

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.”²¹ 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.

²¹*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'.²² 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

²² *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.”²³

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.²⁴ 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

²³ *History of Human Marriage*, Vol. I. p. 22.

²⁴ 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.²⁵ 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.

²⁵ 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."²⁶

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

²⁶ 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"²⁷. 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

²⁷ 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”²⁸. 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-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

²⁸ 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”.²⁹ 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

²⁹Translation 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 (6th 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"³⁰.

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.

³⁰ 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.”³¹ 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

³¹ 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 parents³²”.

³² Hindu View of Life, p. 102.