

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOL-2, ISSUE-2
ISSN-2583-8725

LEX SCRIPTA MAGAZINE OF LAW AND POLICY
ISSN- 2583-8725

VOLUME-2 ISSUE-2
YEAR: 2023

EDITED BY:
LEX SCRIPTA MAGAZINE OF LAW AND
POLICY

LEX SCRIPTA MAGAZINE OF LAW AND POLICY, VOLUME-2: ISSUE-2

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**MARRIAGE AS A CONCEPT AND ITS FORM: AN INDIAN AND
WESTERN VIEWPOINT**

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ABSTRACT

The idea of marriage has undergone a significant transformation, and it has recently come to represent a status symbol in society. Many false beliefs, such as the dowry and the display of riches and rank during the marriage ceremony, have been propagated. However, there are other less complicated marriage forms, such as those prescribed by the Special Marriage Act of 1955, which allow marriages to be registered with no ceremony; it also makes it easier for people of different castes and religions to get married. Hindus have the belief that, in the event of a husband's death, remarriage is discouraged after the first marriage.

This idea has gradually evolved, and widows can now get married again mostly for safety and security, although in western culture, men and women stay together unmarried and despite the fact that some marriages end in divorce and multiple breakdowns. The institution of marriage is thus steadily evolving along with human civilization, even though it may not be as powerful as it once was given the variety of options and forms available. The rate of marriage breakup has also increased, pointing to a new trend.

KEYWORDS: Marriage, Breakdowns, Breakup, Divorce, Special Marriage Act, Religions, Culture

INTRODUCTION

"Sacred unity of two unknown souls is written right from birth; marriages are settled in Heaven but celebrated on Earth." Although it's thought that weddings are finalised in heaven, in reality man and woman solemnise their marriages on earth. Each person has several tasks that they must fulfil throughout their lives. Two of the many jobs that people play in life are extremely important. The roles of the economy and the marriage or family are the two types of roles. Humans are meant to be family-oriented creatures. He needs someone in his boat at all times to share his misery, failure, love, and anguish, among other emotions. To put it succinctly, he needs his partner.

Bringing your relationship with your only partner to a definitive and socially acceptable end is what marriage is all about. It establishes a lifelong legal link between the two parties. A happy and healthy family is the product of a fulfilling marriage.

One of the universal social institutions is marriage. It was established by human society in order to govern and manage human existence. It serves as a society's cornerstone. It is within the family unit that children acquire citizenship skills, relational knowledge, and other life lessons about how to behave, how to be, and what is expected of them in society. The traditional conception of marriage, which envisions a monogamous, lifelong partnership between a man and a woman, is fundamental to the nuclear family. To ensure a healthier society, we must uphold and support marriage. The legal recognition of union is marriage. The reason society allows the marriage of two souls is The main goal of marriage is to have children and raise them until they are able to support themselves.

In many cases, marriage unites a man and a woman.. Another understanding of marriage is that it is a social acceptance of the partnership, which is demonstrated by the various rites and ceremonies that are observed across the community. One of the most intricate and profound relationships is marriage. It serves as society's pillar. It entails social permission, usually in the form of a religious or civil ceremony that permits two people of different sexes to have a sexual relationship.

Dr. Radhakrishnan notes, "Marriages are an implicit condition of human civilization, not just a formality. It is an establishment designed to foster and express love. Its goals include not just producing and raising children but also enhancing the husband and wife's personalities by satisfying their desire for a lifelong companionship in which each may enrich the other's and both may find completeness.

In a covenantal connection between themselves and their Creator, marriage aims to spiritually, emotionally, and physically bond a man and a woman as husband and wife. spiritually in the sense that carrying out religious obligations can lead to spiritual benefits. Being married is more than just cohabitation. Coexistence is what it is. It indicates that their unity becomes their reorganisation rather than that either partner has an autonomous existence apart from the other. Imposing a relationship is not required. Neither party is liable for it. However, it is a pledge to always be unique for one another. It is a promise to support one another through life's journey and to be there for one another when errors in addition.

DEFINITION OF MARRIAGE

According to the dictionary, marriage is defined as “the legal joining of a man and woman as spouses.” One way to examine the meaning of marriage is from a legal standpoint. The state of being linked to a person of the opposite sex as husband or wife in a legal, consensual, and contractual relationship recognised and sanctioned by and dissolvable only by law is defined as marriage in a legal dictionary.

A number of alternative definitions of marriage have been put out by anthropologists in an effort to capture the vast array of culturally diverse marital customs. "Definitions of marriage have careened from one extreme to another and everywhere in between" (Evan Gerstmann) even within Western society.

1. Relation acknowledged by legal or custom

The definition of marriage provided by Edvard Westermarck in *The History of Human Marriage* (1891) is "a more or less durable connection between male and female lasting beyond the mere act of propagation till after the birth of the offspring." He abandoned his previous definition and introduced a provisional definition of marriage as "a relation of one or more men to one or more women that is recognised by custom or law" in *The Future of Marriage in Western Civilization* (1936).

2. Validity of progeny

Notes and Queries (1951), an anthropological textbook, defined marriage as "a union between a man and a woman such that children born to the woman are the recognised legitimate offspring of both partners." Kathleen Gough proposed changing this to "a woman and one or more other persons" in acknowledgment of the Nuer people of Sudan's custom of permitting women to act as a husband in specific situations, known as the "ghost marriage."

3. Acquisition of Rights

Edmund Leach urged that marriage be seen in terms of the various rights it provides to establish, criticising Gough's definition for being unduly limited with regard to recognised legitimate offspring. Leach maintained that there was no universal definition of marriage in a 1955 paper published in *Man*. He presented a list of eleven rights related to marriage, some of which are culturally specific and include sexual monopoly and rights to children. Leach listed the following as one of these rights:

- i. To establish a legal father of a woman's children.
- ii. to determine who a man's children's legal mother is.

- iii. To grant the wife's sexuality a monopoly to the husband.
- iv. To grant the wife exclusive access to her husband's sexuality.
- v. To grant the wife's labour services, including household duties, a partial or exclusive right.
- vi. To grant the wife monopoly or partial access to the husband's other labour services, such as housekeeping.
- vii. To assign the husband whole or partial power over any property that the wife owns or may acquire in the future.
- viii. To assign the wife full or partial power over any property that the husband owns or may acquire.
- ix. To create a partnership—a joint property fund—for the benefit of the married couple's children.
- x. To create a 'relationship of affinity' that is socially significant between the husband and the brothers of his wife."

4. Access to sexual activity

As stated by Duran Bell In a Current Anthropology article published in 1997, marriage is "a relationship between one or more men (male or female) in severalty to one or more women that identifies women who bear the obligation of yielding to those specific men's demands and provides those men with a demand-right of sexual access within a domestic group." Bell's reference to "men in severalty" refers to corporate kin groups like lineages that, after paying a bride price, are entitled to a woman's progeny even in the event that her husband (a member of the lineage) passes away (Levirate marriage). Bell refers to "men (male or female)" as women who may act as "social fathers" in the family.

THE DIVERSITY OF MARRIAGE

Depending on the individuals involved, the time and location of their culture, and their beliefs, marriage can signify many different things. Some find it impossible to consider what others consider to be apparent assumptions. Nobody is true: marriage can take many different forms. No subculture or religion has the right to govern marriage taboos inside its own culture, nor does it have the right to force its own notions about marriage on other cultures.

Although it is impossible, governments should allow for all types of marriage to occur among their citizens. Legal contracts must adhere to in order to be considered valid. Therefore, there is only one kind of marriage that is permitted in the West; all other types are prohibited. This results in the standardisation and alienation of marriage, locking down customs in rigid legal

frameworks that become obsolete as society evolves. The outlawing of marital arrangements not sanctioned by one set of institutionalised standards turns other unrecognised arrangements into taboo, improper, and denigrated in today's legalised society.

Pythagoreans taught that having a high level of intellectual development is incompatible with marriage. However, the Pharisees preached that it is wrong for a man to remain single after in his twentieth year.

ELIZABETH CADY STANTON, "THE WOMAN'S BIBLE" (1898)

One of the problems with modern civilizations is that we grow biased towards our own type of marriage and start to view other forms as "wrong," "stupid," "silly," etc. Therefore, those who engage in planned marriages view individuals who tie the knot voluntarily and romantically as foolish, naive pleasure seekers. This is not how a pair in love views themselves. They most likely believe that planned marriages are oppressive, dehumanising, and inferior. The fact that alternative marriage arrangements are distinct and have different connotations is not understood by either party. There can be no agreement when one victim of culture claims that another victim of culture advocates an immoral kind of marriage as they are discussing entirely unrelated topics when they argue about "marriage." The meaning of marriage varies among civilizations. Furthermore, marriage can represent different things to different people even within the same society. Therefore, in addition to examining a few non-traditional Western marriage models, I also discuss some internal variations in Western conceptions of marriage ought to be.

TYPES OF UNIONS

There are various kinds of marriages throughout the world. varieties of marriages should not be confused with varieties of weddings, as marriages can take several forms depending on the community, even if they are monogamous. Marriage customs are also influenced by culture, with several kinds of unions existing throughout the world in diverse social contexts. The following is a list and explanation of the various types of marriages in sociology.

1. Polygyny

One man who marries multiple women at the same time is said to be polygynist. There are two varieties:

i. Symbolic polygyny

In this kind of marriage, the wives are always the sisters. Many refer to it as a sorority.

ii. Intransigent polygyny

This kind of marriage occurs when the women are not sisters.

2. Polyandry

The marriage of a single woman to several men is referred to as polyandry. It is not as prevalent as polygyny. There are two varieties of it:

i. Polyandry among parents

When multiple brothers have the same partner, the custom can be referred to as brotherly or alephic polyandry. Levirate refers to the habit of dating one's husband's brothers, whether as a possible partner or not. It's common between today's population.

ii. Polyandry that is not fraternal

Within this kind, the spouse does not need to be near anyone before being married. The woman visits each husband for a short period of time. A woman has no legal claim over her previous husbands as long as she resides with one of them.

3. Monogamy

A single male and a single female can be married inside a monogamous union. It is the most typical and socially acceptable type of union.

i. Persistent monogamy

In many civilizations, people are allowed to remarry following a divorce or the death of their first spouse, but they are not allowed to possess many marriages concurrently.

ii. Unadulterated monogamy

Remarriage is prohibited in this instance.

4. Group Marriage

The term "group marriage" refers to the union of at least two males and two women. In this instance, the wives are typical wives and the husbands are typical husbands. Youngsters are thought of as belonging to the group as a whole.

5. Temporary unions

Numerous societies have historically engaged in short-term and conditional unions. Examples include the Muslim custom of fixed-term marriages and the Celtic custom of handfasting. Fixed-term marriage contracts, or nikah mut'ah are a remnant of the pre-Islamic Arab practice of transient marriage. A brief union, known as muta'a in Iraq and sigheh in Iran, is approved by the Islamic prophet Muhammad and can serve as a justification for sex workers. giving human eggs to be fertilised in vitro has been made lawful in Egypt, Lebanon, and Iran through the use of similar temporary marriage arrangements; this kind of marriage prohibits a woman

from using it to obtain a sperm donation. Muslim debates about because of Nikah Mut'ah, the practice is primarily to communities of Shi'ites. The Mosuo people in China are matrilineal and follow a custom known as "walking marriage".

HINDUS' CONCEPTION OF MARRIAGE

In India, marriage is regarded as a very important rite. It is believed that a union consummated in front of a Brahmin and God is eternally valid and grants significance onto the existence. Marriage is believed to tie both spouses for seven generations in addition to being a lifelong connection between a husband and wife. The fundamental components of Hindu marriages, or Indian marriages more specifically, are various rituals.

For every Hindu, marriage is one of the sacraments, or Samskaras. Man and woman must marry in Hinduism. The Veda decrees that men were designed to be dads and women to be mothers. Dharma is something that a man must practise with his spouse. "He alone is a perfect man who consists of his wife, himself, and his offspring's." Those who have spouses are able to carry out their obligations in this world; they can lead happy lives and truly have a family life.

The realisation of the Samskaras is regarded as the primary goal of Hindu society. Throughout human history, there are several Sanskara that must be completed in life, the Pumsavana being the oldest and the Antyasamskara being the last. Manu asserts that the Vivah Samskara is the most significant. Although the phrase "marriage" is mentioned several times in the Dharmashastras; nevertheless, the date that it was considered an institution is not specified. The sole resource that accomplishes mention this is when it may have been thought of in Maharashtra.

Hindus therefore believed that marriage was a holy and ceremonial bond. This suggests a few things. First, a man and woman's marriage are holy or of a religious nature, and not a union with a contract. Hindus believe that marriage is necessary for producing sons, paying off debts to ancestors, and fulfilling spiritual and religious obligations. In addition to being a "Grihaspatri," a wife is also a "Dharmpatni" and a "Sahadharmini."

Wives are regarded as a man's "better half," or "Ardhangini," which implies that a man is incomplete without a woman. Man's life is made meaningful by a wife. Research indicates that men who have competitive and satisfying married lives are more successful and self-assured. It has always been observed that a man who receives respect, affection, and pleasure from his spouse is more successful.

In the same way, a woman is incomplete without a male. The word "woman" itself includes the word "man." The modern woman is capable of managing and leading her own family and has evolved into an aggressive, financially independent person. But it doesn't imply that unions are no longer necessary. Interdependence is the loveliest word after independence. Humans are introduced to the beauty of interdependence through marriage. It facilitates the formation and fortification of relationships within families as well as between spouses. Nonetheless, marriage suggests that personal space should be handled sensibly and in accordance with the highest standards of marital ethics.

ISLAM'S CONCEPTION OF MARRIAGE

A marriage is thought to be a legally binding agreement signed by both parties. What the bride gets a "Mehr" gift as compensation for the contract; the exact quantity is left up to her discretion and is not determined by statute, starting at a single dinar. Later in pre-Islamic Arabia, women lost their original right to fire their husbands at will; instead, men were granted the exclusive right to talak. This customary practice was eventually replaced by muta marriage, that is a voluntary a man and a woman's union for a predetermined amount of time. Unlike other wives, Sigha's wife was not entitled to inheritance or maintenance under the law. Later on, in pre-Islamic Arabia, the most common type of marriage demonstrated the total dominance of men over women. The females were seen as the men's property, to be bought and sold.

Women who were taken prisoner during combat were either concubines or married. Before Islam, it was common for Arabs to show hospitality to guests by lending their wives. When an Arab was travelling, he would give his wife to a friend in her absence conscience dilemma. The Holly Quran makes it abundantly evident that women were heritable like property in pre-Islamic Arabia with a passage that forbids a widow from being inherited against her will by her late husband's heirs.

Muslim weddings must occur both legally and in all cases. It is considered a civil contract because it allows for sexual activity and is meant to encourage births. Moreover, it is considered a religious duty, or "Ibadat." A marriage is founded on the free will of the parties involved, according to Muslim law. If the wife's free will is subordinated to the husband's, the marriage will end because, in the opinion of Muslim jurists, the husband must play a dominant role because of his superior physical and intellectual prowess, and as a result, the wife is subordinated to him to the point where she essentially has no marital freedom. Certain scholars utilise the dower as a means of accounting for the estrangement from her freedom in marriage.

It is also thought to shield Muslim women from Talak, which were frequently performed at their husbands' request.

WESTERN MARRIAGE CONCEPT

Western customs view marriage as a natural institution, a contract, a social institution, and a spiritual attachment. Marriage nowadays is in jeopardy, although covering the four viewpoints of voluntary creation, religious penalty, social legitimation, and organic genesis. This can be observed from the Rather from seeing marriage as a sacrament, protestants see it as a covenant where many members of the community come together, given the rising incidence of broken marriages, abortions, single parent households, etc. Over time, the Protestant ideas of marriage gained acceptance. Marital jurisdiction moved from the local church to the state government. Divorce became conceivable when the marriage's sacramental element was disregarded. The seventeenth century saw the development of the contractarian marriage paradigm. It denied the notion that matrimony is a sacrament and instead saw it as an agreement between the parties.

FINANCIAL FACTORS

Even now, certain societies still demand large dowries and wealth from their brides. In both situations, the bride's family and the groom typically negotiate the financial terms of the union; the bride is frequently not included in these discussions and is frequently not given the option of participating in the marriage. The communal position of a The pair was intended to be on an equal footing in early modern Britain. All of the wife's assets (referred to as "fortune") and anticipated inheritances belonged to the husband after the marriage.

1. Dowry

The term "**dowry**" refers to the practice of giving parental property to a daughter when she got married (inter vivos) instead of at the time of the demise of the bearer (mortis causa). A dowry establishes a different kind of marital wealth. This wealth eventually supports her sons and children and assures her support (or endowment) in widowhood."

Some cultures still anticipate dowries, particularly in Turkey, Morocco, Nepal, Bangladesh, Pakistan, and Sri Lanka. Numerous jurisdictions in India have passed laws regulating or outright prohibiting dowries in an effort to address the number of deaths linked to dowries that occur there each year (see Dowry law in India). In 2009, dowries were outlawed in Nepal. According to some writers, the giving and receiving of dowries is a reflection of one's social standing and even one's ascent up the ranks.

2. Dower

In contrast to indirect dowry, that is possession handed given to her by her spouse at the moment of marriage and which remains under her ownership and authority, direct dowry is bridal fortune, which is given to the bride's parents by the groom or his family. In the Jewish tradition, the prenuptial agreement, or ketubah, was required to be signed by the married couple by the rabbis in antiquity. The ketubah, among other things, stipulated a sum that the husband would have to pay in the case of a separation or his property in the case of his passing. This sum replaced biblical dower, sometimes referred to as the bride price, which the husband was required to pay at the time of marriage.

This innovation was implemented in response to a significant social issue caused by the biblical bride price: a lot of youthful grooms were not able to pay the bride price at the customary marriage-age. Therefore, the rabbis effectively postponed the payment date, when they would be more likely to get the money, to allow these young men to get married. It should be mentioned that the dower and ketubah sums had the same function, which was to safeguard the wife in the event that her support ended due to divorce or death. The date of the payment was the only distinction between the two methods. It is the forerunner of the wife's current maintenance entitlement if, however, a divorce, and family maintenance in the event that the husband fails to provide the wife with sufficient support in his will. The ketubah sum also served as a deterrent for a husband who might be thinking of ending his marriage because he would need to have the money in order to give it to his wife.

Similar customs can be found in Islamic tradition. A 'mahr' is the woman's portion of the husband's wealth in the event of a divorce or death, and it might be immediate or postponed. Usually, the amounts are determined by taking into account the wealth and income of the groom and his family. However, in certain cases, the amounts are set extremely high in order to create a barrier to the groom exercising his right to divorce or a significant chunk of the estate "inheriting" by the husband's family, particularly in cases where the couple has no male children. Mahr, or alimony, can reach up to \$1,000,000 USD (four thousand authentic Iranian gold coins), which is greater than any man could possibly make in several nations, including Iran. In the event of a divorce, if the husband is unable to pay the mahr or upon demand; he will be required to pay it in instalments under Iran's current rules. Arrears on the Mahr might potentially result in jail time.

3. Bride Wealth

In many parts of sub-Saharan Africa, parts of Central Asia, and parts of Southeast Asia (Thailand, Cambodia), bride wealth is a common custom. Another name for it is bride price, but that term has lost popularity because it suggests that the bride must be purchased. Bride wealth is the sum of money, property, or wealth given to a woman's parents by the groom or his family when their daughter marries him. Bride price is frequently defined in anthropological literature as a payment provided to the family of the bride to make up for the demise of the bride's labour and fertility. In certain situations, bride wealth is a way to acknowledge the relationship between the groom's family and the union's offspring.

4. Taxation

In several nations, married individuals or couples enjoy a number of tax benefits that are not accessible to unmarried individuals. Spouses might be permitted to average their joint income, for instance. This is beneficial for a married couple whose incomes are not equal. Countries may offer a higher tax bracket for a married couple's average income in order to make up for this. Income averaging would result in An equal-salary married couple would pay more in total taxes than they would if they were two single individuals, even though it would still be advantageous for a married couple with one partner staying at home. This is referred to as the "marriage penalty" in the US.

Higher rates often pertain to each individual in a family with two earners under a progressive tax system when the tax code's rates are based on the total of each person's income rather than on income averaging. This is another scenario known as the marriage penalty and it typically affects high-income taxpayers.

Conversely, Couples with two incomes fare significantly better than those with one income comparable family earnings when progressive tax is imposed on the individual without taking the partnership into account. When the same income is seen as a shared income under the welfare system, depriving the non-earning spouse of welfare access, the effect can be amplified. For instance, Canada and Australia have such systems in place.

CONCLUSION

The institution of marriage is dynamic and multifaceted, reflecting the various social, cultural, and personal dimensions of human existence. It is a social institution that has a major effect on the economy, health, and welfare of future generations. It is more than just a personal

relationship. Marriage, as we understand and practise it, will change as long as we support equality and variety. While it is legal to marry the person of one's choosing, a new phenomenon known as "honour killing" has surfaced. A person is punished and killed if they marry outside of their society; such a primitive and uncivilised act need to be completely discouraged.

The right to marry was granted to all people, even by the UNO resolution, and it is acknowledged by all legal frameworks. The necessity of the hour is to find a way to find affection, togetherness, and unity within one's mind set, as these qualities are the only ways that the obligation towards one another can be enforced. Laws cannot do this.

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