing Nietzsche: The sexual dialectic of palingenesis' included in *Nietzsche and the feminine*, edited by P. J. Burgard, pp.135-157, UK: University Press of Virginia, 1994, p.137.

<sup>xv</sup> Nietzsche, F., *Beyond Good and Evil*, 1990, p.102.

<sup>xvi</sup> Nietzsche, F. *Thus spoke Zarathustra*, London, UK: Penguin Books, 1969, P.83.

<sup>xvii</sup>

<sup>xviii</sup> *Ibid.*, p.82

<sup>xix</sup> Nietzsche, F. *Human, all too human*, op. cit, p.150.

# The Essence of Marriage: A Philosophical Reflection after Hegel

By

Shyamal Das,  
Ph.D Research Scholar,  
Department of Philosophy,  
North Bengal University

## Abstract of the paper

*The main strategy of this paper is to explicate and examine the non-contractual view of marriage after Hegel. His position of marriage actually goes against Kant's view of marriage. Kant conceives marriage as a contract through which the marital relationship between the husband and wife is justified. Of course, when Kant claims that marriage is a contract, he actually means that it is a contract based on morality. Kant actually ponders marriage as a moral contract in order to justify the ethics of sexuality. Sex is a passion and it lacks moral foundation. Therefore a contract based on ethics is prerequisite to justify sexual relationship between the husband and the wife. Hegel differs from Kant as unlike Kant, Hegel offers us a non-contractual view of marriage. For Hegel in marriage each person gives his or her personality in exchange for membership in a new personality. Thus, there we perceive transformation of human's personality through marriage. It can be happened without contract. Instead of contract, Hegel uses the term consent. In marriage consent is more important than contract. Contract is pronounced in the case of trade, but consent is linked with human personality. In consent there remains subordination of sexuality. In the case of consent the sense of membership is pronounced. In marriage, Hegel invokes rationalized feeling instead of feeling.*

**Key words:** *contractual marriage, personality, ethics of sexuality, membership, rationalized feeling.*

## PAPER

### Hegel non-contractual view of Marriage:

Kant conceives marriage as contract. For Kant, contract is a particular means of acquiring property involving a transfer of possession from one person to another. In this regard Kant goes on to say that marriage is nothing but purely a union between two people with an aim “for lifelong possession of each other's sexual attributes.” (Kant: 1996) Hegel in his *Philosophy of Right* asserts that a marriage is only established after a wedding ceremony. For Hegel, marriage is the *immediate institution* of his ideal conception of community. As a result of that marriage involves *a sense of membership* that we can experience in our social life. For Hegel, marriage is not contractual. In order to understand the perception of Hegel's marriage, one has to apprehend the role of the wedding ceremony because Hegel inclines to say that the wedding ceremony is necessary for

constituting a marriage. In this regard he goes on to say that the point of marriage comes ‘only after this ceremony has first taken place’. Hegel understands the **ceremonial declaration** of consent to be the performative act. The force of such act actually transforms a relationship into a marriage where the agreement to marry be declared publicly. Public declaration is essential in marriage according to Hegel. The declaration of *consent* involved in the wedding ceremony.

Hegel denies Kantian contractual view of marriage. For Hegel, Kantian contractual view of marriage is wrong. In this regard, Hegel remarks that “marriage is not a contractual relationship as far as its essential basis is concerned.” (Hegel: 1991) Unlike Kant, Hegel further contends that marriage cannot be subsumed under the concept of contract as Kant did. According to Hegel, normally marriage involves *a union of wills* that are essentially different from the kind of common will generated in contract. Unlike Kant, Hegel thinks of the **marriage consent as consent to surrender one’s personality**. In marriage, the partners consent to constitute a single person and to give up their *natural and individual personalities within this union*. Later on Hegel says marriage involves personality or individuality which enters into and surrenders itself to this relationship. The agreement in marriage is nothing but consent to ‘the free surrender by both sexes of their personalities’. In marriage each person gives his or *her personality in exchange for membership in a new personality*. Thus, there is a transformation from personality to new personality in marriage system. However, such transformation does not lead us to assume that I part with my personality and take on to other’s. Instead both the partners would constitute a new person. Besides, the consent in marriage also involves *the subordination of sexuality*. For Hegel, in marriage the inward union of the natural sexes is eventually be transformed into a **spiritual union through self-conscious love**. This position of Hegel is very close to Indian spiritualistic aspect of marriage. In Indian tradition it is said that real marriage is nothing but the spiritual union of separate selves. It is an everlasting bond and it will remain inseparable even after the death of the husband.

According to Hegel, before marriage the partners in the relationship lack a loving disposition. The union only has existence through sex, but it needs to have existence in the partners’ self-conception if it is to be a marriage. Here the concept of sex plays a vital role. A relationship in which sex is unsubordinated, marriage can remove this deficiency. Moreover, the ethical character of love is the higher suppression than mere natural drive. For Hegel, marriage consent consists in the free choice to make the sexual drive inferior to the considerations of the ethical bond. This

subordination of sexuality becomes real after the declaration has been uttered in the ceremony. Hegel further narrates the ethical determination of marriage as a ‘pledging’ which reduces the sensuous moment to a merely conditional one. It is conditioned by the true and ethical character of the relationship. In this regard, the recognition of the marriage bond is an ethical one. This would actually minimize the potency of romantic love and make marriage as a happy conjugal tie. More specifically, it can be said that the consent in the marriage ceremony is consent to make the end of the relationship an ethical one instead of one based on sexual satisfaction. This does not however mean to say that the whole issue of marriage is to subordinate the sexual drive to some ethical purpose. The ethical perspective is relevant in the case to determine the motive of the partners to bring good progeny through sex. In such a case the partners vow to invest a principle interest in the well-being of this new person. Once married the lovers’ approach to their relationship is not defined by a preoccupation with sexual gratification. In that case sex is enjoyed merely *in the context of ethical relationship*. This is where the relevance *of sex ethics actually hinges* on. In short, it can be said that the main objective of marriage consent is to surrender their *personalities* in order to constitute a new person. In such a case sexual gratification is subordinated to a higher end, the higher end towards new progeny.

Why marriage is not contractual according to Hegel? Marriage is not a contract because a contract is an agreement to exchange individual external things and only things of this kind are subject to alienation. However, marriage is an agreement between *two people to surrender their personalities*. Though they own their personalities as property, the partners cannot rightfully alienate their personalities because a personality is not an individual external thing. The surrender of personalities involved in marriage cannot be just like trade-exchange that appears to be under Kant’s view of marriage. Marriage and contract differ from each other. Marriage results in a transformation of one’s self identification whereas contract does not. Marriage for Hegel is not *a contractual relationship rather the nature of marriage is to begin from the point of view of contract, i.e., that of individual personality as a self sufficient unit in order to supersede it*. The very transformation involved in marriage requires overcoming the individualistic self-identification from which we enter and leave contract. For Hegel, when two persons enter into a contract, each of them is and remains a will distinctive for itself and not identical with each other. A marriage is founded on the disposition to have self-consciousness of one’s individuality within this unit. Thus for Hegel, marriage is not a contract because the common will generated in marriage

is predicated on an overcoming of the individualistic self-identification from which we enter and leave contracts. Thus a new **sense of membership can be acquired in marriage**, but not in contract. Here the partners' personalities become unified through their dispositions of mutual love and care. For Hegel, the ethical aspects of marriage consist in the consciousness of this union as a substantial end. He then goes on to refer this type of consciousness as a 'disposition' as the 'ethical spirit'. Marriage is different from contract for two significant ways. First, marriage does not require the kind of **trade exchange based on contractual relationships** and secondly, marriage results in a transformation from the contractual, self-interested disposition to *a loving, communal disposition*.

### **The Importance of Wedding Ceremony:**

Hegel put emphasized more on wedding ceremony. For Hegel, the subordination of sexual desire, the surrender of personality and the transformation of disposition or spirit take place in the wedding ceremony. Marriage thus differs from contract precisely because it involves a transformation in disposition that overcomes the deficiency of a self-sufficient life. Hegel thus takes wedding ceremony to be a necessary component of marriage. The loving disposition constitutes a marriage lifts the wedded out of the deficient. We cannot ignore the dispositional force of speech acts. There is the solemn declaration of consent spoken during the wedding ceremony. Marriage is constituted when both the members of the relationship achieve a loving disposition. However, this relationship cannot be transformed into marriage so long the wedding ceremony is completed. Wedding ceremony is an occasion where there is the felt familiarity and shared life. Ciavatta says, "The actual shared life we have come to live is itself the expression of our commitment to each other- a durable, living actualization of spirit that says more than any contractual commitment could." (Ciavatta: 2010) Hegel then says that after the ceremony do the sexual act and the desire for it become subordinate to the substantial concerns of the marital unit. The declaration of consent binds each partner to the agreement to marry. In addition to this binding, the marriage union must be considered permanent. It cannot rely solely on love. Love is feeling. Therefore simply expressing one's love is inappropriate for the kind of relationship of marriage. As love as a mere feeling is too capricious and transient. The feeling must take a rational form. It becomes rightfully ethical love. It is rationalized as a decision. It is thus expressed as an agreement, as the free consent of each partner. It is thus up to the partners to maintain the agreement indefinitely. This

indissolubility feature is a key aspect of a marriage. For Hegel, marriage should be regarded as *indissoluble in itself*. If love is not rationalized, then in such a case the relationship actually depends on mere feeling which leaves the relationship quite susceptible to dissolution. Moreover, a relationship based on mere feeling cannot be regarded as ethical. Hegel says, “Love, as a feeling, is open in all respects to contingency, and this is a shape which the ethical may not assume. Marriage should therefore be defined more precisely as rightfully ethical love, so that the transient, capricious, and purely subjective aspects of love are excluded from it.” (Hegel: 1991) Feeling is crucial for a successful marriage, but the arbitrariness of pure feeling must be overcome. There can be no marriage if the partners’ feelings are never rationalized. Thus for Hegel, instead of feeling, we need to have *rationalized feeling*.

To Hegel the concept of wedding ceremony has a different philosophical connotation. He conceives wedding ceremony as the conclusion of marriage. In the case of traditional wedding ceremony, there are various promises or promise like utterances made. Here the partners thereby oblige themselves to behave in certain ways in the future, such as, to love, to honor, to have and to hold, etc. Promise entails obligations. However, the declaration of consent, according to Hegel, is not a promise. For Hegel, a promise is an expression of one’s intention to do something in the future, but the fact is that a promise remains a ‘*subjective determination of the will*’. (Hegel: 1991) Now if the agreement in the wedding ceremony were a promise, then in such a case the wedding ceremony would involve the expression of an intention to behave a certain way for the rest of the lovers’ lives. The agreement in a marriage is expressed as *free choice*, autonomy of will, to be unified, just as the expression of the agreement in a contract ‘is itself already the existence of [the] will’s decision’. (Hegel: 1001) Hegel also talks in favor of publicity besides wedding ceremony. For Hegel, publicity of the declaration is necessary because it facilitates the perception that the marriage is indissoluble. Once it is announced in front of the family and community, it will have always been announced. Moreover, the declaration of consent implies the permanence of the new marital person because it is the rationalization of the partner’s feelings for each other. The wedding ceremony entails to lead an ethical life. Through the declaration of consent, the partner’s affirm their union with one another.

### **Concluding Remarks:**

It thus seems that the insights of Hegel's wedding ceremony in marriage are to strengthen our ethical life. Hegel inclines to say that to enter into marriage is to surrender one's personality for the sake of *a new marital person*. It thus seems to require an agreement to a self-limitation. To consider marriage as a self-limitation may make it undesirable to many people. The so-called wedding ceremony demonstrates that the institution is good because it adequately reflects ethical spirit. Here one sacrifices his own personality, one's individuality, in the way peculiar to love. Thus the act of marriage in some sense or other demonstrates marriage to be a rationally endorsable institution. While illuminating the ethical aspect of Hegel's marriage perception, Hardimon remarks, "Hegel thinks that marriage involves a transformation not only of one's public status but also of one's private self-conception. In his view, marriage is not, strictly speaking, a partnership – a union in which the separateness of the parties is perceived – but, instead, a deeper and more thoroughgoing union in which the separateness of the parties is overcome. We might take exception to this view, but it is crucial to recognize that it is the view that Hegel holds." (Hardimon: 1994) Thus the very objective of marriage is to overcome the separateness of two individuals. In this regard Hegel further contends that part of being a person in a fully ethical sense means relating to and being recognized by others. To be a fully ethical, right bearing person, a subject must enjoy the freedom of an individual person who relates only to himself, and in doing so, he relates himself to another person. Thus the commandment of right is therefore, be a person and respect others as persons. The declaration of the agreement to surrender one's personality for the new marital person itself has the power to activate the loving disposition required to constitute a marriage. However, this new marital person is not technically a person until it is recognized by its community. This is where the philosophical and social significance of wedding ceremony actually hinges on. After marriage they are members of a personality with new ends, and in order to be a fully ethical person, their union requires the recognition afforded in the wedding ceremony. Putting everything into perspective, we can say that Hegel's view of marriage is non-contractual. In this regard, Hegel differs from Kant as we saw that Kantian view of marriage is contractual. In contract, things are exchanged in order to make use of them, but no exchange proper takes place in marriage. A contract is for the sake of transference of things, whereas a marriage is for the sake of *a new mode of self-identification*. A contractual account of marriage is not based on love and feeling, but on the use and ownership of one's partner as Kant suggested. Hegel's loving disposition is activated once the wedding ceremony is conducted. It is normatively binding as an embodiment of will. It

has performative force. It is not a mere expression of my will, but as an embodiment of my will. The union formed in marriage endures because it is built upon a rationalized feeling of unity, not of self-interest. For Hegel, the ceremony of marriage is an unambiguous symbol of ethical life. The public aspect of ceremony is necessary because marriage consists in the creation of a new person. Personhood requires recognition by other persons. Thus it can be concluded by saying that to be a person, the couple's union needs to be recognized for Hegel.

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References:

1. Kant, I., *The Metaphysics of Morals*, translated by Marry J. Gregar, Cambridge: Cambridge University Press, 1996.
2. Hegel, G.W.F., *Elements of the Philosophy of Right*, translated by H.B.Nisbet, Allen Wood, New York: Cambridge University Press, 1991.
3. Ciavatta, David V., *Spirit, Family and the Unconscious*, Albany: State University New York Press, 2010.
4. Hardimon, M.O., *Hegel's Social Philosophy*, New York: Cambridge University Press, 1994.

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