



# MARRIAGE LAWS WITH RESPECT TO MANUSMRITI

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## ABSTRACT

This paper gives a brief description of the laws of Manu on marriage of a man and a woman, what an ideal marriage should look like and the expectations of a husband from his wife and vice versa. What drives this paper is the need to analyze if Manusmriti has influenced modern marriages as well and also if it is still relevant today.

The paper also sheds light on how our society is still patriarchal and women have to struggle within their own homes for equality. Their status is not equal even in front of their husband. This is why women should realize their rights and fight against the norm of patriarchy.

## INTRODUCTION

Manusmriti is said to be written by the first man on earth or progenitor of humanity, Manu. The spectrum is vast for Manusmriti. It is intended to illustrate man's essence and the course that a man and a woman should take among a host of other things.

Manusmriti proclaims the law regulating bachelors, married men, retired people, and renunciation; the law on traditional livelihoods; the law on marriage; the ways of achieving salvation (moksha); the laws on relationships between men and women and men and men. It defines the origins of intermediate or mixed castes; the modes in which justice is administered; the laws of different lands; the gambling law; the means to eradicate obstacles and villains, and several other things.

Diving deep into the topic of marriage laws described in Manusmriti, it says that for a Hindu Man to get married, he needs to find a chaste woman from his caste or an equivalent caste. Virginity also plays a vital role.

## MARRIAGE LAWS

As per Manusmriti, the only way to salvation for women was marriage. Manu further notes that only a woman having auspicious marks on her body can be married. This leads to the unavoidable assumption that Manu did not want the marriage of disabled women or women with bodily defects to Hindu men.<sup>1</sup>

Manu goes on to list different groups of women who are unable to be married. This involves women with epilepsy, women who are *sapindas* of the Hindu man on the side of his mother, or women who are related to him on the side of the family on the side of his father; those who experience certain unique diseases; women named after constellations; or women who have names that evoke fear. He disallows women belonging to families that do not observe Vedic rituals; women named after rivers; women named after trees; women named after birds; and women who do not have brothers or whose father is unknown. According to Manu, a man should marry a woman with a graceful name, a modest amount of body hair, small teeth, and soft limbs.

Further, Manu makes second marriages legal. Indeed, in second marriages, he is much more liberal than in first marriages in terms of caste criteria. He says that any man who wishes to take a second wife can marry a woman in his caste and a lower caste. This partially exposes the notion of *Anuloma* and *Pratiloma*. *Anuloma* means a marriage between a higher caste man and a lower caste woman. A marriage of that kind is allowed, whereas *Pratiloma* implies a union between a higher caste woman and a more inferior caste man; it is not permitted. Though that is on the condition, any Brahman taking the Shudra wife as his second wife, if he sleeps with her, goes into hell after death. If he breeds with her, he loses his caste and obtains her caste.

Manu also talks about the respect and adornments due to every woman, announcing that the family or community where women are not honoured will be destroyed in the short term. He defines those types of marriage in which the bride's father approves gifts from the groom. While he praises fathers, who adorn their daughters with fine clothes and jewellery, he makes no mention of dowry, as he similarly places sons, husbands, and brothers. Manusmriti also mentions that the marriage cannot be dissolved later by a man or a woman. Still, it allows them to get out of an abusive or fraudulent marriage and allows them to remarry in the cases where the husband has abandoned the wife or is missing.

Moreover, the age of women and men for marriage was established in Manusmriti by Manu. A thirty years aged man has to marry a twelve years old girl. Nonetheless, Manu also offered a clause to get married at a lower age in some circumstances. If a man's responsibilities are otherwise impeded, he will be able to marry earlier. According to Manusmriti, girls should be married before reaching puberty, for the father, a daughter is just a commodity, equal to livestock or land, and can be gifted (*sampradana*). Manu also provided a clause mentioning that a girl under eight years of age could be married as well.

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<sup>1</sup>“Spiritual News: Latest Spiritual Awakening News & Spiritual Videos: Speaking Tree.” *Speakingtree.in*, [www.speakingtree.in/](http://www.speakingtree.in/).

## TYPES OF MARRIAGES

Manu also describes eight kinds of marriages –

1. **Brahma Marriage:** Manusmriti has given this form of marriage great importance. The bride is decorated with jewellery and fine clothes by her father. Here, the father gifts his daughter to a man chosen by him, who is learned in Vedas.
2. **Daiva Marriage** – This form of marriage is as per the rite of the gods.' Unlike Brahma, in this type of marriage, the father gives his daughter to a priest as a sacrificial fee for solemnizing in the sacrifice performed by the bride's father.

This type of marriage is believed inferior to the wedding of Brahma because the father derives an advantage from using her daughter as a sacrifice in Daiva, and also because it is deemed humiliating for women to go looking for a groom. As per Manu, the son born from a wife married according to Daiva rituals liberates seven of their descendants and ancestors.

1. **Arsha Marriage:** This form of marriage provides for marriage with Rishi or sages. In the Arsha, the bridegroom's father gives two bulls or cows to the bride's father. As per Manu, the son born from a wife married per Arsha rituals liberates three of their descendants and ancestors.
2. **Prajapatya Marriage:** In this form of marriage, there is no Kanyadan or trading, and here a suitable groom is searched by the bride's father. As per Manu, the son born from a wife married according to prajapatya rituals liberates six of their descendants and ancestors.
3. **Asura Marriage:** In this form of marriage, the bride and the bride's father takes all the wealth that the bridegroom can provide in exchange for the daughter. The father of the girl should not accept the offer, according to Manusmriti, even at the lowest price.
4. **Gandharva Marriage:** In this form of marriage, a woman is seduced by a man, and by virtue of pure lust, mutual agreement arises. The parents' approval does not matter.
5. **Rakshasa Marriage:** In this form, the marriage is performed by kidnapping the bride by the murderer or assaulter of her father or family members.
6. **Paishacha Marriage:** In this form of marriage, when the girl is either asleep, drunk, or mentally disordered, often at night, a man seduces women and enters into a sexual act. Out of shame of such an activity, the girl and her parents agree to marry the man.

## RULES TO BE FOLLOWED BY A MARRIED COUPLE

Manusmiriti has some eternal rules that must not be violated at any cost. They are:

1. Day and night, a husband's responsibility is to protect his wife and honour her individuality, while a wife is responsible for preserving the home's peace and happiness.
2. The husband and wife's everlasting bond of marriage must be accepted, and the internal problems must never be taken away from their home. The husband and wife must also ensure that the integrity of each other's family is upheld.
3. No matter how insignificant they tend to be, a wife should be especially guarded against evil leanings. A woman's sorrow is doomed by the members of her family.
4. Regardless of religion, caste, creed, and skin colour, a man must protect his wife from external difficulties, and a wife must ensure peaceful ongoing of their eternal bond.
5. A husband who cautiously protects his wife ensures that his progeny, his family's righteous demeanour, is pure. The husband and wife must ensure their offspring's procreation.
6. A wife must take care of her family and her husband and let him be loved and cared for by his wife if he gives birth to a son. She has to carry out her duties and direct her daughter-in-law towards the path; she must not interrupt the pattern in any way. Note that your husband is a woman's son as well.
7. Under any conditions or intention, a husband should not forcibly bind his wife in marriage or protect her without her wishes, and a wife must not forcefully pursue love and compassion.
8. A woman is an avatar of Goddess Laxmi, Parvati, Durga, Annapurna, and Saraswati, so a husband must allow his wife to be employed to safeguard and disburse money, cook nutritious food for their health and care for utensils, without her permission, no decision must be taken for household and family members.
9. A wife, whose independence is threatened by her husband and family members' narrow-mindedness or shrewdness, must be right to leave behind her relationships and begin the process of discovering herself.
10. Together, husband and wife, the happiness and wellbeing of these people must be kept in strict order: themselves, their children, their parents, their families, their neighbours.<sup>2</sup>
11. Even if the person is his brother and father, a friend or neighbour, a husband must not ignore his wife's intuitions or warnings about a man other than himself.
12. A wife must instil her faith in her husband and not become a conspirator against her own family; it will add to her sorrows.<sup>3</sup> She must instantly safeguard her marriage if she sees her husband straying from the direction of marriage; the same goes for a husband.
13. Under no circumstances shall a husband betray his wife's faith, love, and honour for another woman, for it will bring disgrace to himself, to his family, and the wrath of God in the afterlife.

<sup>2</sup>Intersectional Feminism – Desi Style! 19 Jan. 2021, feminisminindia.com/.

<sup>3</sup>Intersectional Feminism – Desi Style! 19 Jan. 2021, feminisminindia.com/.

14. A wife should never think about anyone other than her husband. Nor must the peace and prosperity of her family be threatened.
15. A husband should not be in the company of evil people, linger continuously in an embryonic state, be involved in gambling, travel longer than usual, and interfere with other husband and wife relationships. This will cause his family humiliation and disrespect, and peace will never be his comrade.
16. A wife must not be easily swayed by her kin; under the influence of misunderstanding, she must not drink spiritual liquor, associate with evil people, and not split from her husband.
17. Together, a husband and wife must keep the love of their relationship intact and must not stray into others. The husband must ensure that his wife's desire is satisfied, and a wife must respond to the love of her husband.<sup>4</sup>
18. If a husband and wife are destitute of knowledge and reverence for Vedic texts and rituals, impure souls are retained, regardless of their wealth and abundance, rank, and age. No puja or yagna for the sanctity of their home, in the absence of either (husband or wife), is ever considered complete.<sup>5</sup>

## CONCLUSION

Manusmriti has mostly stayed the bedrock of India's patriarchal and caste system amid the incessant lambasting of women and persons belonging to non-dominant castes. The way ManavaDharmashastra did, situating the gender issue within the caste system, culminating in the emergence of the intersectionality debate, which claims that gender inequality is not a unilinear concept promulgated by Western gender theories.

In India, patriarchy is a problem diluted mainly by the caste-class nexus, rendering the creation of a metanarrative a complicated and challenging role. Profound analysis of ancient texts such as Manusmriti is imperative to make women aware that they are the inmates of shackles that have been traditionally built.

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<sup>4</sup>Intersectional Feminism – Desi Style! 19 Jan. 2021, feminisminindia.com/.

<sup>5</sup>Intersectional Feminism – Desi Style! 19 Jan. 2021, feminisminindia.com/.