ACCEPTED VERSION

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Marriage

There is no single definition of marriage that incorporates the wide range of beliefs and practices that fall under its heading and, indeed, arguing over what and who marriage should involve has been central pastime in many societies. Though rare, not all societies have a concept of marriage. This article begins with a discussion of how marriages have been defined and the forms that they are understood to take, before discussing two key concepts related to marriage: the importance of 'the couple' and the idea of marriage as a contract.

Forms of Marriage

Defining marital forms in any global sense is methodologically problematic; one either starts with a definition and then assesses the extent to which different societies reflect or differ from that definition, or the definition is taken from individual societies and then compared across place and time, often with difficulty. Part of the problem arises from the fact that in some cultures marriage is quite rigidly defined, but, in many others, it is a more fluid concept and difficult to distinguish from other familial relationships. In an anthropological context, there are two central (but certainly not exhaustive) ways of grouping marital definitions: those that focus on marriage's association with sex and reproduction, and those that focus on marriage's role in the formation of family, community and social relationships. The former tends to be related to a model for family life rooted in the biological, where marriage is a method for controlling sexual urges and reproduction to the benefit of society. Definitions emerging from this understanding of marriage tend to focus on

relationships which allow for normative and socially-acceptable procreation. As one anthropological textbook defined it, marriage was: 'a union between a man and a woman such that children born to the woman are the recognized legitimate offspring of both partners.' Yet, many relationships between celibates or those who are unable to reproduce are still understood as marriages. Other anthropologists suggest that this desire to 'get underneath' culture (and religion here is part of culture) denies that marriage is fundamentally a cultural institution, solving particular social and cultural needs. This is supported by the difficulty of using procreation as a definitional basis for marriage, with legitimacy and illegitimacy having little resonance in many contexts. Such scholars prefer definitions of marriage that emphasize it as a familial relationship defined by custom and law that confers particular rights and obligations to its members. It is worth recognizing, however, that in many contexts, individuals and their communities have opted to define their relationships as 'marriage' in opposition to customary and legal definitions.

Marriage can take place between two individuals (monogamy), between a man and several women (polygyny), a woman and several men (polyandry), or involve mixed-sex groups (group marriage). The popularity of different forms is difficult to judge, dependant on how marriage is defined. Monogamy appears to have been the most popular marital form across time and place, even in cultures that support polygamy. Polyandry has been rare and, where it exists, tends to involve women who marry brothers from the same family. Group marriage is rarer still, but this particular relationship causes particular definitional issues. Do all partners have to be sexually-active and if so, with each other, and do they have to be unrelated by blood? Do they have to equally share maternity and paternity of all children? If so, such relationships tend to be unsanctioned by society and involve people involved in social

'experiments' or alternative lifestyles. On the other hand, living in large family groups, with shared parenting arrangements, as well as matriarchal households where paternity is shared do exist as normative social arrangements across the world.

In many societies, marriage is a union that is viewed as linking together family groups and many of the responsibilities and duties entailed by marriage apply to the extended family. At the same time, the tie that binds families together is usually made through the linking of two individuals in a partnership. This is not to say that the familial connection is secondary however, and that many cultures require parental or community permission for marriage and equally that married couples are often integrated into larger households and rely on family resources, highlights the extent to which these are marriages made between families, as much as individuals. In some cultures, the desire for families to be connected can lead to the marriage of children and even dead individuals, where the marriage of the couple may be little more than symbolic.

Marriage is usually limited by incest taboos or prohibitions on who can marry. Restrictions on marrying close blood relatives are almost universal, although some ancient societies did allow siblings to marry. Incest taboos, however, vary enormously from limited restrictions between parents and children and siblings to prohibitions of people connected by blood through a shared ancestor several generations removed. In some cultures, individuals are restricted from marrying people related through marriage, and, in others, through sexual relationships, even where those relationships are not formalised. The importance of incest to defining appropriate marriage partners highlights the extent to which marriage is understood in many societies as a distinct relationship from other family connections, most notably in distinguishing the

'conjugal family' from the 'natal family'. Marriages can also be restricted to those of a certain age, capacity to consent, race, caste and other social requirements.

As suggested above, marriage does not have to be between living people, although these are relatively rare. Relationships between people and deities have regularly been conceived as a form of marriage, especially for those individuals who devote their lives to the service of religion. Nor does marriage have to be exclusively between men and women. As polygamous and group marriages suggest, groups of people are bound together in marriage and may be of the same sex. Yet, in many of these relationships, sexual activity may only be condoned between men and women, and not between same-sex spouses. This does not necessarily mean that same-sex spouses are not understood as being 'married' to each other; it also does not remove such spouses, and indeed more extended family members, from the rights and obligations of the marital relationship. In some cultures, gender is also ambiguous, with people being able to move across the gender binary according to social need, such as a daughter who becomes a son to inherit family property, and so in all respects is understood as male by society. Finally, some cultures have condoned marriage between same-sex couples, including medieval Christendom and many parts of the contemporary west.

Soul Mates

Amongst many evolutionary biologists and anthropologists, but disputed by approaches to human behaviour that focus on the cultural, marriage forms emerge from 'innate' natural behaviours and, although an idea now out of favour with most contemporary scholars, marriage practices have been used to chart the developmental

'progress' of different societies. According to this logic, early people were sexually-promiscuous, before 'pair-bonding' emerged, allowing the development of complex kinship networks and also more careful monitoring of gene pool distribution through incest taboos. As pair-bonding is viewed as the key evolutionary step that separated humans from other primates, societies whose marriage practices incorporated more complex or looser formations were viewed as primitive. In practice, however, determining the nature of the 'pair-bond' and what behaviour counts as promiscuous has proven difficult. Many marriages, even those formally signified through ceremonies, can be dissolved, and in polyandry, women often have children to different men whilst in socially-approved unions. Similarly, fidelity to marital partners is far from a universal norm. At the same time, the concept of 'pair-bonding' has had particular resonance across many societies and is a central concept in most of the major religious traditions.

Judaism, Christianity, Hinduism and Confucianism view marriage as forming a sacred bond between the couple, with marriage creating 'one flesh'. This idea also has resonance in the secular West in the concept of 'soul mates' and 'chemical attraction'. This union is more than a contract; it is the creation of a spiritual connection, which for some groups, such as Mormons, extends beyond mortal life into the afterlife. This connection transforms the human contract into a sacred union, and allows the same significance to be given to conjugal connections as to those created through biology and blood. For some, such as amongst Roman Catholics, this transformation applies to the extended conjugal family and so incest prohibitions apply to ties created through marriage, as well as within the natal family. It has also led to the prohibition, or considerable restrictions, on marital dissolution and particularly remarriage whilst a spouse or ex-spouse is still alive for some groups.

The focus on 'the couple' has also given rise to the importance of 'individual consent' within much religious discourse around marriage. Whilst in practice both historically and in the present day, arranged marriages (where partners are chosen by wider family or society) and forced marriages (where individual consent has been over-ridden) were and are commonplace, most major religions require the individual to freely consent to a marital union for it to be valid, although both Christianity and Buddhism were relatively late in adopting this provision. This reflects the focus within most major religions on individual responsibility for moral action and the debate around the role of personal choice in salvation, but it has often sat uncomfortably alongside the importance of 'family' to most societies and religious practices, as well as conflicting with patriarchal norms that questioned the ability of women to consent on their own behalf.

Marriage as Contract

Most marriages involve some sort of ritual or ceremony to mark their beginning, although these vary in formality and social recognition. In many places, including much of Western Europe until as late as the eighteenth century, the couple's consent was all that was required to be customarily, legally and religiously valid. In some places, cohabitation in the form of marriage and with community recognition made a marriage valid without the need for couples to exchange an explicit verbal consent. Increasingly, and often motivated by the property interests inherent in many marriages, the state has taken an interest in defining the legal form of marriage. This may or may not reflect the marriage rituals of the dominant religion in the region, and in some jurisdictions, religious individuals are required to marry in both a civil and

religious ceremony to have marriages that are valid in the eyes of the state and the church. As this suggests, many religions have their own forms for validating marriages, whilst others see marriage as a civil or social relationship and outside the scope of their jurisdiction.

As an agreement between individuals, families or communities to create or extend a new family unit, that usually entails particular rights and duties, marriage is frequently understood as a contract. The idea of contract is essential to debates around the nature of marriage, and particularly the extent to which individuals and families have the rights to negotiate the particular terms of that contract. Most major religions, including Islam, Christianity, Hinduism, Judaism and Confucianism, understand the marriage contract to be sacred or as having greater significance than a 'human' contract, and therefore its terms are understood to be determined by religious dogma. As a result, its form, intention, and the rights and responsibilities that it entails are determined by the faith and are not negotiable, or negotiable only to the extent that there is debate within the faith around the implications of religious teaching on marriage. Despite this, most religions have evolved their understandings of marriage over time and most are heavily influenced by wider cultural norms and trends.

Most marriages also have a secular and social dimension, such as the responsibilities related to property and inheritance or in conforming to state law, that may be open to negotiation either through personal contract or through political change. As a result, even for those with strong religious belief, marriage is often understood to be a negotiable contract. This is turn has been used as the basis of creating more expanded understandings of marriage in particular societies, including in different contexts, the incorporation of parental consent, the removal of obedience

from the wedding vows, the inclusion of provisions for divorce and remarriage, or allowing marriage between people of the same sex.

Marriages may be 'for life', or dissolved with greater or lesser ease. And, while many faiths disapprove of divorce, many that hold the marriage contract to be sacred and as creating one flesh between man and wife still allow it in particular circumstances.

Bibliography

Boswell, J., *The Marriage of Likeness: Same-Sex Unions in Premodern Europe*, New York, 1994.

Browning, D.S., M.C. Green, and J. Witte (eds) *Sex, Marriage, and Family in the World Religions*, New York, 2006.

Gillis, J., *For Better, For Worse: British Marriages 1600 to the Present*, Oxford, 1985.

Goody, J. (ed.), *The Character of Kinship*, Cambridge UK, 1973.

Quraishi, A., and F.E. Vogel, *The Islamic Marriage Contract: Case Studies in Islamic Family Law*, Cambridge MA, 2008.

Sabean, D.W., S. Teuscher, and J. Mathieu (eds), *Kinship in Europe: Approaches to Long-Term Developments*, New York, 2010.

Waite, L. (ed.), *The Ties that Bind: Perspectives on Marriage and Cohabitation*, New York, 2000.

Witte, J., *From Sacrament to Contract: Marriage, Religion and the Law in the Western Tradition*, Louisville, 1997.