

Preferential marriages

INTRODUCTION

Marriage is one of the social institutions. It is established by the human society to control and regulate the sex life of man in a culturally defined and socially approved way.

It permits a man and a woman to live together as husband and wife. Marriage is not a biological affair but also a social affair. It is a social permission given to a man and a woman to live together with certain rights and obligations.

According to Malinowski, "Marriage is a contract for the production and maintenance of children."

According to Gillin and Gillin, "Marriage is a socially approved way of establishing a family of procreation."

H. M. Jonson viewed, "Marriage is a stable relationship in which a man and a woman are socially permitted, without a loss of standing in community, to have children."

A dictionary of Sociology defines marriage as "an institution that sanctions the relationship of a man and a woman and bids them in a system of mutual obligation as husband and wife and rights essential to the functioning of family life."

"Prescriptive" basically means that it is a type that is required. "Preferential" means that it is a type that is preferred, but there is some choice in the matter. For example, in many societies, there was a prescriptive rule of exogamy.

That is, it was considered as bad as incest to marry someone within the group, whether the group was defined as a village, or a tribe, or whatever.

The person of marriageable HAD to go outside that group. But then there might also be preferential rules about where outside that group the person should go.

That society might say that a woman should preferentially marry her cross cousin in the next village over. So she would try to find a male cousin who was the son of her father's sister or her mother's brother, of the right age.

But there might not be someone of the right sex and right age, you see. Since this rule was only preferential, she could pick maybe a second cousin, which wasn't quite as good.

But as long as he came from the next village over and not her own village, she was still following the prescriptive rule, which said the marriage had to be exogamous. You see?

Some societies, though, would have prescriptive endogamy -- couples had to marry within the group. Say, the Amish have a rule that they must marry other Amish. Or Jews are supposed to marry other Jews.

These are relatively large groups, though. Then there are other preferential rules, like the sororate, levirate, parallel or cross cousin marriages and so on, which may or may not be available, depending on circumstances.

WHAT IS PREFERENTIAL MARRIAGE?

Preferential marriage, as is clear by the title, is the marriage custom in which some males or females are preferred for establishing matrimonial relationships such cases the marriage is a means for uniting two families, for welfare of both.

The preference is clearly based upon certain advantages concerning new relationship and adjustment and respect in the new family. The rules of preferential mating are, however, customary and not written.

Among the Lingayats of South India, a man prefers or is expected or even has a special right to marry his own or classificatory mother's brother's daughter or father's sister's daughter (bilateral cross-cousin marriage) or sister's daughter (uncle-niece marriage).

Marriages among other preferential kin are allowed except those persons related either actually or by analogy as parent and child, or as brother and sister.

Among the Lingayats of Kalyan, a suburban fringe of the city of Dharwar in Mysore state, the choice of mates for children is the responsibility of the parents and kin group.

The average age at first marriage of girls is twelve years. Matrilateral and patrilateral cross—cousin marriages and uncle-niece marriages are not merely permitted but are regarded as desirable.

Such marital unions renew and reinforce the existing kinship system; thereby the distinction between relatives by blood and by marriage is often blurred.

Role of cousins

The role of cross cousins is especially important in some cultures. For example, marriage is promoted between them in the Iroquois system.

Parallel cousins are occasionally the subject of promoted marriage, such as the preferential marriage of a male ego to his father's brother's daughter, common among some pastoral peoples. Such a marriage helps keep property within a lineage.

On the other hand, parallel cousin unions in some cultures would fall under an incest taboo, since parallel cousins are part of the subject's (ego's) unilineage whereas cross cousins are not.

FORMS OF PREFERENTIAL MARRIAGES

1. Cross cousin marriage

In this type, marriage between children of real brother and sister are preferred. The children among them are cross cousins.

In India such marriage are prevalent among the Kuki tribe of Manipur. Among Gonds this type of marriage is almost compulsory. According to Grigson, 54 per cent Gond marriages are of this type.

The cross-cousin marriage system of south India and of some castes in Maharashtra is common to the Mahars. Marriage to mother's brother's daughter or father's sister's

son is allowed. There has never been a bar to widow remarriage.

Residence is generally patrilocal, but this is less strictly observed than in higher castes. Divorce is and has been practiced informally among the lower castes in India, including the Mahars.

Similar custom is prevalent in Kharia, Oraon, Khasi, Kadar tribes, the Mikir tribe of Assam and the Bhils of M.P. etc. In M.P. in some tribes, this type of marriage is so much preferred that if it does not materialize, the other party has to pay compensation for it.

Among Gonds, this custom is known as returning of the milk meaning that the bride price paid to a wife's family is returned by it. Thus a person who marries in a family gives his daughter in marriage to that family so that the balance is restored.

The two kinds of cross cousin marriage are: (1) asymmetrical and (2) reciprocal. The easiest way to describe them is to use diagrams.

Here a circle represents a woman, a triangle represents a male, an equal sign represents marriage or conjugal relationship, vertical lines represent descent and horizontal lines represent sibling relationships.

The asymmetrical cross cousin marriage, if repeated over generations, requires an agreement between two matrilineages. This is a pattern closely related to the Akan confederation for forming towns or states, or major divisions within states.

The lineage, in the above diagram portrayed on the right, always provides the wife in this arrangement. The other lineage, as in the one on the left above, always provides the husband. The chief's lineage is said to be married to each of the lineages in the confederation.

During a study of the Obos, the Obo chief had 32 wives. In practice he had conjugal relations only with the wife he married before he was enstooled as a chief. The mainly elderly women, who are among his structural wives today, take the arrangement as a form of old age security.

Custom requires that if such a wife dies, then the lineage must provide a replacement to become the wife of the chief.

In the above diagram, the people coloured orange would be in lineage A, the chief's lineage, while those coloured blue would be in lineage B, the lineage member of the confederation.

The second type of cross cousin marriage is reciprocal. Again it is a relationship between two lineages, but this time in each alternating generation each lineage provides first a husband then a wife.

The reciprocal pattern serves two functions, one economic and one political. When a man acquires wealth in his lifetime, he is interested in supporting his sons.

At death, however, there are three things that follow the mothers' lines: inheritance, succession and descent. If he invests in his son, building up capital for a business or a cocoa farm, that wealth will go to the son's lineage.

If his son marries his sister's daughter, however, it will return to his own lineage.

That is the economic component.

As time passes and societies change, the urbanization, westernisation and modernization of society means that more people are choosing spouses outside the home town and outside family, fewer persons adhere to the wishes and desires of their elders, and thus cross cousin marriage is declining.

Because the law of the land, some countries like Ghana, recognise traditional land usage, where the matrilineal descent group owns land corporately, chieftaincy and the institutions which accompany matrilineal descent, such as cross cousin marriage, do live on.

Court Decision

In a recent decision [WP(Crl) 977/2010] the Bombay High Court declined to agree with the prayer of a husband directing that the parents of his wife be directed to give the custody of the wife to him.

The High Court noting that the marriage being first cousins, who were Hindus, was illegal and thus the Court could not give such direction.

The High Court inter alia observed as under;

Counsel appearing for the petitioner, however, submits that the Court should issue further direction to the respondents to hand over the custody of Harmandeep Kaur to the petitioner. In the facts of the present case, we do not think it proper to consider this prayer.

That is so, because, it is the case of the petitioner that he has entered into marriage with Harmandeep Kaur on 21st January, 2009 knowing fully well that the said Harmandeep Kaur is his first cousin.

In view of Section 5 of the Hindu Marriage Act, the marriage between the petitioner and Harmandeep Kaur Kuldeep Singh cannot be treated as valid. It is void on account of clause (v) of Section 5 of the Hindu Marriage Act, 1955.

If the request of the petitioner was to be considered, it would be putting seal of approval of the Court on the arrangement arrived at between the petitioner and the said Harmandeep Kaur.

At the same time, we may observe that said Harmandeep Kaur is admittedly major. She is free to take her own decision, if she so desires. That decision could be in consultation with her parents and relatives. We express no opinion with regard to that. In our opinion, no further order is warranted in this petition. Petition is disposed of.

2. Parallel Cousin marriage

When the children of two brothers or two sisters marry, it is known as parallel cousin marriage, in this sort of marriage the boy and girl are either children of some brothers or some sisters.

Such marriages are prevalent among Muslims and sanctioned by their religion. It is however generally prohibited in Indian tribes. In Arabia such marriages are prevalent.

Marriages between consanguinially related kin are quite common around the world. Cousin marriages are the most commonly recorded and often assume the form of cross cousin marriage, in which the children of a brother and sister marry.

This pattern usually occurs in societies which practice lineage exogamy, since:

1. a man's children will be of his own lineage and his sister's in her husband's group (patrilineal case), or
2. a woman's children will be of her own lineage and her brother's in his wife's group (matrilineal case).

Parallel cousin marriage is a less prevalent institution, but does occur in some societies. In this situation the children of two same sex siblings marry.

Patrilateral parallel cousin marriage, the marriage of brothers' children is the standard pattern. When parallel cousin marriage is practiced in societies organized into unilineal descent groups, it has the effect of arranging marriages within the lineage and results in lineage endogamy.

In the diagram above D and E are the son and daughter of two brothers B and C. They are both members of the same patrilineage (indicated in blue).

Lineage endogamy constitutes an exception a common practice of widening the sphere of social alliance by forbidding marriage within lineages.

It does, however, contribute to keeping lineage resources from being transferred to other groups through marriage exchanges or inheritance.

Accordingly, it is found in societies where the continuity of lineage property is important, as in the case of pastoral societies where parallel cousin marriages are arranged to maintain the integrity of family herds.

Patrilateral parallel cousin marriage is evidently ancient in the Near East, from whence it spread during the Arab conquests to adjacent peoples through the vehicles of clientship, intermarriage, and religious conversion.

Most commentators on the custom have repeated the Arab explanation that it keeps property within the family. But, as Barth notes, this explanation is valid only when the Koranic law through which a daughter inherits half the amount received by a son is observed.

This is very frequently not the case. In any event, the argument ignores the fact that the daughter of another family could well bring into the husband's group a most welcome inheritance, and we are thus able to use the same motivation to show that exogamy is a potential means of enhancing familial fortunes.

Or phrased in another way, if we admit this to be an effective means of preserving the patrimony, why is it not common practice in a wider range of societies?

Levirate and sororate

Another type of preferential mating may be observed in the form of levirate and sororate. In the former a man marries the sister of his wife after her death; in the latter a man marries the wife of his elder brother if she becomes a widow.

This is known as junior levirate. It is however also possible between the elder brother and the widow of younger brother. This is known as senior levirate.

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 once his wife has proven infertile.

When the marriage with the sister of the wife is performed while she is living, it is known as simultaneous sororate.

On the other hand, if the marriage is performed after the death of the wife, it is known as restricted sororate.

Both these types of marriages are prevalent particularly due to economic and compassionate reasons.

While levirate marriages were rather common in rural India, the practice is currently seen only in a few parts of the country, such as Punjab and Haryana.

It is thought that the tradition dates back centuries in societies that did not provide any work opportunities for women outside of the home.

The women did not have the option of remarrying or going back to their parent's house. Therefore, the practice allowed widows a chance to keep any land or property owned by the deceased husband in the family.

Levirate was quite common in rural India until as recently as a few years ago, and is still practiced in certain parts of Punjab and Haryana.

It is called "Latta Odhna" in the Jats of Haryana, Latta being the Haryanvi word for a cloth that women used to cover their heads and faces, and Odhna translating as "covering/wearing". This is also called "Chadar Dhakna" in other parts, Chadar being Hindi for Latta, and Dhakna being Hindi for Odhna.

In recent years, the levirate has all but disappeared except from the remote rural areas.

Genetics

Cousin marriage has genetic aspects that do not arise in the case of other marriage-related political and social issues like interracial marriage.

This is because married couples that possess higher than normal consanguinity, shared identical DNA and genetic material, have an increased chance of sharing genes for recessive traits.

The percentage of consanguinity between any two individuals decreases fourfold as the most recent common ancestor recedes one generation.

First cousins have four times the consanguinity of second cousins, while first cousins once removed have half that of first cousins.

Double first cousins have twice that of first cousins and are as related as half-siblings.

Critics argue that banning first-cousin marriages would make as much sense as trying to ban childbearing by older women.

After repeated generations of cousin marriage the actual genetic relationship between two people is closer than the most immediate relationship would suggest.

In Pakistan, where there has been cousin marriage for generations and the current rate may exceed 50%, one study estimated infant mortality at 12.

7 percent for married double first cousins, 7.9 percent for first cousins, 9.2 percent for first cousins once removed/double second cousins, 6.9 percent for second cousins, and 5.1 percent among nonconsanguineous progeny.