

Women and Marriage throughout Hindu History

Throughout Hindu history there has been a noticeable inequality of the sexes; when considering how ancient the Hindu tradition is, it is only recently that reforms have been made in order to accommodate women as more equal to their male counterparts. One major area of life that has been under reformation when taking into account inequality is the marriage ceremony and life as a married woman. It was not until the passing of the Special Marriage Act in 1954 that there were any reforms to family law in Hindu society (Agnes 91). Before these reforms to Hindu law, women were typically treated as if they were a form of “property” that were owned by their fathers up until their marriage; after marriage the responsibility for such “property” was passed from a woman’s father to her husband (Agnes 11). Manus (the quintessential giver of Hindu law) stated that women “should never be free” in their lifetime, for a woman should be dependent on her father, then her husband, and then her sons as she progresses throughout her lifetime (Agnes 11). Although there have been recent reforms to Hindu law in regards to equality, the genders are still not considered as equals.

For women in the Hindu tradition, marriage is their rite of passage and their official entry into religious life and it can be likened to the *upanayana* ceremony for males (Rodrigues 135). It has been viewed as a religious ceremony throughout all of Hindu history, dating back to the Vedas (Mitter 208). It was (and still is) a woman’s duty to marry and produce offspring, most notably a male heir; thus we can conclude that the majority of women who entered into marriage had experienced puberty, for it was their responsibility to produce children soon after marriage (Mitter 195-198). Although it was not uncommon for girls to be married before experiencing puberty (infant marriages), most textual sources show that the majority of ancient marriages were between a couple who were of appropriate age to bear children (Mitter 198). Infant marriages

were looked upon with disfavour as the union of two immature children rarely resulted in favourable conditions for either the husband or the wife. It was customary for a girl to end her education when she entered into marriage; although this was not always the case, it had the potential to create uneducated women in Hindu society (Chandra 17). Eventually the Child Marriage Restraint Act of 1929 and the Hindu Marriage Act of 1955 were passed which both outlawed the practice of child marriage and required that the potential husband and wife both be of sufficient age (Sarkar 107).

Entering into a Hindu marriage in ancient times took place in one of eight forms as described by Manu in the Smritis; Brahma, Daiva, Arsha, Prajapatya, Asura, Gandharva, Rakshasa, and Paisacha. Of these eight forms, only the first four are considered as appropriate for a Brahmin, whereas the last four are considered as inappropriate practices (Mitter 210). While all of these forms are still seen in Hindu life today, there are two forms that are the most prevalent today: the Brahma and the Asura marriages. All of these forms of marriage can be (and most often are) arranged by the fathers of the bride and groom. Arranged marriage holds for nearly all marriages in earlier times and is still very prevalent among Hindus today. Marriages in Hindu society are not taken lightly, for they are about more than just bringing together a man and a woman; Hindu marriages are considered links between family lineages and can even enhance a family's *jati* (Rodrigues 138). The linking of family lineages is why careful consideration is taken with regards as to who is compatible and who is not. Although the "love-marriage" is becoming more popular in Hindu society, the traditional arranged marriage rarely takes into account the opinions of the woman or the man (Gupta 92). The European and Western ideal of a marriage, which is termed a "love-marriage", is one in which there is an independent decision by two people to marry based on common feelings of romantic love (Gupta 83). Although the

practice of the “love-marriage” is the norm in western countries, it is viewed as somewhat unacceptable for Hindu society; “love-marriages” may disregard all formal practice of arranged marriages and the linking of family lineages which are characteristically so important to ancient Hindu tradition.

Another custom found in Hindu history is polygamy, the practice of having more than one wife. Polygamy was prevalent in the Vedic period, even though it was looked upon with disapproval (Mitter 207). In ancient Hindu society, polygamy was customary among the upper classes of Hindus; the higher a Hindu male’s rank in society was an indication they were “allowed” more wives than a Hindu male of lower social rank (Gupta 35). On the other hand, while polygamy was widely prevalent, polyandry (the practice of more than one husband) was considered malevolence (Gupta 36). The most extreme case of polygamy in Hindu history was among the Kulin Brahmins of Bengal; it is recorded that thirty-three Kulin Brahmins were married to two thousand and fifty-one women (Basu 9). Wives in such polygamous marriages did not receive the same amount of love and devotion that a monogamous marriage had to offer and they neither held the same social status that a woman in a monogamous marriage would have. A wife in a polygamous marriage lived in their parent’s household instead of their husband’s, for their husband was always travelling from one wife to the next (Basu 10). The enactment of the Hindu Marriage Act in 1955 made it illegal to practice polygamy and polyandry in Hindu society.

Since Hindu marriages undergo such careful consideration and planning between the families that are about to be joined, there were no methods for terminating such a union through divorce (Gupta 67). Hindu marriages were considered to be permanent and anyone who did divorce their significant other was viewed as being unrespectable; divorce in Hindu society was

viewed as the ultimate tragedy in a married household (Gupta 68). More recent reforms in Hindu law have since accepted that some marriages are not meant to work, and divorce is now a more common occurrence among the Hindu community than it had previously been. Although divorce is now allowed among Hindus, it is somewhat difficult to obtain grounds for a divorce as it is still viewed as being moderately disgraceful (Gupta 73).

It was not until the passing of the Special Marriage act in 1954 that there was an attempt to address some of the problems associated with marriage and family law in Hindu society (Agnes 95-96). Although this act did not fully take into account the problem of gender inequality, it was the first significant step toward the future creation of a unified policy for marriage and divorce that had the ability to protect the rights of women (Agnes 96-97). Under the Special Marriage Act, divorce was only attainable by mutual consent thus making the Act a minor step forward in creating the grounds for a future comprehensive code for obtaining divorce (Agnes 96-97). Consent between concerned parties was a major stipulation of the Special Marriage Act; divorce was only possible if both parties were mutually agreeable to such an occurrence (Agnes 97). Without such consent, divorce was not possible. Since this act only addressed family laws, another act was instituted to address the problems of gender inequalities in Hindu society: the Hindu Marriage Act of 1955.

The Hindu Marriage act of 1955 deemed spouses as equals in a monogamous relationship and stated they had equal rights and responsibilities to each other (Agnes 83). When the Hindu Marriage Act was first passed in 1955, it did not address divorce. It was not until major amendments were made to the Hindu Marriage Act in 1976 that divorce by mutual consent was granted (Agnes 97). Although the amendments allowed for couples to obtain grounds for divorce

under the Hindu Marriage Act, cruelty was not seen as a viable reason for divorce, which is seen as one of the fundamental problems of the act (Sarkar 107).

The future of Hindu marriage and gender equality is unclear; while there have been major breakthroughs in law and reform for gender equality, it is difficult to predict whether Hindu society will continue moving towards equality between the genders. Marriage is still viewed as a very traditional and religious aspect of Hindu life as it was in ancient times. New reforms to Hindu laws and traditions have outlawed certain practices like polygamy and polyandry and have allowed for other practices such as divorce. While it is difficult to say where Hindu marriage is to go from here, one can definitely say that it has come a long way from its ancient roots.

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