CHAPTER II

ORIGIN OF MARRIAGE

(Some Anthropological & Sociological Perspective)

(a) Sex Promiscuity Theory.
(b) Anti Sex Promiscuity Theory.
Sociologists and anthropologists agree to a large extent that the institution of marriage did not exist among the primitive men, but they differ about the causes which led to the emergence of the idea of marriage and chronological forms of marriage. Although evidence to form a definite conclusion in this matter are not available but on the basis of the fact revealed by primitive society as well as comparison with the sexual habit of anthropoid apes and the various forms of marriage found at various stages of human development, various conclusions are drawn.

In the present study though we are not directly concerned with the controversy regarding the origin of different forms of marriage, yet it is necessary to know something about it for comprehending the ambit of polygamy. There are mainly two theories militating against each other about the origin of marriage. According to one marriage sprang out from promiscuity. Sharply in contrast with this, there is an

1. Lubbock says that Bachofen, M. Lennan, Morgan who have studied this subject have agreed that the primitive conditions of man, socially were such in which marriage did not exist. He further says that for the sake of convenience we may call it communal marriage where all the men and women in a small community were regarded as equally married to one another. What is termed 'Communal Marriage' was no marriage in reality, but it was an other name given to promiscuity inter course. Origin of Civilization, p.91 (1870).

2. Main supporter are Morgan, Engels, Bachofen and Lubbock.
other theory according to which marriage originated from individual pairing.

(a) **FIRST THEORY (SEX PROMISCUITY THEORY)**

Morgan Engels, Lubbock and Bechofen are of the view that during the earliest stage of mankind sex promiscuity was the rule. Morgan divided the history of mankind into three main epochs that is, Savagery, Barbarism and Civilization as the sequence of men's progress since inception. Each epoch has been further divided into lower, middle and upper stage of progress in production and reproduction. He drew the conclusion that in the lower period of savagery promiscuous intercourse did exist within a tribe as to enable every man to have free access to every woman equally and vice-versa. The second stage of the development of human marriage was the consanguine family, based on marriage between brothers and sisters except parents and children. At this stage he says the idea of marriage came into being. The third stage of development of human marriage was punaluan family. When natural brothers and sisters had been excluded for the purpose of mating. They were always the brothers and sisters from maternal sides as the paternity was unknown. Marriage between collateral was prescribed.
Since numbers of sisters were the common wives of their common husbands who used to be brothers by themselves in relation. These husbands were not called as brothers to one another but as Punalua which stood for individual companion or partner. That was why this kind of system came to be known as 'Punaluan Family'.

The fourth stage of development in the history of marriage was the emergence of 'Pairing Family', which meant living of one man with one woman, although polygamy and some acts of sexual lapses remained the male preserve.

The fifth stage of the development of the human marriage came to be evolved as 'Monogamy'.

Engel admits that there was a period of unrestricted sexual promiscuity in the most primitive time the relics of which found even today. Not only brothers and sisters live as man and wife originally, but sexual relations between the parents and children are permitted among many people. But he disbelieves the Morgan's system of kinship.

Engel gives in different manner the sketch of the events which gave birth to monogamous marriages. He gives the picture of that stage of the progress of mankind when

4. Id. at 47.
5. Id. at 24.
6. Id. at 86-136.
hunting became merely a luxury instead of a means of acquiring food or subsistence. At this stage primitive man started domestication of animals and breeding of herds which became the source of wealth. Before the lower stage of barbarism there was only fixed wealth comprising most probably implements, house, boats, weapons and other household utensils. The possession of herds of various kinds of domesticated animals like horses, donkeys, camels, oxen, sheep and goats etc. which, the advanced agricultural peoples acquired, required an immense amount of supervisions and care for their proper upkeep and propagation in ever-increasing numbers. The question arose as to whom this new properties should belong, originally this belonged to the gens. But the concept of private property appears to have already been developed. It seems to be almost certain that at the outset of the written history the herds were already, the separate property of the heads of the families. Since then the slavery had also been invented which was unknown to the lower stage of barbarians. These slaves became useful, only in this era when the cattle breeding and domestication of animal alongwith the field ploughing started and ultimately the herds were converted into family possession. The multification of the race was not responding in comparison to the number of cattles. Therefore, the captured women
were used for this purpose as well as for breeding like cattle. The people became rich who gave a death below to a society based on pairing marriage and mother-right gens. In the pairing marriages the implements of acquiring food were taken by the man by virtue of ownership on the fact of separation, while the household goods were retained by the woman herself. The man was also the owner of the new sources like food stuffs and the cattle and the slaves, if any, while his children belonged to his wife on the basis of the mother right, then prevailing as a custom and consequently the children could not inherit from him. On his death his property had to go to his gens because his children did not belong to his gens but to the mother’s gens. Therefore, the children could inherit from their mother only with her blood relations. As the wealth increased a man acquired better status than a woman. He there upon became bent upon upsetting the traditional order of inheritance in favour of his children.

Till the mother-right system, it was not possible for him to bestow inheritance of his property on his children. A revolutionary change was, therefore, brought about by the man who decided that in future the children of the male members would remain in his gens. In this way, tracing lineage of the descent right of inheritance
through mother was discorded and now the male lineage and the inheritance from the father was installed. The overthrow of mother-right was characterised as the world historic defeat of the female sex. Men became the master and lord of the house and women became a source of breeding children and as slave to the man's lust. The beginning of the sole rule of men gave birth to patriarchal family which not only attributed to the germination of polygamy but also to the organisation of a number of persons whether bound or free into this family system under the patriarchal control of the family head who later on acquired the power of life and death over all of them.

Such was the great transition of the patriarchal family from paring marriage to monogamy, which guaranteed not only the fidelity of the wife but also the paternity of his children. Gradually, this type of family diffused almost over all part of the globe. Such catchwords as polygamy and polyandry did also develop immediately following the overthrow of the mother-rights but only as exceptions. Although the mass of the people lived in monogamy but the rich and the family chiefs exercised polygamy which was due to the reason of the purchase of female slaves or otherwise. The polyandry was/is still in vogue but exceptionally rare as a survival of group marriages.

7. Engle, op. cit. at 94-97.
or due to extreme poverty and death of women by one reason or the other. But it is certain that monogamy has emerged out of the pairing marriage most probably during the transition period from the middle to the upper stage of barbarism. From this point of time civilization started. The earliest period of civilization witnessed the supremacy of man with the express object of begetting his own children beyond any dispute of paternity in order to enable the children to inherit from their father as his natural heirs, and the monogamous marriage as the most logical consequence but hetaerism and adultery as its adjuncts. The monogamous marriage differs from pairing marriage, in the fact, that in the monogamous marriage the parties to it had exclusive access to each other while it was not so in the pairing marriage. Adultery on the part of the wife came to be regarded as being generally punished while the right of conjugal infidelity on the part of the husband continued as it was by custom or otherwise.

Although the institution of marriage by way of monogamy was fully established in the society yet in fact it remained monogamy only for woman and not for man which retained such character even to this day. The sterile wives were either divorced or could be superseded by more wives as is evident everywhere. Gradually, it became duty for every

man to get married by way of his duty to God or to the state or to their ancestors in the form of religious injunctions or state laws almost in all the civilized societies and countries.

In the words of Engels, We have, then seen, three chief forms of marriage which confirm to three main stages of human development. For savagery group marriage, for barbarism pairing marriage, for civilization-monogamy, supplemented by adultery and prostitution. But the Engel's monogamy is chiefly and mainly based upon economic foundations i.e., private property and inheritance which still holds good even to this day. He fears that, this concept of marriage will disappear as and when these characteristics i.e., property and economic consideration will stand removed from man's hands, and the ensuing social revolution is approaching this day by day.

Bechofen also tried to show that the early humanity lived in utter sexual promiscuity which he characterised as 'hetaerism' and due to promiscuity in the society the paternity being unknown the linage was traced through the female i.e. according to the mother right and he also stated that originally this was prevalent among all peoples of antiquity. He further generalised that consequently a woman as a mother was only the definitely ascertainable parent of the offspring and therefore she enjoyed a high place and
position and even there was a complete woman rule.

He proposed that transition from 'hetaerism' to 'Monogamy' and from 'the mother right' to the 'father right' happened as a consequence of the evolution of the religious ideas particularly among the Greeks. Therefore, in the real Bachofenic sense, not the historical development of the actual conditions in which men existed, but the religion has been responsible to bring changes into the men, women relationship and their position.

Sir John Lubbock observed "The primitive condition of man, socially, was in which marriage did not exist or as we perhaps for convenience call it of communal marriage, where all men and women in a small community were regarded as equally married to one another". The communal marriages were no marriages at all but only another name for sexual promiscuity.

9. Id. at p.17.

Sir John Lubbock; Origin of Civilization, 3rd Ed. p.91 (1870).
Edward Westermark through his work history of human marriage (1891) made extreme survey pertaining to marital relations amongst many primitive people. He points that monogamy has been prevailing generally as a type of human family relationship from the earliest days while other forms of family relations used to be only exceptional but sometimes frequent also according to end in certain times and places. To arrive at such conclusion he takes the support of biology and shows considerable a permanent type of pairing relationships prevailing in the higher apes and emphasizes upon the prolongation of human infancy as reason to reach upto the human monogamy.

Harry Elmer Barnes fully endorses the conclusions arrived at by Edward Westermark in regard to the way he found out in tracing the evolution of human monogamy. He lays the basis of the idea of marriage i.e. permanent human mating on the simian heritage traits who have full resemblance with these of human beings. According to him like Simians, man has also no distinct mating season. He concludes, "The primates and other Siminians..... are constantly accessible to sex stimulation. This trait naturally facilitated and encouraged permanent sex pairing. He further says that other

2. Id. at p.601.
Siminian traits like that child's dependence on mother for long time and its remaining helpless for a considerable period etc., are found in human race also. He maintain 'modesty, chastity, aversion to incest, social approach of sex activities, and the like are purely cultural in their origin. None of these can be called instinctive with man.

In regard to polyandry and polygamy, he observes that they existed alongside of the monogamy being the types of family relationship. Polyandry existed moderately rare as the main explanation for the existence of which could be that it served the biological needs of the man in the best possible manner in an area where nature had been quite hostile and unproductive and thereby the non-sufficient resources of that society did not afford a man to practise monogamy as a universal and general usage. For the existence of polygamy he gives a variety of reasons, for example, sexual craving, adventuresomeness, the desire for demonstrating social prestige, perpetuation of race and family members and richness. He finds polygamy as the relic of the primitive practice of woman capture in war and female slavery etc. Political and military considerations also did play a very important part in encouraging the polygamy.

Bertrand Russel said it is the instinct which implanted the seed of monogamy among the man and animal both. He cites

3. Id. at p.603.
the examples of marriages of anthropoid apes. These animals marry when it need the male in co-operation for the purpose of rearing the children and those marriages are monogamous. The male once married ceases to be attracted to any other females and the vice versa but this because of 'instinct'. Among human beings it is not so, because of his mental peculiarity which generates vices and virtues and their intelligence to overthrow old habits replacing new ones. Russel claims that the monogamy prevalent among animals by way of instinct existed among the lowest races of the Savages in the most similar way. For the existence of polygamy he adduces this explanation, that the primitive monogamy did start breaking up because of the intrusion of economic motives - which exerted their influence over sexual behaviour and consequently these economic motives gave birth to slavery and female purchase. In the primitive agricultural and pastoral societies, the economic assets included the wives and children also, who use to be useful for the man in increasing wealth.

The possessors of wealth, started having wives in a number they liked. Although the relative number of the females was not in excess and therefore, polygamy could not be adopted as a general practice but remained the privilege of the rich and the chiefs. Here the degradation of women

started from as a necessary logical consequence loosenig
the monogamous ties. In such circumstances, he belives
that divorce for a man was easy while most difficult for
almost impossible for a woman, but that germinated adultery
as an act of sexual pleasure outside the marriage partic-ульarly for the wife.

On the basis of these comparisons with the sex
habit of anthropoid apes these anthropologists seem to
suggest that monogamy may have been the original form of
marriage. Descent was originally matrilineal not merely
because of the mother's functions of feeding and controlling
her children but also because the facts of paternity were
not appreciated until in man's history, he acquired the
physiological knowledge of his role in the production of
offspring. Even the great scientist Darwin does not agree
with the contention that promiscuous conditions prevailed in
the earliest stages of human civilization, on the other hand
he considers that promiscuous intercourse belonged to later
stage of civilization when a man had reprograded in his
instinct and advanced in his intellectual powers.

D.N. Mazumdar and T.N. Madan

the Indian anthropologists who through their

7. Dr. D.N. Mazumdar & T.N. Madan, An Introduction to Social
Anthropology, Chap. 5 Ed. 1960.
book, 'An Introduction to Social Anthropology,' have not traced the evolution and historical development of the present concept of a monogamous marriage, but, they have discussed the customs prevailing in different tribes of India pertaining to various forms of marriage and family and other loose forms of sex relationship. They, in the light of these cases reported hitherto, do not accept the evolution of marriage as a sequential scheme. Furthermore, they see it difficult to accept that monogamy is natural instinct and primeval habit because polygamy is still universally in vogue which can be said on the basis of the fact that 195 societies out of 250 societies have polygamy as studied by Murdock. They further generalise on the basis of the data that among the Indian tribes there is wide practice of polygamy and the restrictions, if any, on polygamy are found to be more socio-economic than strongly moral and instinctive. They believe that the historical data simply show as to why a particular society has developed a particular form of marriage but not as to why institution itself has developed. They appear to endorse the Lowie’s view that promiscuity of course seems to have existed during the period when the forefathers of today's man had not yet evolved a culture with principles to judge the sexual behaviour but even the simplest of temporary

8. Ibid.
cultural data do not show us any relic of group marriages as to substantiate the evolution scheme. The Indian data also conform to this rule. They, however, say that sex gratification, care and rearing of children, also the transition of culture, all these constitute the important motives for marriage, so, according to them marriage is a social mechanism to fulfill the said motives.

The afore-mentioned accounts reveal that during the pre-historic time different kinds of conjugal and sexual relations were in vogue and the notion of marriage as we find today was absolutely different in the primitive period. The present concept of marriage was, of course, not known to the primitive man as agreed also by most of the chief sociologists and anthropologists. 

The discovery of the mother-right by Bachofen as an original form of family testifies to the fact that the paternity of the children was not at all ascertainable because woman was having sexual relations with more than one man and therefore, the lineage was traceable only through females i.e. mothers. So the idea of the present concept of marriage appears to have been evolved as an improved form of pairing family system and which itself did come from the consanguine system of marriage and family in the Morganic sense. On the other hand the present marriage system did originate as a
result of transition from mother-right to the father-right rule not because of changes or development in the actual conditions in which men used to live but of the intrusion of the religious doctrines for the testification of which Bachofen adduces the examples of Greeks. In addition to these theories of Morgan and Bachofen a third theory of inheritance, stands to have been implanted by Engels according to whom the present shape and form of marriage i.e. monogamy and patriarchal family system has emerged only because of the concentration of wealth into the hands of man by way of victory of separate and private property on the common property and the man wished to bequeath this wealth to his own children. Since it was impossible until and unless the mother-right rule is not overthrown. He, i.e., man, being the possessor of wealth unlike the women, had acquired a strong position in the society and he then immediately overthrew the mother-right and ruled that the children in future would remain in his kin and gens and, therefore, as a logical consequence the woman had to be the mate of one personally. Thus children could be indentified only when the monogamy at least for the woman is established. So, the cause of inheritance germinated and established the very idea of marriage at least in the form of monogamy according
to Engels. It means the bases the foundation of present monogamy, with two adjuncts, i.e., adultery and prostitution, on the inheritance and economic consideration to which he traced the origin of the present institution of marriage. This period of origin and development of monogamy or say polygamy has been attributed by Engels to the commencement of civilization and matured in the modern times.

The philosopher and the thinker like Bertrand Russel rules out any period of utter promiscuity in sexes even in the earliest period of mankind on the ground that the present form of marriage i.e. monogamy among men and animals since inception of the society as the man like animals was instinctive to pair with one only of opposite sex. Gradually the instinctive behaviour started to be dominated by habit and the economic consideration came into play which loosened the monogamy principle and the rich started purchasing the women and made them their wives or concubines. This culminated into the origination of polygamy and prostitution. Since the relative sex ratio in number was fairly equal and no other form of marriage except that monogamy could guarantee one woman to one and each man and that was not possible of the rich and family heads had two or more wives. With the result the mass of men had to be rest content with the wives left to them. The polygamy made the dearth of marriageable
women which originated the practice of polyandry according to Russel.

Much appeal lies in the sequential schemes in regard to the origin and development of the human marriage offered by these authors. Different types of tribes prove different types of sex and conjugal relationship, for example, consanguine, pairing marriage and punaluan marriage etc., out of which the present concept of monogamy did originate due to one or other reasons.

But this form of human marriage must not be thought as a regular progress in which according to time sequence steady advance goes on. Vinogradoff seems to right when he observes that it is very improbable that one rigid course was followed by mankind in the historical development of marriage. Moreover, there has been a gradual evolution. The notion of marriage that we have with us today, has not been with us since the days of primitive man.