

# *Śāstric* rules for Marriage in accordance to the internal configuration of Kinship Structure (*Sapiṇḍa, Sagotra and Sapravara* exogamous kin groups)

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**Abstract:** Marriage is institutionalized in the Śāstric literary tradition with the intention of preserving and promoting existing patriarchal kinship structure. The texts see human life as a journey which has four phases, 'āśramas'. Among these the householder phase, *gṛhastha āśramas*, is of significance for it is not only the provider for the other members of household but has the responsibility to maintain and expand the patrilineal kinship structure through marital ties. These ties were regulated through certain restrictions of exchange among *sapiṇḍa, sagotra and sapravara* groups. The texts elaborate upon these *sapiṇḍa, sagotra and sapravara* exogamous kin groups among whom marital exchange was prohibited. This is a unique feature of Indian marriage system. On the one hand varṇa endogamy was practiced but within it at micro level there were groups which were exogamous in marriage alliances.

**Keywords:** Śāstric literary tradition, four *āśramas* (*brahmacārya, gṛhastha, vānaprastha, and saṁnyāsa*), four 'puruṣārthas (*dharma, artha, kāma, mokṣa*), exogamous kin groups (*sapiṇḍa, sagotra and sapravara*).

The Śāstric literary tradition is overpowered with the sentiments of patriarchal supremacy and this dominating structure was nourished by the varṇa and gender hierarchy. In this literary tradition women and lower varṇas were projected as dependent or subordinate groups in public and private spheres whose experiences were not given their due credit. This tendency of literature to disseminate ideology which sustains the dominant structure was first noticed and analyzed by the social anthropologist, Edwin Ardener who gave the theory of 'muted groups'.<sup>1</sup> According to him the dominant mode of expressions in society are supervised and controlled

with the thought of promoting dominant structure, which in most of the cases is patriarchal. The voice of subordinate groups either expresses its views in accordance to the dominant mode or remains 'muted' in the texts. The literature in any society adheres to the traditionally acceptable structure and it project values which affirm its endurance. Categories beside the dominating one exist as 'others' in the society and are perceived as threat to the existing social arrangement and consequently, had to be subjected to control by means of set of rules, conventions and ethical values. Household is one such place, the basic unit of society, where this hierarchy was taught and practiced.

The internal configuration of the household played a key role in the consolidation of the patriarchal structure. Bernard Farber opines that most economic and social relationships are a result of interactions and reciprocities associated with marriage and the maintenance of households. Although husband and the wife belong to different lineages, with their unification through marriage the household becomes a focal point for lineage interaction.<sup>2</sup> Marriage can be seen as circulation of women between households belonging to non-*sapiṇḍa* or permitted *sapiṇḍa* groups thus, creating new extended kinship structures. The Dharmaśāstras also uphold the household in high esteem as it was the center of various ceremonies and rituals associated with wedding, birth and death. It was also a place where śrāddha ritual was performed. These were the occasions when primacy among varṇa and gender categories was established. Out of these, marriage was one occasion which involved formation of inter-lineage relations with exchange of woman.

<sup>1</sup> Edwin Ardener, "The Problem Revisited," in *Perceiving Women*, ed. and contributor Shirley G. Ardener (Oxford: Berg Publications, 1975)

<sup>2</sup> Bernard Farber, *Comparative Kinship Systems: A Method of Analysis*. (New York: John Wiley & Sons, INC. 1968.)

This exchange was meant to strengthen the patriarchal and varṇa structure. It is aptly put by Lévi-Strauss that problems in kinship organization are the variations in the use of women, variations which have to do with marital prescriptions and prohibitions, descent and inheritance, and residence and rules.<sup>3</sup>

Dharmaśāstras identified four phases of life called 'āśrama': *brahmācārya* (celibate student), *gṛhastha* (householder), *vānaprastha* (forest dweller) and *saṃnyāsa* (renouncer). Among these four the *gṛhastha āśrama*, i.e., the phase of householder, was decisive as it encompassed the four 'puruṣārtha,' the four engagements desired of a man: *dharma* (righteous duty), *artha* (wealth and economic activities), *kāma* (sexual needs), and lastly *mokṣa* (liberation). Out of these four the *dharma* of the householder as ordained by the Dharmasūtras and Dharmaśāstras was the performance of daily rites and rituals of the household and *piṇḍa* offerings to the ancestors. It was presumed through these sacrifices he contributed to the stability of the cosmic order. In order to achieve this, his prime duty was to marry and have children as the next line of descendants, which was essential for the continuation of the household structure. Within the household the householder was engaged in multiple activities related to production of wealth and was expected to make provisions for the daily requirements of the household members and to also give material support to the economically non-active members of society like student, hermit and the one who has renounced the world. Assessing all this Dumont called householder, 'the man-in-the-world',<sup>4</sup> and for Heesterman he was 'upholder of the dharma'.<sup>5</sup>

The Dharmaśāstras through their codes have equipped the householder with the significant responsibility to ascertain the dominance of brahmanical-patriarchal ideology. The commentaries of the *mūla* (main) śāstric

texts focus on the breakup of the large households and identify the rights of all its members as per their contribution towards maintaining the structure of the household. In the śāstric texts household emerges as a place where social identities took shape and its members learned social behaviors as per their varṇa and gender standing in society. The members of the household were engaged in production and consumption activities carried within the household, access to these activities and household resources decided their place within the household and in the society. The householder's task was to supervise the activities within the household which formed a very significant unit of the society. There are three social groupings mentioned again and again in the context of household: *sapiṇḍa*, *sagotra* and *sapṛavara*; which formed different kinship groups. The marital relations were supervised and guided by the rules of interaction among these kinship groups.

Anthropologists Gray and Mearns define kinship as a group of people linked through culturally defined relations of birth, adoption, marriage, worship and death, regardless of whether those who were so linked lived together within the same space or not; *sapiṇḍas* could be taken as kinship group.<sup>6</sup> The two ways which formed kinship group was through marriage, an occasion which established bonds with people outside the domestic domain. The other means was the breakup of large joint families which led to the formation of separate households, whose kinship bonds were subjective to the right to offer 'piṇḍa' to common ancestors. In Dharmaśāstras all those who can offer the 'piṇḍa' were referred to as 'sapiṇḍa' and these two groups outside the household, relations by marriage and the *sapiṇḍas*, constituted a type of kinship structure which regulated their socialization outside the household and determined their social roles and status in hierarchy. The *sapiṇḍa* relations functioned as an

<sup>3</sup> Lévi-Strauss as quoted in Bernard Farber, *Comparative Kinship Systems: A Method of Analysis*. (New York: John Wiley & Sons, INC., 1968). Bernard discusses Lévi-Strauss' understanding of functioning of kinship groups.

<sup>4</sup> Louis Dumont, *Homo Hierarchicus: The Caste system and its Implications* (Delhi: Oxford University Press, 1988 (1966)).

<sup>5</sup> J.C. Heesterman, *The Inner Conflict of Tradition: Essays in Indian Ritual, Kingship, and Society* (Delhi: Oxford University Press, 1985), 253.

<sup>6</sup> John N. Gray and David J. Mearns, "Household and Domestic Group-Society from the Inside Out," in *Society from the Inside Out: Anthropological Perspectives on the South Asian Household*, eds. John N. Gray and David J. Mearns (Delhi: Sage Pub, 1989), 13-34.

extended family, which participated in the major household activities with some having ritualistic status and others the status of coparcener.

Woman is a key component in the formation of kinship structure in patriarchy. The relation between the two is evident in the śāstric discourse on the 'Duties of Householder', where the Dharmasāstras advise that a 'snātaka' after the completion of his Vedic education, with the permission of his preceptor should marry a 'suitable' girl and enter the stage of householder. This advice is varṇa specific as the instruction is explicitly for the men of the 'dvija-varṇa' (twice born). Addressing the concept of 'suitable' girl the śāstric texts carefully give the details of which girl a man can marry and the qualities one should look for in a potential bride and it is here the association between marriage and kinship groupings become highlighted. The Dharmasāstras of Manu and Yājñavalkya both lay down guidelines regarding whom one could marry but there are variations in details given by the two smṛtis. Marrying a girl from *sapinda* group is a strict no for Manu, who instructs the twice-born to marry only 'asapinda' girl, and one who is neither 'mātursagotra ca yā pituh' (not of the same *gotra* as his mother and father).

*Asapindā ca yā mātursagotra ca  
yā pituh |  
Sā praśastā dvijātīnām  
dāra karmaṇi maithune || [MS III.5]*

She who is not a '*sapinda*' of one's mother, nor of the same '*gotra*' as his father, such a one is approved for twice-born men for marriage duties and intercourse

As Manu did not permit marital relation between *sapinda* groups, Manusmṛti therefore, does not divulge on details of till what degree one should avoid marrying a *sapinda* relation. On the other hand, Yājñavalkya flexes the rule and sets a limit up to what degree *sapinda* relations should be avoided. He states that on the mother's side *sapinda* relation extends up to five degrees and on father's side seven degrees. Beyond these stated limits the relations cease to be of the *sapinda* nature, hence, marital relation with them was permitted. He does not proscribe marrying a *sapinda* but elaborates up to which degree a man should avoid this relation. This eases out the

restriction laid down by Manu, who is not in favour of marrying a *sapinda* girl at all.

*Aviplutabrahmacaryo  
lakṣaṇyām striyamudvahet |  
Ananyapūrvikām kāntāmsapindām  
yavīyasīm || [YS I.52]*

Without breaking (the rules) of studentship, i.e, whose celibacy has not been disturbed, let him marry a woman (striyam) with auspicious characteristics who has not belonged to another man, who is lovely, who is not a *Sapinda* and who is younger (than himself).

*Arogiṇīm  
bhrātrmatīmasamānārṣagotrajām |  
Pañcamāt saptamādurdhvaṁ  
mātrih pitṛtastathā || [YS I.53]*

Free from disease, having a brother, and not descended from a family having a common Arṣa and Gotra, distanced from his mother's family by five degrees and that of his father by seven.

Gradually with time the relevance of the kinship structure based on '*sapinda*' relations was only theoretical, how far it was practiced by common people is doubtful as is apparent from *Mitākṣarā*'s attempt to spell out who all are 'non-*sapinda*' by specifying who all are '*sapindas*'. He starts by telling, 'she whose *pinḍa* or body is *samāna* or common is called a *sapinda*; and who is not a *sapinda* is an "*asapinda*" such a one he should marry.' He puts in plain words that '*sapinda*' relationship arises between two people through their being connected by particles of one body. According to this the son stands in *sapinda* relationship to his father, because the particles of father's body have entered his, creating a common ancestry for both, a basis for the continuation of the lineage descent. In the same manner stands the grandson in *sapinda* relationship to his paternal grand-father and the rest, because through his father, particles of his grandfather's body have entered into his own. Similarly, the grandson stands in *sapinda* relationship to his maternal grandfather and the rest, through his mother. Accordingly, the nephew stands in *sapinda* relation

to his maternal aunts and uncles and the rest, because they share particles of the same body, the maternal grandfather; likewise he stands in a *sapiṇḍa* relationship with paternal uncles and aunts and the rest.<sup>7</sup>

According to *Mitākṣarā* the kinship structure created by the '*sapiṇḍa*' relations also encompasses within it husband and wife as well. He explains, 'the wife and the husband are *sapiṇḍa* relations to each other, because they together beget one body - the son. The same justification is given for brother's wives, who are also in *sapiṇḍa* relations to each other, because they produce one body, the son, with those severally who have sprung from one body. Therefore, one ought to know that in whatever context the word *sapiṇḍa* is used, it points to the relationship between the two persons in question, a connection with one body either immediate or by descent. *Mitākṣarā* comprehends the term '*sapiṇḍa*' differently than its '*mūla*' text *Yājñavalkya-smṛti* by associating it with patrilineage through the birth of a son, the inheritor of the paternal property. Consequently, the marriage and birth of a son also brought the non-*sapiṇḍa* persons in to the '*sapiṇḍa*' group.

*Yājñavalkya* adds one more condition that the girl should be '*asmānārṣgotrajām*' not descended from a family having a common '*arṣa*' and '*gotra*'.<sup>8</sup> *Mitākṣarā* has a detailed description on the concept of '*gotra*' and '*pravara*' by elaborating on the *Yājñavalkya*'s reference to '*asamana-arṣa-gotrajam*,' meaning not descended from a common '*arṣa*' and '*gotra*.' He explains '*arṣa*' in the context of being associated to a *ṛṣi*, which technically constitutes the '*pravara*'. Whereas, '*gotra*' means descendants of a family. Those with common *arṣa* and *gotra* were called '*samāna-arṣa-gotraja*.' Thereby connoting that *asamāna-arṣa-gotraja* meant who is not of common *arṣa-gotra* descent. Keeping these factors in consideration *Yājñavalkya* lays the rule of marrying a girl of different '*arṣa*' and '*gotra*'. *Manu*'s kinship structure knows of only two kin groups – '*sapiṇḍa*' and '*gotra*' and therefore, the rules about which girl one should not marry alludes to these two only.<sup>9</sup> The exogamous nature of '*gotra*' was accepted by all the *Dharmaśāstric* writers

unanimously. In *Vijñāneśvara*'s opinion a girl having the same *gotra* as of one's mother or was from the common '*pravara*' should not to be taken as wife in marriage, if this was done in ignorance than he instructs in *Mitākṣarā* to abandon her and perform '*chandrāyaṇa*' (some sort of *prayaścita*). The mention of '*asagotra*' and '*asamāna-pravara*' creates a category of '*sapiṇḍa*' group who though being '*asapiṇḍa*' were to be avoided for marriage relations for belonging to the same '*gotra*' and '*pravara*.'

The rule of '*asamāna-arṣa-gotraja*' for marrying a girl was meant only for the first three varṇas according to *Mitākṣarā*. He says that the condition of avoiding marriage with a girl of same '*gotra*' and '*pravara*' was applicable only to the brāhmaṇa varṇa as kṣatriyas and vaiśyas did not have the concept of '*gotra*' and '*pravara*'. Whatever was the '*gotra*' and '*pravara*' of their '*purohita*' (family priest) was supposed to be theirs also. All these rules and explanations point toward the structural requirement of the kinship group of not obtaining a wife from the instructed '*sapiṇḍa*,' '*sagotra*,' or '*sapravara*' group. The rule of *sapiṇḍahood* sees further classification in the commentary of *Vijñāneśvara*, as the above discussed rule is applicable only to parties who are '*sajāti*' or of equal birth. The *Dharmaśāstras* were also aware of the existence of inter-varṇa marriages which *Mitākṣarā* calls '*vijāti*' or 'of unequal births.' He then gathers special rule for them from plausible sources of social norms. He comes across rule for this category in the Śāṅkha literature, which says: 'When there are many *ekajātis* (begotten by the same father), *pṛthakakṣetras* born of women belonging to different classes and '*pṛthakajanās*' born of different women of the same class. They all are *ekapiṇḍas*, but of separate purification; and their '*sapiṇḍa*' relations extend only up to the third degree.

From *Manu* to *Yājñavalkya* and its commentator *Vijñāneśvara* the kinship structure which was initially carved out of '*sapiṇḍa*' group expanded to include the '*sagotra*' and '*sapravara*' groups also. These three were the key elements of the kinship structure which regulated marriage relations. These rules were

<sup>7</sup> Mit. on YS I. 52

<sup>8</sup> YS I.52-53

<sup>9</sup> MS III.5

always evolving and becoming more specific and elaborate.

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