



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B 204

Semester II

SUBJECT: SOCIOLOGY-II

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Lecture-7



LECTURE 7:

Types of Marriage among the Hindus: Basically there can only be two types of marriage namely Monogamy and polygamy, in Hindu society both the type of marriage were found to exist. (1) Monogamy: One husband and one wife Monogamy is the ideal form of marriage among the Hindus. Under monogamy one man marries one woman at a time. This is the leading form of marriage of Hindus. Its advantages are at present well recognized. It produces the highest type of affection between parents, between parents and children and between children themselves as well as creates sincere devotion of wife towards husband. Under monogamy the elders receive favouring care by their children. Whereas under polygyny their days end in bitterness. According to Malinowski, "Monogamy is, has been and will remain as the only true type or form of marriage" Polygamy: Polygamy is a type of marriage in which a man or a woman is allowed to marry more than one wife or husband at the same time. Polygamy is of two types: (i) Polygyny (ii) Polyandry (i) Polygyny: It is a type of marriage in which a man is allowed to marry more than one wife at a time. This pattern of marriage persisted in Hindu society since Vedic times. In fact it was mainly practiced by kings and other well – to – do members of the society. Though it was socially approved form of marriage, Hindu law discouraged its practice and did not accept it as an ideal form of marriage. In some areas it is practiced to obtain more children as well as to get cheap and reliable labourers in the form of wives. In some tribes the leaders accept this form of marriage only to prove their superiority and to obtain social prestige. It is a fact that it checks prostitution problem of society as man can satisfy his sex desire in a better way by keeping more wives within the confines of marriage but it increases economic burden for the bread winner because he has to support many women along with their children. Besides, it creates jealousy among the wives and their children and also children cannot be looked after properly. More over it destroys family happiness and lower the position of women in the society on account of its greater harmful effects on family life. It has been declared illegal in the civilized societies. The Indian Government has declared polygyny an offence under Hindu marriage Act – 1955. (ii) Polyandry: It is a form of marriage where in one woman marries more than one man at a given time. It is widely spread in low socio – economic society to get more economic support. It may take two forms – fraternal polyandry and non-fraternal polyandry. (a) Fraternal Polyandry: In this form of polyandry one wife is regarded the wife of all brothers establishing sexual relation with her and the children are treated as the offspring of elder brother. (b) Non-Fraternal Polyandry: In this form of marriage, one woman has many husbands with whom she cohabits in term but it is not necessary that these husbands be brothers and any one husband is chosen as parents of a child by a special ritual. This form of marriage is generally existed in backward areas, situated far away from the centres of culture and progress. It also develops due to high bride price on account of lesser number of women in the society and also poverty condition of society. (From these two forms of marriage monogamy form of marriage is well accepted in civilized society) It is a means to control the growth of population and strengthens the economic position of the family. However it adversely affects the health of woman because the same woman has to satisfy the sexual desire of several husbands. Polyandry is generally considered an obstacle in the way of social progress. It causes harm to married life and creates several other psychological problems. It is on this account that polyandry has gradually come to end in those societies where in it once prevailed. Exogamy Exogamy is the social norm of marrying outside one's social group. The group defines the scope and extent of exogamy, and the rules and enforcement mechanisms that ensure its continuity. One form of exogamy is dual exogamy, in which two groups engage in continual wife exchange.[1] In social science, exogamy is viewed as a combination of two related aspects: biological and cultural. Biological exogamy is marriage of nonblood-related beings, regulated by forms of incest law. Cultural exogamy is marrying outside a specific cultural group; the opposite being endogamy, marriage within a social group. Endogamy is the practice of marrying within a specific social group, caste, or ethnic group, rejecting those from others as unsuitable for marriage or other close personal relationships. Endogamy is common in many cultures and ethnic groups. Several religious and ethnic

religious groups are traditionally more endogamous, although sometimes with the added dimension of requiring marital religious conversion. This permits an exogamous marriage, as the convert, by accepting the partner's religion, becomes accepted within the endogamous rules. Endogamy, as distinct from consanguinity, may result in transmission of genetic disorders, the so-called founder effect, within the relatively closed community. Adherence[Endogamy can serve as a form of self-segregation; a community can use it to resist integrating and completely merging with surrounding populations. Minorities can use it to stay ethnically homogeneous over a long time as distinct communities within societies that have other practices and beliefs. The isolationist practices of endogamy may lead to a group's extinction, as genetic diseases may develop that can affect an increasing percentage of the population. However, this disease effect would tend to be small unless there is a high degree of close inbreeding, or if the endogamous population becomes very small in size.

Sororate marriage Sororate marriage is a type of marriage in which a husband engages in marriage or sexual relations with the sister of his wife, usually after the death of his wife or if his wife has proven infertile.[1] The opposite is levirate marriage. From an anthropological standpoint, this type of marriage strengthens the ties between both groups (the wife's family or clan and the husband's) and preserves the contract between the two to provide children and continue the alliance. The Inuit people (formerly known as Eskimos) of northern Alaska, Canada and Greenland follow or followed this custom. It is followed by the Chiricahua group of the Western Apache, who are Athabaskan speaking, as is levirate marriage.[Sororate marriage is practiced by the Sioux (Lakota) tribes, and some Western Mono tribes in California, such as the Wuksachi or Waksachi. Sororate marriage is practiced by the Swazi people and for the same reasons as stated.[citation needed] This type of marriage is made in Bhutan. The former King Jigme Singye Wangchuck (the current king's father) is married to four wives, all of whom are sisters. There is evidence that sororate marriage existed in ancient China. Levirate marriage and junior sororate marriage are permitted for the Hindu Bania caste. Levirate marriage Levirate marriage is a type of marriage in which the brother of a deceased man is obliged to marry his brother's widow. The term levirate is a derivative of the Latin word levir, meaning "husband's brother". Levirate marriage has been practiced by societies with a strong clan structure in which exogamous marriage (i.e. marriage outside the clan) was forbidden. It has been known in many societies around the world