



# FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

SUBJECT: HISTORY - I

SUBJECT CODE: BAL 102

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# Lecture-24



## Kinship, Caste and Class

### Social Differentiation

#### Rules of Marriage

It is held by many scholars that the human race must have originally lived in a state of promiscuity, where individual marriage did not exist, where all the men in a horde or tribe had indiscriminate access to all the women and where the children born of these unions belonged to the community at large. A passage in the *Mahabharatha* describes in detail how such a state of things existed in Indian society till it was prohibited by a sage named Shwetaketu who was shocked beyond measure to find his own mother going out with a stranger in the presence and with the full approval of his own father.

#### Marriage a Divine Sacrament

But during Rig Vedic period the institution of marriage was strongly planted. According to the Rig Veda the purpose of marriage was to enable a man, by becoming a householder, to perform sacrifice to the gods and to procreate sons. Marriage (Vivaha) was one of the sacred sacraments which every individual had to undergo and was also the second stage, Grihasthashrama (householder) among the four stages of life prescribed in the Ashrama dharma. The term dampati used in the Rig Vedic period designates the mistress as well as the master of the house that is both husband and wife.

In ancient India marriage was a medium for bringing together the two distinct halves of life, man and woman. Husband and wife were not two separate entities capable of division, but two halves constituting an entire, single organic whole. It was in their wholeness that perfect humanity could manifest itself. During those times the family rather than the individual was regarded as the social and political unit and hence marriage was regarded as a sacrament. According to ancient Hindus marriage is not a temporary contract to serve the momentary physical demand or to enjoy good company for some time and then to lapse at the slightest inconvenience. It is a permanent union which stands various vicissitudes in life only to grow stronger and more stable. The primary function of marriage was the continuity of the race through the procreation of children and to ensure transmission of the cultural heritage. Marriage was regarded as a sacred religious union brought about by divine dispensation.

#### Criteria for selecting a bridegroom

Several factors like having intelligence, good character, good health and wealth were taken into consideration while choosing a bridegroom. Also other aspects like a bridegroom being a celibate and having the support of relatives and friends were taken into account. Kaatyaayana says that a bridegroom who is lunatic, guilty of grave sins, leprous, impotent, belonging to same gotra, bereft of eyesight or hearing, an epileptic

should be avoided. *Mahabharatha* observes that friendship and marriage should take place between those alone whose wealth is similar and whose learning (in families) is of equal status, not between rich and poor.

### **Criteria for selecting a bride**

Rules for the selection of the bride was far more elaborate than those for selecting a bridegroom though in some respect they are the same like the necessity of good family and absence of disease. Aasvalaayana Gruhasutra says one should marry a girl who is endowed with intelligence, beauty, good health and possessing auspicious characteristics. *Kamasutra* recommends that the bride must be younger than the bridegroom by at least three years, a virgin and of the same caste. An undesirable bride was one who had tawny (orange-brown or yellowish-brown colour) hair, excessive limb (such as a sixth finger or a deficient limb), who is hairless or very hairy, talkative, have a hoarse voice, very dwarfish or very tall, belonging to the same gotra as of the bridegroom and having dimple on her cheeks when she laughed. Manu, Manava Gruhyasutra and Yajnavalkyasmriti say that the girl to be chosen must not be brother less. This was because during ancient times when a man had no son, he would stipulate with the person marrying his daughter that the son born to her would be his (i.e. the girl's father's) son and would offer pindas as a son to his maternal grandfather. The result would be that the son of such a girl would not be able to offer pindas to his father (biological father) and would not continue the line of his father (biological father). Therefore brother less maidens were not chosen as brides.

### MCQ

**1. If in a family, the offspring's inherit the mother's name, the family is called-**

- (a) matronymic
- (b) patronymic
- (c) matripotestal
- (d) matrilineal

**2. Which family is formed by an individual when he marries and has children?**

- (a) Family of orientation
- (b) Family of pro-creation
- (c) Nuclear family
- (d) Conjugal

**3. The eldest male member of the Tarwad is known as\_\_\_\_\_.**

(a) patriarch

(b) Karnavan

(c) Nokna

(d) none of the above

**4. When the offsprings inherit the father's name, the family is called-**

(a) patronymic

(b) patrilineal

(c) patriarchal

(d) conjugal

**5. Who among the following follow the matrilineal family system?**

(a) Nairs of Kerala

(b) Bhils

(c) Kadars

(d) Muslims

