



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B 204

Semester II

SUBJECT: SOCIOLOGY-II

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Lecture-4



LECTURE 4:

Marriage: Meaning, Definition and Forms of Marriage

Meaning: Human beings like all mammals, mate, copulate and have children. Like other creatures too, they rear families which survive until the young become independent. However, humans, unlike animals, mate and procreate in some 'orderly way' to which they have given the name 'marriage'. Marriage is the basis of human society. Marriage forms society as our social forms are reinforced by marriage. It is a basic institution found in all human societies because no other union of men and women meets all the requirements of mating, home-making, love and personality development at the level of biological, psychological, social, ethical and spiritual evolution. Casual intercourse suffices for sexual satisfaction up to a point, but it does not and cannot create marital or family life. Man and woman constitute two parts of a complete whole—the one complementary to the other with corresponding distinctions and relations. To regard marriage as mere means of sexual satisfaction is to reduce it to a sub-rational level of instinctive mating. Moreover, sexual relations between a man and woman do not constitute marriage in some parts of the world, such as Australia. The institution of marriage makes human beings subjects of rights and duties, which finds expression in the man-woman relationship. As a legal institution, marriage confers various rights on those who enter into it, for example, to be regarded as next-of-kin to one's partner. There is a bit difference of point of view between anthropologists and sociologists about marriage. Anthropologists like Lowie, Murdock and Westermarck emphasized on social sanction in the union and how it is accomplished by different rituals and ceremonies; sociologists like Bowman, Baber and Burgess, on the other hand, view it as a system of roles and as involving primary relationships.

Defining Marriage: In almost all societies, marriage is understood as a legally and socially recognized sexual relationship, always between a man and woman (or more than one woman or one man) and usually with other restrictions of race, ethnicity, religion, caste, etc., implicitly specified. Depending on the society, marriage may require religious or civil sanction (or both), although some couples may be considered married simply by living together for a prescribed period. Westermarck (1891) defines marriage 'as a relation of one or more men to one or more women, which is recognized by custom or law, and involves rights and duties both in the case of the parties entering the union and in the case of children born of it'. The Concise Oxford Dictionary of Sociology (1994) defines it as, 'Marriage is traditionally conceived to be legally recognized relationship, between an adult male and female, that carries certain rights and obligations.' Giddens (1997) states, 'Marriage can be defined as a socially recognized relationship and approved sexual union between an adult male and female, that carries certain rights and obligations.' In the above definitions it is stipulated that marriage is a relationship between adult members but there are societies like India where child marriages are also allowed by the custom of the society, though it is banned by law. Not only this, even in so-called modern societies likes Britain where age at marriage is falling dramatically, adolescent marriages are on the rise. Marriage bond not only connects two adult individuals but also a wider range of kin people. Parents, brothers, sisters and other relatives of one partner become relatives of other partner through marriage. Many new statuses and roles, such as mother-in-law, daughter-in-law, father-in-law, sister-in-law, etc., come into existence after marriage. Although in most societies marriage is defined in heterosexual terms (between male and female), marriage involving partners of the same sex is not unknown and is becoming increasingly acceptable in some so-called modern societies. According to Adrienne Rich heterosexuality is not so much the natural form of sexual preference but is imposed upon individuals by social constraints. In many Western countries and America, movements by homosexuals have started to get legalize their marriages.