
EVOLVING TRADITIONS: THE INTERPLAY OF SOCIAL, POLITICAL, AND ECONOMIC FACTORS IN HINDU MARRIAGE

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ABSTRACT

Hindu marriage customs have been created by the complex interactions between social, political, and economic elements. This research study explores the historical development of Hindu marriage legislation. Starting with an examination of old writings like the Vedas and the Manusmriti, the study delves into the fundamental function of matrimony as a sacrament and its consequences for gender roles and cultural expectations. The Hindu Marriage Act of 1955, which brought about major modifications to customs and promoted gender equality and individual rights within marriage, is highlighted in relation to the effects of colonial legal reforms. The study also examines the rising intercaste and love marriages, as well as the growing economic independence of women, as modern marital practices have changed. This study emphasises the ongoing evolution of Hindu marriage law and its significance to current issues on gender equality and social justice by placing these changes within a historical perspective. In the end, it highlights the necessity of ongoing support and instruction to promote equal marriage partnerships in contemporary culture.

Keywords: Manusmriti, Sacrament, gender roles, cultural expectations, Hindu Marriage Act

INTRODUCTION

Hindu marriage, a cornerstone of Hindu society, is deeply embedded in the cultural and historical fabric of India. It has evolved significantly over centuries, influenced by a complex interplay of social, political, and economic factors. The institution of marriage has not only served personal and familial functions but also played a crucial role in the broader social order. This research paper delves into the historical context of Hindu marriage law, investigating the social dynamics, political influences, and economic considerations that have shaped its evolution. By understanding these influences, we can gain a deeper appreciation for the complexities and nuances of Hindu marriage customs and practices.

ANCIENT PERSPECTIVE ON MARRIAGE

During Ancient times, life resembled that of animals. While maternity may have been recognized independently, paternity was largely unknown. To ascertain the paternity of offspring, it became essential to define sexual interactions between a man and a woman as an exclusive union.¹

For Hindus, marriage is one of the ten most significant sanskars (sacraments). It is a religious command meant to perform obligations to other people and to reach the four greater purposes of life—**Dharma, Artha, Kama, and Moksha**.

Hindu marriage law has its roots in old writings, especially the Dharma Shastras and the Vedas. The **Manusmriti**, written around the 2nd century BCE, provides detailed guidelines on marriage, emphasizing the roles and responsibilities of spouses (Dharmashastra, 2002). Ancient Sanskrit texts illustrate the importance of women not only as companions but also as essential ritual participants who contributed significantly to their households and society.² The idea that marriage is a *samskara* (sacrament) signifies its importance in spiritual and social realms. The concept of *Kanyadaan* (giving away the bride) reflects the patriarchal structure of ancient Hindu society, where women's roles were largely confined to household duties. These texts not only underscore the importance of women in this context but also reveal a tension regarding their status as they were often viewed as commodities in marriage. The analysis centers on women's roles in ancient Hinduism, particularly in Vedic and epic literature, exploring their

¹ Diwan, P., Modern Hindu Law (Allahabad Law Agency 2012).

² Bose, S., *Marriage in Ancient India: A Socio-Cultural Perspective* (Oxford University Press 1999).

positions within marriage and emphasizing their ritual duties, hospitality, and the dynamics of marriage exchanges. It highlights the contradictory perceptions of women as both commodities and vital hostesses who occupy a unique position as permanent guests within their marital homes.³

Eight different sorts of Hindu Marriages that are recognised in Hindu law books are - Gandharva marriage; Brahma marriage; Daiva marriage; Arsha marriage; Prajapatya marriage; Asura marriage; Rakshasa marriage; Paishacha marriage.

Rituals and Customs

Marriage customs were complex and differed greatly between communities and regions. Among the important rituals performed during the vivaha (marriage ceremony) were:

- **Kanyadaan:** The bride's giving away, signifying her move from her father's house to her husband's.
- **Saptapadi:** The seven steps around the sacred fire, reflecting the couple's devotion to each other and to dharma.
- **Sindoor and Mangalsutra:** The bride-groom's application of vermillion (sindoor) and the tying of the mangalsutra (holy thread) around her neck signify fidelity and marital status.⁴

These rituals not only sanctified the union but also reinforced societal norms regarding gender roles and familial responsibilities.

ECONOMIC FACTORS

Economically, marriage served as a strategic tool for consolidating wealth and power among families.

Agrarian Economy:

³ Jamison, Stephanie, *Sacrificed Wife, Sacrificer's Wife: Women, Ritual, and Hospitality in Ancient India* (Oxford University Press 1996).

⁴ Kumar, A., *Rituals and Rites in Hindu Marriages: A Study of Transformations* (Academic Press 2017).

- **Land Ownership:** Land ownership was a significant factor in marriage alliances. Families often sought to marry their daughters into families with substantial landholdings. This strengthened familial ties and ensure resource management.
- **Dowry:** Dowry systems, The transfer of property or wealth from the bride's family to the groom's, a common practice although condemned in modern society, were historically prevalent as a means of securing financial stability for women, reflecting economic considerations in marriage. Dowry was often seen as a form of security for the bride and her children.⁵

Industrialization & Urbanization:

- The industrialization and urbanization of India in the 20th century led to changes in economic structures and social roles. This shift has had implications for marriage practices, as women have increasingly entered the workforce and gained economic independence.
- The rise of globalization and industrialization has brought women's empowerment to the forefront of societal issues. Legislation has been introduced to protect women's rights, leading to the codification of personal laws based on modifications of ancient Hindu texts. Legal matters concerning marriage, divorce, succession, maintenance, and inheritance are no longer solely governed by traditional customs. While marriage is still regarded as a sacrament, it carries inherent characteristics that influence its nature.

Economic Security and Marital Stability

Economic factors have always influenced marital stability in Hindu culture. Research shows that financial security can enhance marital satisfaction, while economic strain often leads to conflicts and dissatisfaction. As women gained access to education and employment, their economic contributions began to shift family dynamics, creating a more egalitarian approach to marriage.⁶

⁵ Srinivasan, P., *Dowry and Marriage in Contemporary India: A Sociological Study* (University Press 2010).

⁶ Rani, V. & Rao, S., "Economic Factors Influencing Marriage Satisfaction Among Indian Women," *Journal of Family Issues*, vol. 37, no. 3, 372-391 (2016).

POLITICAL FACTORS

The social landscape of ancient India significantly influenced marriage practices. Political developments have also had a profound impact on Hindu marriage law. The Vedic period, characterized by the rise of Aryan civilization, witnessed the development of early marriage rituals and customs.

Vedic Period:

- **Marriage Rituals:** The Rig Veda describes various marriage rituals, including the *saptapadi* (seven steps around the sacred fire) and the *vivaha* (marriage ceremony).
- **Marriage as a Sacrament:** Marriage was considered a sacred sacrament in Vedic times, symbolizing the union of two souls.

Gupta Period: The subsequent Gupta period, marked by political stability and cultural flourishing, saw the codification of marriage laws in texts like the *Manu Smriti*.

- **Manusmriti:** The *Manusmriti*, or *Manu's Dharmashastra*, a comprehensive law book, codified marriage laws during the Gupta period. It is a critical text that outlines gender roles and expectations in ancient Hindu society. This text was written around the 2nd century BCE, provides detailed guidelines on marriage, emphasizing the roles and responsibilities of spouses⁷. It outlined the rights and duties of husbands and wives, as well as the rules governing marriage, divorce, and inheritance. This influential Hindu Code categorizes various types of marriages and addresses contentious assertions on women, particularly regarding marriage and widowhood. *Manu's* work underscores the intertwined relationship between dharma (law, duty, and custom), class, gender and social structure, emphasizing a patriarchal order that placed significant restrictions on women.⁸

Colonial Rule:

- **Legal Reforms:** British colonial rule brought significant changes to Hindu marriage

⁷ Dharmashastra, *Manusmriti: A Critical Edition* (G. R. Kachru trans., Bharatiya Vidya Bhavan 2002).

⁸ Olivelle, Patrick, *Manu's Code of Law: A Critical Edition and Translation of the Mānava-Dharmaśāstra* (Oxford University Press 2005).

practices. The British introduced Western legal concepts and reforms, and the introduction of divorce laws. Caste systems dictated social interactions, including marriage. Inter-caste marriages were frowned upon, and the practice of *sati* (the self-immolation of widows) emerged as a tragic outcome of societal norms regarding widowhood⁹. The importance of lineage and family honor in marriage decisions often marginalized women's autonomy in choosing their partners.¹⁰

- **Hindu Marriage Act, 1955:** The British colonial period initiated substantial changes in Indian society, including marriage laws. The Hindu Marriage Act of 1955 emerged as a response to the need for a codified legal framework that addressed the rights of individuals within marriage. This Act of 1955 governs marriages among Hindus across different caste lines and also applies to marriages between Buddhists, Jains, and Sikhs. In contrast, religious minorities such as Muslims, Christians, and Parsis are subject to their own specific family laws.¹¹

The HMA outlines the legal criteria for a valid marriage, including factors like minimum age, mutual consent, and the absence of prior marital commitments. Importantly, it acknowledges the significance of customary rites and ceremonies. This recognition underscores that cultural practices related to marriage are essential elements of a legitimate union, rather than just symbolic gestures. The Act legitimizes these customs, reinforcing their importance within the legal system. It also abolished polygamy, legalized inter-caste marriages, and introduced provisions for divorce, thereby challenging traditional practices. Dharmashastra considered marriage as an indissoluble union of husband and wife.¹²

The divorce was not previously recognised by the law. According to Manu, a wife cannot be parted from her ex-husband by purchase or abandonment since there can never be any conditions attached to a marriage. Therefore, it can be concluded that divorce is not recognised under Hindu law. However, judicial separations are covered under Section 10 of the Hindu Marriage Act. A certain level of legal separation not only ends the marriage, but it also

⁹ Banerjee, P., *Women and the Law in India: Historical Perspectives* (Sage Publications 2011).

¹⁰ Chakraborty, S., *Caste and Gender in Contemporary Indian Society* (Aakar Books 2015).

¹¹ Dutta, R., "The Impact of the Hindu Marriage Act on Women's Rights," *Journal of South Asian Studies*, vol. 41, no. 2, 150-165 (2018).

¹² Raghavan, S., "Legal Reforms in Hindu Marriage: A Historical Overview," *Law and Society Review*, vol. 53, no. 4, 1125-1150 (2019).

eliminates the need for conjugal responsibilities.¹³

Capacity, Consent, and Ceremonies

In contemporary Hindu Marriages, three key foundational elements are established at the start of a Hindu marriage which are critical: capacity, consent, and ceremonies. Capacity pertains to both the mental ability and age of the individuals involved. Free consent is a crucial requirement; it must not be obtained through deception, coercion, undue influence, or error.¹⁴ Interestingly, these foundational principles are also present in The Indian Contract Act of 1872, which mandates that any valid agreement must include free consent and the parties' capacity. Additionally, if the essential elements are not met, either party has the right to terminate the marriage, similar to a contract under the Indian Contract Act.¹⁵

The sacramental aspect of Hindu marriage predominantly lies in the performance of rites. However, these ceremonies have evolved over time, often deviating from traditional practices. Despite this evolution, they remain a significant part of the marital process, reflecting both continuity and change in Hindu marriage customs.

SOCIAL FACTORS

The social fabric of Hindu society has profoundly influenced the evolution of marriage law. The caste system, a hierarchical structure based on birth, has played a pivotal role in determining marriage eligibility and practices. Endogamy, the practice of marrying within one's caste, has been a predominant norm, ensuring the preservation of caste purity and social status.

Caste and Marriage:

- **Endogamy:** The Rig Veda, one of the earliest Hindu texts, mentions endogamy as a desirable practice. The Manusmriti, a later text, codified this practice, emphasizing the importance of marrying within one's caste.

¹³ Kumar, Mamit, "Hindu Marriage no more left Sacramental & Ceremonial, It's Totally become Contractual," *International Journal of Research in Humanities & Social Sciences*, vol. 3, no. 1, 5-9 (2015).

¹⁴ Patel, R., "Women's Empowerment and Marriage in Modern India: Challenges and Opportunities," *Indian Journal of Gender Studies*, vol. 28, no. 1, 45-66 (2021).

¹⁵ Uniyal, Vaibhav Dr., *Hindu Marriage in India: Social Sacrament and Legal Contract*, vol. IV, *Indian Journal of Law and Legal Research*.

- **Hypergamy:** In some cases, women from lower castes could marry men from higher castes, a practice known as hypergamy. This was often seen as a way for families to improve their social status.¹⁶

Gender Roles and Patriarchy:

- **Patriarchal Structure:** Hindu society has traditionally been patriarchal, with men holding a dominant position within the family. This has influenced aspects such as property rights, inheritance, and decision-making within marriages.

Hindu wives are referred to as the *ardhangini*, or the better half of men. It is mentioned by Satpatha Brahmana that "the wife is truly half of the husband."

Before being married, a man is just half of what he can be. The same is referenced in the Taittiriya Samhita, which shows the wife using the same method. It is also stated that fulfilling other religious and spiritual obligations requires Hindu marriage in addition to producing a son who will pay his forefathers' debt.

- **Women's Status:** Women's status varied across different periods and regions. In some cases, women enjoyed greater autonomy, while in others, they were subject to restrictions and limitations.¹⁷

SOCIAL CHANGES

Current Perceptions

Marriage-related views are changing in Hindu society nowadays. Marriage customs have changed as a result of urbanisation and the emergence of individuality. Love marriages and intercaste unions are now more common. Women's empowerment movements, which promote gender equality in married relationships, have further changed attitudes towards marriage.¹⁸

¹⁶ Dumont, Louis, *Homo Hierarchicus: Essays on the Caste System and Its Implications* (University of Chicago Press 1970).

¹⁷ Pathak, Rajni, *The Hindu Woman: A Historical Perspective* (Sage Publications 1990).

¹⁸ Nanda, M., *The Changing Face of Marriage in India: An Analysis* (Academic Press 2014).

Social and Legal Advocacy

Groups like the Women's Rights Initiative have been essential in promoting societal and legislative changes that give women more influence in marriage. These initiatives have helped raise awareness of women's rights and the necessity of treating married couples fairly.

ECONOMIC TRANSITION

Due to the introduction of new economic realities, globalisation and economic liberalisation have had an impact on marital customs. The increasing number of women working has changed the conventional economic roles in marriages, which has caused financial obligations and marital expectations to be reassessed.¹⁹

CONCLUSION

The historical backdrop of Hindu marriage law illustrates a complex interaction of social, political, and economic variables that have impacted its evolution. The institution of marriage has evolved over time to reflect new society views and legal reforms, as well as traditional customs and patriarchal structures. In Hindu society, understanding this historical trajectory is crucial to tackling current concerns related to gender equality and marriage.

¹⁹ Mahajan, A., "Economic Independence and Marital Choices: A Study of Contemporary Indian Women," *International Journal of Sociology*, vol. 45, no. 3, 301-318 (2020).