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PROMISCUITY TO MARRIAGE: EMERGENCE OF AN INSTITUTION IN ANCIENT INDIA

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RESEARCH ARTICLE

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ABSTRACT

The entirety of human sexual relations came under regulated and non-regulated sexuality and while non-regulated sexual relations comprised of adultery, fornication, incest and homosexuality while regulated sexuality was represented by the institution of marriage. Marriage was not the primary condition of human sexual relations as some of the most ancient languages did not have words for the institution of marriage in the beginning. Woman in particular kept revolting against the restrictions put upon her sexuality. But when the institution of marriage came into being, efforts were made to strengthen it.

In the Indian context, traces of the lost world of the mothers can be found in religious and quasi-religious narratives. At the early stage, the institution of marriage was absent as indicated by religious myths related to promiscuous sexuality. The repeated mention of nymphs in the Hindu religious tradition was an attempt to weave the myth of beauty and promiscuous tendencies around women. Even in *Mahabharata* itself, distinction was made between the various ages through the sexual behaviours of those ages. Promiscuity existed for the time being even with the institution of marriage, before it could be replaced with exclusive sexual rights of husband over his wife's person. The higher place which was accorded to Uttar Kuru region in the religious literature showed that, before the advent of individualistic marriage, hetaeristic bonds were allowed to exist along with marriage. Shvetaketu, the son of Uddalaka, regulated sexuality for the first time when his mother was apparently taken away forcefully in front of his father for sexual favours. Thus in the second stage of the evolution of marriage, the institution coexisted along with promiscuity with overlapping moralities. Values like chastity and exclusiveness of sexual rights had vague existence and were not emphasised much.

In the third stage, the victory of patriarchy over female sexuality was almost complete. Through overt symbolism, words, deeds and ceremonious portrayal, religion, society and polity succeeded in detaching regulated sexuality i.e. marriage from promiscuity. After the establishment of the institution of marriage, it attributed motives to this relation. To complete the subordination of 'other sex' different symbols and values were created and invoked. By romanticizing certain females through newly invented values of chastity, fidelity and honour and by demonising others for lack of these values, patriarchy either eliminated the resistance or alienated those elements in the spheres of society and religion. Forms of legitimization of sexual relations in regulated sexuality differed in various socio-religious and cultural contexts and mirrored the structures of those societies. In most settings, forms of such legitimization were hierarchical, which differentiated among various socio-political and religious groups as well as individuals on the basis of their status and, in certain cases, acted as determining factors of that status.

As it has been discussed above that in India the first stage of sexual relations belonged

to promiscuous sexuality where, in the absence of regulations for sexual behaviour, regulated sexuality did not exist. In the second stage, when regulated sexuality or institution of marriage came into being, it existed alongside hetaeristic impulses of that society. But it was in the third and last stage that the institution of marriage fully detached itself from promiscuity.

The entirety of human sexual relations came under regulated and non-regulated sexuality and while non-regulated sexual relations comprised of adultery, fornication, incest and homosexuality while regulated sexuality was represented by the institution of marriage. Marriage was not the primary condition of human sexual relations as some of the most ancient languages did not have words for the institution of marriage in the beginning.[i] It was argued that even when marriage was the primary institution of social life in ancient Egypt, no term existed to denote it and it did not require any religious ceremony or legal certification as it remained a private act between families, though it was culturally recognized. Linguistic evidences insinuate as if in the absence of social and religious stakes in human sexuality, society and religion did not treat humanity as if it was in a state of collective adolescences and allowed human sexual relations to remain individual affairs, primarily because either they lacked the capacity or were not allowed to regulate it as it was deemed against the individuality and nature of one or another half of earlier humanity.

Johann Jacob Bachofen believed that at first Aphroditean or hetaerist sexuality – which was named by him as tellurian stage of humanity – was dominant, which was resented by the woman who was defenceless against the physical abuse at this material-maternal stage. The second stage of regulated sexuality (marriage), called by him as Demetrian or matriarchic stage, was the result of a conscious and continued struggle of the woman against the lust of physically superior males, while men unwillingly accepted new conditions. Third and last stage was the Apollonian or patriarchal stage in which males of humankind succeeded in reversing the roles.[ii] It meant that the deviation from the natural law of matter and the value of chastity were first introduced by women. It is also surprising that nature, instead of allowing the stronger one to hold the sceptre of power, allowed it be held by the physically weaker sex. Female material maternal matter lost to the male spiritual matter with claims of superior culture and promise of liberating humanity from the fetters of promiscuous sexuality. Bachofen claimed, "Woman is not endowed with all her charms in order to grow old in the arms of one man: The law of matter rejects all restriction, abhors all fetters, and regards exclusivity as an offence against its divinity. This accounts for hetaeric practices surrounding marriage."[iii] This was one of the reasons that the 'stray bird' of Nietzsche did not adhere to fiction of morality, which was woven for it. Woman in particular kept revolting against the restrictions put upon her sexuality. But when the institution of marriage came into being, efforts were made to strengthen it.

In the Indian context, traces of the lost world of the mothers can be found in religious and quasi-religious narratives. At the early stage, the institution of marriage was absent as indicated by religious myths related to promiscuous sexuality. The repeated mention of nymphs in the Hindu religious tradition was an attempt to weave the myth of beauty and promiscuous tendencies around women. Even in *Mahabharata* itself, distinction was made between the various ages through the sexual behaviours of those ages. Bhishma told Yudhishthira, "Sexual congress, O chief of Bharatas, was then not necessary for perpetuating the species. In those days offspring were begotten by fiat of the will. In the age that followed, viz., Treta, children were begotten by touch alone. The people of that age even, O monarch, were above the necessity of sexual congress. It was in the next age, viz., Dwapara, that the practice of sexual congress originated, O king, to prevail among men. In the Kali age, O monarch, men have to come to marry and live in pairs."[iv] In *Digh Nikya's Agganna Sutta* Gautama Buddha is said to have narrated the origin of human beings to Vasettha. It was stated that mind-made, self-luminous, feeding on delight, moving through the air and glorious beings born in Abhassara Brahma world remained as such for time being. Decadence started when men and woman developed male and female sexual organs respectively and became immured in lust and sexual activities. But others, who were in the earlier and purer stage of life protested and disallowed entry in villages or towns to those who indulged in sex. However, those who excessively remained engaged in immoral sexual practices began to build themselves dwellings to indulge under cover.[v] The whole process of creation described in this text indicate towards the origin of privacy and exclusivity in the act of building the first ever house, this certainly was an advance from the earlier

stage which remained in practice longer in the Uttar Kuru region than elsewhere. Pure ideal beings of Buddhist creation narrative of earlier stages could not resist the sin, i.e. the sexual impulses.

We learn that in the ancient city of Vaishali marriage was prohibited and the chief of the courtesans was given high rank.[vi] When Satyakama wanted to be a religious student he inquired about his father from his mother and he got the startling answer, "I do not know, my child, of what family thou art. In my youth when I had to move about much as a servant (waiting on the guests in my father's house), I conceived thee. I do not know of what family thou art. I am Gabala (sic) by name, thou are Satyakama (Philalethes). Say that thou art Satyakama Gabala (sic)."[vii] What is striking here is that Jabala herself accepted that she had promiscuous sexual relations and only the maternal matter was the known element in the birth of Satyakama Jabala. However, society did not like this sort of conduct. But there seemed a kind of toleration and the principle of chastity was not imposed on woman, at least not in this particular case, where Satyakama Jabala was accepted as a student by his teacher, even though he had stated that he only knew of his mother, Jabala, of whose name he had opted. In the *Shanti Parva* of *Mahabharata* Gautama described Uttar Kuru saying, "If thou goest to that region where the Uttra-Kurus blaze in beauty and pass their days in gladness. O King, in the company of the very deities, where those beings that have their origin in fire, those that have their origin in water, and those having their origin in mountains, reside in happiness, and where Sakra raineth down the fruition of every wish and where women live in perfect freedom, unrestrained by the rules of any kind regulating their conduct of motions and where is no feeling of jealousy among both the sexes."[viii] *Digh Nikaya's Atanatiya Sutta*, described Northern Kuru in these words:

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There men dwell a happy race,

Possessionless, (sic) and not owning wives (sic).

They have no need to scatter seed,

They have no need to draw the plough:

Of itself the ripened crop

Presents itself for men to eat (sic).[ix]

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Bachofen argued about the end of hetaerism, "There is no doubt that matriarchy everywhere grew out of woman's conscious, continued resistance to the debasing state of hetaerism. Defenceless against abuse by men, and according to an Arabian tradition preserved by Strabo, exhausted by their lust, woman was first to feel the need for regulated condition and a purer ethic, while men, conscious of their superior physical strength, accepted the new constraint only unwillingly."[x] But John Lubbock differed, "… it seems to me perfectly clear to me that the idea of marriage is founded on the rights, not of woman, but of the man, being an illustration of the good old plan that he should take who has the power and he should keep who can."[xi] Marriage by capture was the earlier form of marriage. While further elaborating this point, John Lubbock explained, "The lowest races have no institution of marriage; true love is almost unknown among them; and marriage, in its lowest phases, is by no means a matter of affection and companionship."[xii] Regulated sexuality or compulsory institutionalization of heterosexual relations was not an ever present feature and origin of the institution of marriage was not entirely based on love. Maurice Merleau Ponty agreed to a certain extent this viewpoint when he argued that one did not love a woman for her beauty, which was perishable, or for her mind, which she could lose.[xiii] Regarding the Romans, it has been observed, "The true Roman married without love and loved without refinement or reverence."[xiv] Then we have to answer the question as to what was the reason of the origin of marriage when love or sexual desires were not its most important reasons at all. Medhatithi, the medieval commentator of *Manu Smrti*, also asked, "What sexual love prompts only the taking of a woman and not the marriage rite: that alone can be regarded as prompting an act without which the latter could not be accomplished: and for persons influenced by sexual love, all the domestic business would be accomplished by simply having a woman: why then they should perform the marriage rite."[xv] John Lubbock believed that the marriage by capture was preceded by more brutish forms of sexual advances.[xvi] He just made his cynicism clear about love, but without proper answer to the question of attraction and attachment between male and female principle of nature to each other. It was not possible to answer this question in absolute terms. In the earlier stages of humanity, force also played its part along-side love which paved way for institutionalisation of human sexual relations.

John Lubbock argued, "In fact the idea of relationship, like that of marriage, was founded not upon duty but upon power. Only with the gradual elevation of the race has the latter been subordinated to the former."[xvii] After describing eight kinds of marriage Manu made some interesting observations, "The sages state that the first four are

approved (in the case) of a Brahmana, one, the Rakshasa (rite in the case of a Kshatriya), and the *Asura* (marriage in that) of a Vaisya and of a Sudra."[xviii] Baudhyana shared the sentiments at least in the case of Kshatriyas, "Among these six and seventh agree with the law of Kshatriyas. For power is their attribute."[xix] McLennan explained about savages, "We cannot escape the conclusion that there was a stage in the history of tribes observing this custom when wives were usually obtained by theft or force."[xx] But most war captive and abducted women did not have the status of wives and were kept as concubines and given a social death away from their homes and families. However, counter-narratives were not that hard to find and dissenting voices could be heard as most of the religious or quasi-religious texts put forced marriages among the lowest forms of marriages. It had been noted in the *Shanti Parva* of *Mahabharata,* "If a king succeeds in bringing by force a maiden from the house of his vanquished foe, he should keep her for a year and ask her whether she would wed him or anyone else. If she does not agree, she should then be sent back."[xxi] Julius Jolly pointed out, "Every Hindu bride has still to put on an iron wristlet immediately after her marriage which she never lays down unless she has the misfortune of becoming a widow. This seems to be reminiscent of the ancient times when marriage by capture was the order of the day and naturally the bride at first, had to be kept in chains."[xxii] C.T. Lushington observed that the bridegroom showed some symbolic violent gestures – whose immediate context cannot be traced – during the festoon (*torna*) ceremony on his arrival by attacking a wooden figure of a certain bird with sheathed sword.[xxiii] Concubinage, forced marriages or sexual slavery substituted immediate violent killing but they were not meant to be a favour in any case. In Orlando Patterson's view, "The condition of slavery did not absolve or erase the prospect of death. Slavery was not a pardon; it was, peculiarly, a conditional commutation. The execution was suspended only as long as slave acquiesced in his powerlessness."[xxiv] But whereas Bachofen had successfully evaded the trap by not relating power only to its physical form, Lubbock could not. He failed to understand that physical aspect, although an important tool to achieve changes in people's actions and behaviours according to one's own wishes, was not the sole aspect of power to achieve that goal.

Procreative powers of women were also one of the reasons that made institutionalisation of sexuality a necessity. Emphasising the procreative role of woman, it has been observed, "The leaves of the tree do not spring from one another, but alike from the stem. Leaf does not generate leaf: rather, the tree is the common mother of all leaves. So are the generations of men according to matriarchal view."[xxv] It showed that society recognised the institution of marriage because it got new entrants to perform its vital functions and nourish its values. Because of standard and regulated sexual behaviour i.e. marriage, institution of family emerged on the scene which provided respite and security for frails and elders of that kin group, however, for the emergence of the institution of family, marriage was not the absolute condition. Woman was especially cherished most as mother in pre-modern India. The male continued his existence on the face of earth with the help of his other self in the form of his offspring and fulfilled his duty towards religion, society and state. The argument was that the female received seed from the male in the same way as altar received oblation from sacrifice or a field received seeds. *Aitareya Aranyaka* stated that women were given seed by man as his own self. That self became the self of woman and thus did not harm her and birth was given to it.[xxvi] In this way passive female principle received the germs of creation from active male principle which it just nourished. *Taittiriyaka Upanishad* said, "… with regard to offspring (sic). The mother is the former element, the father the latter, offspring their union."[xxvii] Primacy of maternal matter also reflected itself in the initiation ritual (*Upnayana*), in which a student was expected to receive his first alms from his mother and then from a women who would not refuse. In the same manner, he was expected to end his stint as a student by procuring alms from his mother that was ultimately submitted to the teacher.[xxviii] In other forms, the masculinity could show its abhorrence for female if it wished but not for a mother. The figure of mother demanded higher respect, even if she was fallen. *Aapstambha* asserted, "A mother does very many acts for her son, therefore he must constantly serve her, though she be fallen."[xxix]

Rig Veda alluded towards the existence of the hetaeristic tendencies alongside the institution of marriage, "Soma obtained her first of all; next the Gandhrava was her lord. Agni was her third husband: and now one born of woman is thy fourth."[xxx] In the *Adi Parva* of the *Mahabharata*, king Pandu told Kunti, "… women formerly were not immured within houses and dependent on husbands and other relatives. They used to go about freely, enjoying as best as they liked. O thou of excellent qualities, they did not then adhere to their husbands faithfully, and yet, O handsome one, they were not regarded sinful, for that was the sanctioned usage of the times. That very usage is followed to this day by birds and beasts without any (exhibition of) jealousy. That practice, sanctioned by precedent, is applauded by great *rishis*. O thou of taper thighs, the practice is yet regarded with respect amongst the Northern Kurus."[xxxi] Oghavati,

the wife of Sudarsana, granted sexual favours to a Brahmana seeking alms at her door and Sudarsana did not feel offended by this infringement of his exclusive sexual rights.[xxxii] Madyanti, the wife of Sudasa, was allowed to beget a son named Asmaka by sage Vasistha. Dhritrashtra, Pandu, and Vidura were begotten from Krishna Dwaipayana Vaysa and Kunti got six of her sons including Karna from different deities.[xxxiii] In another example, Bhishma consoled the weeping Satyavati on the death of her son Vichitravirya, who died issueless, by telling her the earlier examples where help was sought outside regulated sexuality for the cause of procreating a son and suggested if that example could be followed in Vichitravirya's case.[xxxiv]

These examples proved that the promiscuity existed for the time being even with the institution of marriage, before it could be replaced with exclusive sexual rights of husband over his wife's person. Antiquity held a different view of marriage as the ancients regarded marriage as an infringement into their sexual rights. It showed that marriage was not the necessary and primordial stage of humanity and was an evolution from primitive hetaerism. In some myths of the ancient marriages, the institution itself did not in any way create obstacle in the way of hetaeristic tendencies. The higher place which was accorded to Uttar Kuru region in the religious literature showed that, before the advent of individualistic marriage, hetaeristic bonds were allowed to exist along with marriage. Shvetaketu, the son of Uddalaka, regulated sexuality for the first time when his mother was apparently taken away forcefully in front of his father for sexual favours.[xxxv] Thus in the second stage of the evolution of marriage, the institution coexisted along with promiscuity with overlapping moralities. Values like chastity and exclusiveness of sexual rights had vague existence and were not emphasised much. Francesca Orsini has delved into the ambiguity of pre-modern Indian society towards regulated sexuality, non-regulated sexuality and denial of human sexuality through asceticism and explains, "Before modern Indian high culture turned highly moralistic, sexual love and passion were recognised as an area dense with meanings and positively valued, at least for certain classes of people in certain contexts: the king, the householder and his wife, the courtesan. Ascetic or moralistic condemnation of love and sexuality were always but one strand of tradition in South Asia."[xxxvi] Pre-modern Indian contexts not only determined the morality and immorality in sexual behaviour of women, but legitimised their own twists in that morality.

In the third stage, the victory of patriarchy over female sexuality was almost complete. Through overt symbolism, words, deeds and ceremonious portrayal, religion, society and polity succeeded in detaching regulated sexuality i.e. marriage from promiscuity. After the establishment of the institution of marriage, it attributed motives to this relation. To complete the subordination of 'other sex' different symbols and values were created and invoked. By romanticizing certain females through newly invented values of chastity, fidelity and honour and by demonising others for lack of these values, patriarchy either eliminated the resistance or alienated those elements in the spheres of society and religion. In *Chhandogaya Upnishad*, Ushasti Kakrayana has been mentioned living with his virgin wife and was strange because sexual relation was innate in the regulated sexuality called marriage; even then she has been depicted as a caring wife.[xxxvii] Yagnavalkya in his polygamous household discriminated between his two wives named Maitreyi and Gargi. On the one hand, he showed his affection for Maitreyi but, on the other hand, he threatened Gargi by telling her that "O Gargi, do not ask too much, lest thy head should fall off."[xxxviii] Even if Gargi herself was a religious scholar, she could not argue with her husband because, in the absence of answers to her philosophical questions, Yagnavalkya relied on his masculine strength where it was not needed and demanded absolute submission from her. Man in Yagnavalkya picked Gargi up to his own heights to show his own benevolence, but how a mere woman, who herself was an enigma, could pose questions to him. He picked her up from a void and threw her into a void by breaking her illusions regarding herself whatever they might have been, when he overtly threatened her to use physical force to silence her. *Aapstambha* went further and advocated that husband and wife should avoid connubial intercourse and fast on the new moon day and full moon day. A person should not have connubial intercourse with his wife in day time and only on proper times, but exception could be made if the wife wished otherwise till a son was produced.[xxxix] Gautma declared, "(A householder) shall approach (his wife) in the proper season."[xl]

Forms of legitimization of sexual relations in regulated sexuality differed in various socio-religious and cultural contexts. In most settings, forms of such legitimization were hierarchical, which differentiated among various socio-political and religious groups as well as individuals on the basis of their status and, in certain cases, acted as determining factors of that status. Ancient Rome, Ceylon and Japan preferred different kinds of regulated sexuality with different sorts of legitimization attached to it.[xli] In ancient India many kinds of marriages were prevalent. In *Brahama* marriage, the daughter was given in marriage to a fit suitor after inquiring about his health, learning, family status,

character and after giving her ornaments according to the power of the bride's father. If the daughter was given to the bridegroom after receiving a bull and cow, then it was called *Arsha* marriage. If the daughter was given to an officiating priest while he was officiating at a *Srauta* sacrifice, then the marriage was called *Daiva* marriage. Union of a man and woman out of love and without the consent of mother and father was called *Gandharva* marriage. When a suitor was required to pay money for his bride or a woman was sold for marriage, it was called *Asura* marriage and if marriage was forced, it was called *Rakshasa* marriage. If a man embraced a girl devoid of consciousness and later married her, it was called *Paisacha* marriage.[xlii] Only Vatsyayana placed *Paisacha* form of marriage above the *Rakshasa* form and asserted that it was better than the latter.[xliii]

In this last stage of the emergence of the institution of marriage, it evolved with the help of symbols and along with these symbols arose a host of new values which were particularly related with sexuality such as exclusivity, chastity[xliv] and fidelity. These values were related to the ambiguous notion of honour which started defining human sexual relation in a certain way. It was noted in *Mahabharata* that King Pandu narrated to Kunti a whole story related with promiscuous marriages and its abolition by Shvetaketu. He observed, "Accordingly, since the establishing present usage, it is sinful for women to not adhere to their husbands. Women transgressing the limits assigned by the rishi became guilty of slaying embryo. And, men too, violating a chaste and loving wife who hath from her maidenhood observed the vow of purity, became guilty of the same sin. The woman also who, being commanded by her husband to raise offspring, refuses to do his bidding, becometh (sic) equally sinful."[xlv] This instance of *Mahabharata* not only answered why female fidelity came into being, but it also provided the undisputable and unconditional control of female body to her husband. However, males were allowed to side step that fidelity in return by putting conditions for it. It was to exploit the procreative power of woman that female sexuality was regulated in India through the institution of marriage. In the Indian society, as it was elsewhere, the exclusive right of male over female body constituted the main component of the notion of honour. As *Apstambha* said, "(A husband) shall not make over his (wife), who occupies the position a 'gentilis,' to others (than to his 'gentiles'), in order to cause children to be begot for himself."[xlvi]

In India the first stage of sexual relations belonged to promiscuous sexuality where, in the absence of regulations for sexual behaviour, regulated sexuality did not exist. In the second stage, when regulated sexuality or institution of marriage came into being, it existed alongside hetaeristic impulses of that society. But it was in the third and last stage that the institution of marriage fully detached itself from promiscuity. In this stage sexual relations evolved through various symbols and notions coupled with the demand of chastity and fidelity from women. In the turbulent situations especially during wartimes, the institution of marriage came under extreme stress and, especially for women of the vanquished group, the chaos arising out of war and defeat represented the altered and strange reality which was somewhat irreducible and hard to accept and women in these chaotic times became more vulnerable as sexual beings. Unable to transmit her cultural identity, woman captured as war spoil was un-positioned, unfixed, spatially relocated and legally disposable. Whereas women in general were considered somewhat subhuman, captured sexualities were not considered human at all. They were left at the mercy of the cultural 'other' to fend for themselves after being captured alive in war. Their most significant biological and physical expression became enslaved to the desires of victors. Even when they were sexually exploited, they did not give birth to the heirs of property, but to the property itself. Every sexual encounter needed an 'other' with which 'self' flirted and surrendered to avoid disintegration by accumulating pieces of 'self' which no longer existed as 'self'. But during wartimes captured sexuality faced that disintegration through those very flirtations and surrendered to the 'other' in whatever form that 'other' existed. Even if the sexual vulnerability of woman increased during wartimes and, even if sexual component of her being was kept aside for a while, she faced multilayered and multifaceted reality of a new environment from which she was unacquainted till then. It also started a long and torturous process of internalizing the loss of the loved ones. Forceful deflection of the desires of a married woman for her husband for a new person of the opposite side also meant erasing her existing identity which was entwined with those relations.

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[i] Rodney Needham observed, "… modern German *Ehe* derives from MHG *ē*, *ēwe*, law, statute, and its recent narrower meaning merely singles out marriage as one of the most important jural institutions. The English 'marriage' and French marriage, however, come from the Latin *marītus*, husband, which is usually referred to IE **mer- *mor-*, represented by various words meaning 'young man, young woman'. It is at once evident that even two European traditions could embody, etymologically, two quite distinct kinds of ideas about marriage. More, than this, there may not be any

designation for marriage at all."Rodney Needham, 'Remarks on the Analysis of Kinship and Marriage,' in *Rethinking Kinship and Marriage*, Ed., Tavistock Publications, London, 1970, p. 6.

ii J.J. Bachofen, *Myth, Religion and Mother Right: Selected Writings of J.J. Bachofen*, English Translation, Ralph Manhiem, Princeton University Press, Princeton, 1992, pp. xxvii, 94.

iii Ibid., pp. 94-95.

iv Cf. Krishna Dwaipayana Vayasa, *The Mahabharata*, Ed., Pratap Chandra Roy, Oriental Publishing Co., Calcutta, 1965, Vol. IX, p. 90. In the same manner, Dange differentiated among various ages and sexual relations related with them in *Mahabharata* such as *Samkalpa* for *Krita Yuga*, *Samsaparsha* for *Treta Yuga*, *Maithuna* for *Dwapar Yuga* and *Dwanda* for *Kali Yug*. S.A. Dange, *India: From Primitive Communism to Slavery*, People's Publishing House, Bombay, 1949, p. 67.

v Maurice Walshe, *The Long Discourse of the Buddha: A Translation of the Digh Nikaya*, English Translation, Wisdom Publication, Boston, 1995, pp. 409-412.

vi Mrs. Speir, *Life in Ancient India*, Smith Elder and Co., London, 1856, p. 281; John Lubbock, *The Origin of Civilization and the Primitive Condition of Man: Mental and Social Condition of the Savages*, D. Appleton and Co., New York, 1898, p. 538.

vii Cf. F. Max Muller, Ed., *Chhandogaya Upanishad*, English Translation, in *The Sacred Books of the East*, Vol. I, Prapathaka IV, Khanda 4, Paragraph 2, p. 60. Bachofen implied something like that about the paternal element, particularly in the early life of a child, "Standing in no visible relation to the child, he can never, even in the marital relation, cast off a certain fictive character. Belonging to the offspring only through the mediation of the mother, he always appears as a remote potency." J.J. Bachofen, *Myth, Religion and Mother Right: Selected Writings of J.J. Bachofen*, p. 109.

viii Krishna Dwaipayana Vayasa, *The Mahabharata*, Vol. XI, p. 191.

ix Maurice Walshe, *The Long Discourse of the Buddha: A Translation of the Digh Nikaya*, p. 474.

x J.J. Bachofen, *Myth, Religion and Mother Right: Selected Writings of J.J. Bachofen*, p. 94.

xi John Lubbock, *The Origin of the Civilization and the Primitive Condition of Man: Mental and Social Condition of Savages*, D. Appleton and Company, New York, 1898, p. 99.

xii Ibid., p. 69.

xiii Maurice Merleau Ponty, *The Primacy of Perception*, Ed., James M. Edie, Northwestern University Press, New York, 1964, p. 26

xiv Otto Kiefer, *Sexual Life in Ancient Rome*, p. 25.

xv Medhatithi, *Manu Smrti: The Laws of Manu with the Bhasya of Medhatithi*, English Translation, Ganganatha Jha, University of Calcutta, Calcutta, 1922, Vol. III, p. 263.

xvi John Lubbock, *The Origin of the Civilization and the Primitive Condition of Man: Mental and Social Condition of Savages*, p. 506.

xvii Ibid., p. 174.

xviii Cf. F. Max Muller, Ed., *The Laws of Manu*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. XXV, Chapter III. Verses 20-24, pp. 79-80. Vasudeva advised Arjuna to abduct his sister for marriage, "O bull amongst men, *self-choice* hath been ordained for the marriage for Kshatriyas. But that is doubtful (in its consequences), O Partha, as we do not know this girl's temper and disposition. In the case of Kshtriyas that are brave, a forcible abduction for purposes for marriage is applauded, as the learned have said. Therefore, O Arjuna, carry away this my beautiful sister by force, for who knows what she may do as a self choice." Krishna Dwaipayana Vayasa, *The Mahabharata*, Vol. I, p. 485.

xix Baudhayana agreed with *Manu Smriti* on eight forms of marriage and it legitimized the use of force or marriage by capture for Kshatriyas at least. F. Max Muller, Ed., *Baudhayana*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. XIV, Prsana I, Adhyaya 11, Kandika 20, 1-12, pp. 205-206.

xx Cf. John F. McLennan, *Primitive Marriage: An Inquiry into the Origin of the Form of Capture in Marriage Ceremonies*, Adam and Charles Black, Edinburgh, 1865, p. 44. About marriage rite in Greece Numa Denis Fustel De Coulange wrote, "Her husband must take her, and simulate a seizure by force. She must cry out, and the women that accompany her must pretend to defend her." Numa Denis Fustel De Coulanges, *The Ancient City: A Study of the Religion, Laws and Institutions of Greece and Rome*, Batoche Books, Kitchener, 2001, p. 34.

xxi Cf. Krishna Dwaipayana Vayasa, *The Mahabharata*, Vol. VIII, pp. 218-219. Author mentioned all the same facts given in *Shanti Parva* of *Mahabharata* minus the fact that maidens were kept for one year before they were given choice whether to marry their captor or not. V.R. Ramchandra Dikshitar, *War in Ancient India*, Motilal Banarsidas, Delhi, (Reprint), 1987, p. 72.

xxii Chanchal Kumar Chatterjee, *Studies in the Rites and Rituals of Hindu Marriage in Ancient India*, Sanskrit Pustak Bhandar, Calcutta, 1978, pp. 36-37.

xxiii C.T. Lushington, 'On the Marriage Rites and the Usages of the Jats of Bharatpur', in *The Indexed Journal of the Asiatic Society of Bengal*, Ed., James Prinsep, The Asiatic Society of Bengal, Calcutta, June, 1833, Vol. II, p. 288. "… in most

castes the bridegroom on his arrival performs some militant action, such as striking the marriage-shed or breaking one of its festoons." R.V. Russell, *The Tribes and Castes of the Central Provinces of India*, Macmillan & Co., London, 1916, Vol. I, p. 148. Chanchal Kumar Chatterjee, *Studies in the Rites and Rituals of Hindu Marriage in Ancient India*, p. 37.

xxiv Orlando Patterson, *Slavery and Social Death: A Comparative Study*, Harvard University Press, Cambridge, 1982, p. 5.

xxv J.J. Bachofen, *Myth, Religion and Mother Right: Selected Writings of J.J. Bachofen*, p. 128.

xxvi F. Max Muller, Ed., *Aitareya Aranyaka*, English Translation, in *The Sacred Books of the East*, Low Price Publications, New Delhi, 2011, Vol. I, Aranyaka II, Adhyaya 5, Khanda I, Verses 2-12, pp. 243-244.

xxvii Cf. F. Max Muller, Ed., *Taittiriyaka Upanishad*, English Translation, in *The Sacred Books of the East*, Vol. XV, Valli I, Anuvaka 3, Verse 3, pp. 46-47. Origin theory given in *Brihadaranyaka Upanishad* differed and held that man as primeval mortal created woman from his own being out of loneliness and embraced her and thus other men were born. Embarrassed by this, she became a cow and man became a bull and this continued and thus whole creation came into being. F. Max Muller, Ed., *Brihadaranyaka Upanishad*, English Translation, in *The Sacred Books of the East*, Vol. XV, Adhyaya I, Brahmana 4, Paragraph 1-4, pp. 85-86.

xxviii Cf. Ellison Banks Findely, 'Housemistress at the Door: Vedic and Buddhist Perspectives on the Mendicant Encounter' in *Jewels of Authority: Women and Textual Tradition in Hindu India*, Ed., Laurie L. Patton, Oxford University Press, New Delhi, 2002, p. 15. What is interesting here is that after returning home from his teacher, he should give whatever he got in alms to his mother. F. Max Muller, Ed., *Aapstambha: Aphorism on the Sacred Law of the Hindus*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Prasna I, Patala 2, Khanda 7, Verses 15-17, p. 27. *Aapastambha* explains the missing link that mother and father only produce the body and it was through initiation that a person is considered the full member of society. Ibid., Prasna I, Patala 1, Khanda 1, Verses 16-18, p. 3.

xxix F. Max Muller, Ed., *Aapstambha: Aphorism on the Sacred Law of the Hindus*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Prasna 1, Patala 10, Khanda 28, Verse 9, p. 88. However, a son could have no communication with his fallen mother in acts performed for religious merit. Ibid., Prasna I, Patala 10, Khanda 28, Verse 10, p. 88.

xxx Cf. Anonymous, *The Hymns of Rig Veda*, English Translation, Ralph T.H. Griffith, E.J. Lazarus and Co., Benares, (Second Edition), 1897, Vol. II, Book X, Hymn 85, Verse 40, p. 506; Chanchal Kumar Chatterjee, *Studies in the Rites and Rituals of Hindu Marriage in Ancient India*, p. 50.

xxxi Krishna Dwaipayana Vayasa, *The Mahabharata*, Vol. I, pp. 283-284.

xxxii Krishna Dwaipayana Vayasa, *The Mahabharata*, Vol. X, pp. 7-8.

xxxiii Ibid., Vol. I, pp. 284-285; Ibid., p. 7.

xxxiv Brihaspati sought sexual gratification from his elder brother's pregnant wife, Mamata and cursed her embryo to be born blind as a child because it was not allowing his seed to impregnate her womb. The child was named Dirghtamas after birth and followed the sexual behaviour of cattle which annoyed his wife, Pardweshi, who decided to part her way from him. The same Dirghtamas procreated upon the queen Sudeshna with consent of her husband, king Bali. Ibid., pp. 249-252.

xxxv Ibid., p. 284.

xxxvi Francesca Orsini, Ed., *Love in South Asia: A Cultural History*, Cambridge University Press, New Delhi, 2007, p. 5.

xxxvii F. Max Muller, Ed., *Chhandogaya Upanishad*, English Translation, in *The Sacred Books of the East*, Vol. I, Prapathaka I, Khanda 10, Paragraph 1-7, pp. 18-19.

xxxviii Cf. F. Max Muller, Ed., *Brihadaranyaka Upanishad*, English Translation, in *The Sacred Books of the East*, Vol. XV, Adhyaya III, Brahmana 6, Paragraph 1, pp. 130-131. For Yagnavalkya's attitude towards subservient Maitreyi where he declared that she is dear to him. Ibid., Adhyaya II, Brahmana 4, Verse 4, p. 109. *Brihadaranyaka Upanishad* said, "If she do (sic) not give in, let him, as he likes, bribe her (with presents). And if she then do (sic) not give in, let him, as he likes, beat her with a stick, or with his hand, and overcome her." Here also woman's absolute submission had been sought. Ibid., Adhyaya VI, Brahmana 4, Verses 7-8, p. 217.

xxxix F. Max Muller, Ed., *Aapstambha: Aphorism on the Sacred law of the Hindus*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Prasna II, Patala 1, Khanda 1, Verses 4-9, p. 100, Prasna II, Patala 1, Khanda 1, Verses 16-19, p. 102.

xl The same lawgiver said that husband might approach his wife anytime except on forbidden days. F. Max Muller, Ed., *Gautama: Institutes of the Sacred Law*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Chapter V, Verses 1-2, p. 200.

xli Cf. Marriage in the *confaerreato* form was the first and most elaborated ritualistic marriage which used to take place in the presence of high pontiffs, providing more control over female body and lesser chances of separations afterwards. Second form was called *coemptio* which was reserved for plebeians which was more legal than it was sacred. *Coemptio* marriage was more or less a profane affair, unbridled by elaborate rituals followed in the *confaerreato* marriages. Third marriage custom was *usus* which involved a year of uninterrupted cohabitation without an interruption of cohabitation for three successive nights (the *trinoctium*). First type of marriage - *confarreatio* - was almost in-dissolvable and solely

for the patrician class, second type *coemptio* was for plebeians which was more legal than sacred and third form called *usus* was most popular because it did not regularize sexual relation rigidly in comparison to earlier mentioned marriage practices. Otto Kiefer, *Sexual Life in Ancient Rome*, pp. 15-16. In Ceylon two kinds of marriages were in fashion called Deega and Beena marriages. In Deega marriage woman went to her husband's house while in Beena marriage husband went to his wife's house. In Japan among the elites, the elder son used to bring his wife to his parental home and thus she joins the family of her husband and assumed his name but, on the other hand, the elder daughter used to bring his husband to her paternal home and thus here the husband joined his wife's family and assumed her name. John Lubbock, *The Origin of the Civilization and the Primitive Condition of Man: Mental and Social Condition of Savages*, p. 78.

[xlii] Cf. Gautama also mentions eight kinds of marriage and tells that first four are lawful but without giving names declared that some lawgivers say that first six are lawful marriages. F. Max Muller, Ed., *Gautama: Institutes of the Sacred Law*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Chapter IV, Verses 5-15, p. 197. Vishnu just adds *Prajapatya* (when woman is sought by her suitor from her father) before the *Arsh* marriage and *Paisacha* marriage or marriage resorting to rape as last one. First four forms of marriage were called plausible and legitimate while rest were less plausible. F. Max Muller, Ed., *The Institutes of Vishnu*, English Translation, Julius Jolly, in *The Sacred Books of the East,* Vol. VII, Chapter XXIV, Verses 17-26, p. 108. Kautilya, *The Arthsastra*, English Translation, R. Shamasastry, Printing and Publishing House, Mysore, 1960, p. 172. Aapstambha talked about only six kinds of marriages and among them first three were considered praiseworthy and every preceding one deemed better from the following one. F. Max Muller, Ed., *Aapstambha: Aphorism on the Sacred law of the Hindus*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Prasna II, Patala 5, Khanda 11, Verses 17-20, pp. 127-128, Prasna II, Patala 5, Khanda 12, Verses 1-3, p. 128.

[xliii] Vatsyayana, *The Kama Sutra*, English Translation, The Hindu Kama Shastra Society, The Society of the Friends of India, New York, 1925, p. 88.

[xliv] Kate Kooper discussed the linguistic origin of term chastity among Romans, "… chastity (*castitas*), the domestic or sexual aspect, comes from the Latin vocabulary of ritual purity. Corresponding to the Sanskrit *siatah* (instructed) and originally denoting conformity to religious law or rite, the adjective *castus* (from which *castitas* is derived) acquired, in classical Latin, an ethical dimension through its similarity with participial form of *caero* (to lack). In the writers such as Cicero (d. 43 BCE) *castus* could be taken to mean "without fault" attested alongside the earlier meaning of ritual conformity or expertise. The range of meanings of *castus* is reflected in its antonym *incestus*, which denotes both ritual and moral impurity." The author has also explained earlier that all these ideas of Latin language represent different aspects of the word *sophrosune* (chastity) of Greek language. Kate Kooper, 'Chastity,' in *Encyclopedia of Religion*, Ed., Lindsay Jones, Thomson Gale, New York, 2005, Vol. III, p. 1558.

[xlv] Krishna Dwaipayana Vayasa, *The Mahabharata*, Vol. I, p. 284.

[xlvi] F. Max Muller, Ed., *Aapstambha: Aphorism on the Sacred Law of the Hindus*, English Translation, George Buhler, in *The Sacred Books of the East*, Vol. II, Prasna II, Patala 10, Khanda 27, Verse 2, p. 165.