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VEPACHEDU EDUCATIONAL FOUNDATION

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Mana Sanskriti (Our Culture)

Chief Editor: Dr. Sreenivasarao Vepachedu, Esq.

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MONEY CONQUERS MARRIAGE

ABSTRACT:

This brief review broadly explores various kinds of marriages, prohibited and accepted unions, between a man and a woman and the application of equal protection jurisprudence and money.

INTRODUCTION

Traditionally, marriage is a religious or social contract between a male and a female to live together for the rest of their lives to create a family by producing and nurturing offspring, the future of the society. Thus, the family became the fundamental building block of the human society and raising kids is the fundamental reason for a marriage. In most cases, if one has children or hopes to raise a family, getting married is probably the right choice ⁽²⁾.

Depending on the cultural traditions, a person may have several marriages, such as polygamy or polyandry with several spouses at any given time, or sequential monogamy with one spouse at any given time, but several spouses over a period of time, without bigamy, polygamy or polyandry.

TYPES OF MARRIAGES⁽³⁾

Ancient Brahmin scholars in Sanskrit literature (such as *Vedas, Sutras and Smritis*) identified eight forms of marriages that result in procreation, categorized into three groups: I) *Prasasta*, II) *Aprasasta* and III) Forbidden.

I) PRASASTA (Proper or Popular)

1) *Brahma*⁽⁴⁾ (the Best) is the most appropriate form of marriage among Vedic Brahman Societies, according to the scriptures. After a boy from a Brahmin family finishes his education during a period of "*Brahmacharya* (celibacy)", he is eligible for marriage and end the period of celibacy to enter the "*Gruhasthashrama* (married life)." The father of the eligible groom seeks for an eligible bride for the groom, proposes to the father of the bride, the proposal is accepted by the bride, the groom, and all relatives, and

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celebrated by rituals dictated by the Vedas or modifications/variations thereof. It is the most common marriage practiced in India today.

2) **Daiva**⁽⁵⁾ (religious offering or rite, gift or fee) form of marriage is a sacrificial fee comprising a bride and ornaments given by the bride's father to a Brahmin priest for performing a *Vedic* ritual called *yajna*. This form of marriage was very rare due to the rarity of *yajna* itself, mostly performed by the kings or the very rich who would usually give other fees, but not their daughters to poor Brahmins in matrimony. This rare form of marriage has been obsolete, so are the *yajnas*.

3) **Arsha**⁽⁵⁾ (related to *Rishi* (sage), a gift for a *Rishi*) form of marriage involves *kanyasulkam* (bride price) given by the groom to the *Rishi* father of bride. Originally, the price included a cow and bull, and a vow by the groom that he would abide by the obligations to the bride and family (married) life. This form of marriage is also obsolete.

4) **Prajapatya**⁽⁶⁾ (related to word *Prajapati*) form of marriage is where the father gives his daughter to the bridegroom without receiving any money or gifts from him. According to Swami Dayanand Saraswati, the founder of Arya Samaj, the father gives his daughter to the bridegroom, by addressing the couple with the mantras, "May both of you perform together your dharma," in the context of *Prajapatya* marriage. In *Prajapatya* marriage, the bride's father finds a groom for his daughter⁽⁷⁾.

There are differences among definitions of *parjapatya* by various authorities. Rules of *Apasthamba* and *Vashista* mentioned *Brahma* marriage, but did not mention *parjapatya* at all. *Parjapatya* was added later and distinguished from *Brahma* marriage. In both forms, the bridegroom is invited and honourably received by the father of the bride⁽⁸⁾.

II) APRASASTA (prohibited, rejected, improper, or unpopular)

5) **Gandhrava**⁽⁹⁾ form of marriage was recognized among the ancient Brahmins of Mithila School of Law and is equivalent to the modern day love marriage. Gandhrava marriage is through a mutual desire of a man and woman, and there was no parental

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involvement or consent needed. However, it should be noted that *Vishnu Sastra* prohibited this form of marriage for Brahmins.

6) **Asura (demonic)**⁽⁹⁾ form of marriage involves sale of the bride by the father to a bridegroom who gives as much wealth he could afford. This being a sale of the bride was prohibited by Manu, and the prohibition of Asura marriage was upheld and reiterated by the Supreme Court of the modern democratic Indian Union.

It was prevalent among Brahmin families during the Islamic and colonial British rule, perhaps due to the influence of Islamic Mutah marriages and as a form of protection of young girls from invaders prior to independence from colonial rule in 20th century⁽¹⁰⁾. This form of marriage is banned in India, because it deteriorated and resulted in child marriages to old men for money by greedy or poor parents of girls. This form of marriage involving sale of a female child resulted in widows even before the girl reached her puberty. This bride sale disappeared from the Brahmin families and Hindu families in general.

Unfortunately, it could not be rooted out from Muslim families in the modern India in 21st century, despite the ban on such sale of girl child⁽¹¹⁾.



III) FORBIDDEN:

7) **Rakshasa (Devilish)**⁽¹²⁾ form of marriage is prohibited by Brahminical doctrines and laws, and also by modern Indian law. *Rakshasa* marriage is seizure of a girl by force from her house, without her consent, if resisted by girl's family, by slaying or defeating them and destroying the homes. This is also one of the worst forms of marriage and is forbidden.

8) **Paisacha (Ghoulish)**⁽¹³⁾ form of marriage is prohibited by Brahminical doctrines and laws, and also prohibited by modern Indian law. *Paisacha* marriage is to seduce a girl or a woman, while she was asleep, drunk or disordered in intellect. This is also one of the worst forms of marriage and is forbidden.

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The first four marriages are allowed for Brahmins and the rest are prohibited. Some schools allow the first six forms of marriages for Brahmins. However, none of the rules allow the last two prohibited marriages for a Brahmin. *Kshatriyas* being kings and military personnel, the prohibited marriages were acceptable to them and others. As a result of acceptance of these prohibited marriages by military, it has become a practice for women of the defeated kingdom to self-immolate to escape from being enslaved for sex by the victors. This practice was known as “*sati*” meaning respectable and pure woman. Sati has been forbidden during the British rule and is completely rooted out from the Indian society, except for rare criminal acts of violence under the guise of “*sati*.”

The above marriages, whether they are prohibited crimes or accepted norms, cover almost all possible variations of mating that occur in human societies that result in procreation. In addition to these human mating rituals of marriages, there are other mating or couplings (formation of couples) such as animal and tree marriages⁽¹⁴⁾, for example, there can be a marriage between two trees, and a marriage between a human and a tree.

However, societies are more concerned about the human marriages and impose restrictions on marriages such as bigamy laws, consanguinity laws, incest laws etc., in the US criminalizing perfectly legitimate polygamy, polyandry, bigamy, cousin marriages⁽¹⁵⁾ etc. in other societies.

There are no scientific reasons⁽¹⁶⁾ against cousin marriages. Laws against cousin marriages are similar to laws against interracial marriages and same sex marriages. However, six states allow first cousin marriage under certain circumstances, and North Carolina allows first cousin marriage but prohibits double-cousin marriage⁽¹⁷⁾.

Section 5 of the Hindu Marriage Act bans, among other things, marriage between a brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters. The marriage is void, unless the custom of the community permits it⁽¹⁸⁾. That means, under the Hindu Family Law, one can marry a cousin, if the custom of the community permits, even though such a marriage would

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come under the *sapinda* (incest) category in Hinduism and is prohibited⁽¹⁹⁾, with exceptions.

About 20 percent of marriages around the world are between first cousins, that Albert Einstein and Charles Darwin married their first cousins, and that first-cousin marriage, while prohibited in half the United States, is legal in Canada and throughout Europe⁽²⁰⁾.

MONEY MATTERS

Love does not conquer all when money and power are involved. “Money makes the world go round and around,” they say, “green will never let you down”⁽²¹⁾.

Married couples, who recognize that they are not only partners in life at home, but also partners in business together, are most successful in managing their money. Successful couples⁽²²⁾ communicate and agree on goals and roles.

Marriage is the most important institution in the human society. Some believe that it is love that makes this ancient institution tick, but many know that it is money that makes the deal, whether it is the West or East.

In India, the story of marriage is no different from anywhere else. Marriages are made in heaven (as the saying goes), but are arranged on earth by relations, connections, and money, of course. People believe the world is changing, but in reality nothing changed the way humans make their babies to continue their species on this earth, for which they need a man and woman to come together to conceive, whether it is in a test tube⁽²³⁾ or in a womb⁽²⁴⁾, or the standard operating procedures⁽²⁵⁾ by which a man and woman procreate in a human society.

Nowadays, people have more choices when it comes to picking a marriage partner than their parents knew. The old-fashioned marriages that are shown in old films may seem peculiar to young Indians and non-Indians, simply because they are not only unaware of the Indian traditions, but also misunderstand and misinterpret the traditions.

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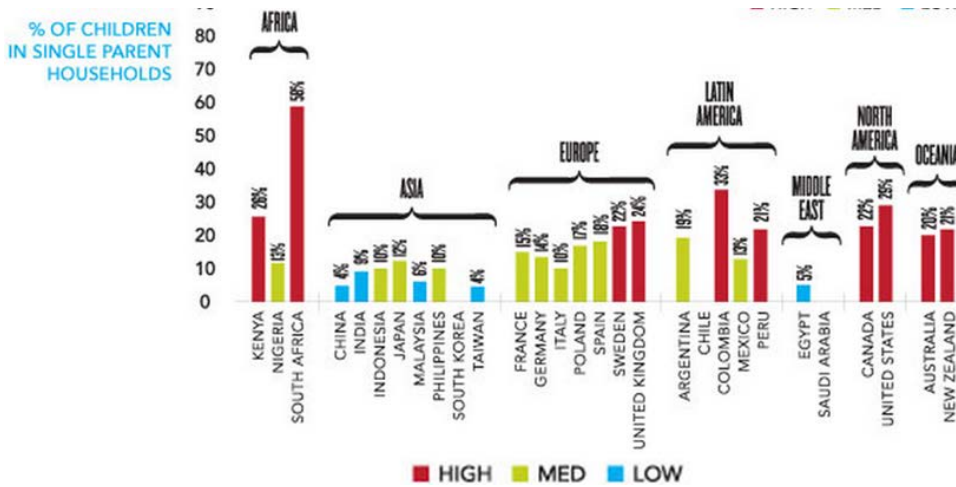
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Marriage process in cities has changed due to the advent of Internet. Traditional method of finding partners through parents, relatives and tribal/caste network is slowly giving away to Internet and high-tech. About 73% of the profiles on www.Shaadi.com have been placed there by people who are seeking partners for themselves, not by their parents or other relatives⁽²⁶⁾.

Nearly all Indian women marry by their late 20s, and births out of wedlock are rare⁽²⁷⁾. In India, women's reproductive behavior is bound by strict social norms, enforcing numerous rules concerning the marriageable age of young women, divorce and remarriage⁽²⁸⁾. Births out of wedlock remain taboo and rare in Asia also⁽²⁹⁾.



Marriages are mostly arranged and dowry is widespread. About 90-95% of Indians (Muslims, Christians, various Hindu groups such as Vaishnava, Shaiva, Veerashaiva, Srivaishnava, Sikh, Jain, Buddhist, Brahmins, Kshatriyas, Vaisyas, tribes, castes, etc.) marry within their clan/caste/tribe. But if the basic rules of the game are fixed, the style of play is different these days.

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Smartphone has brought the Internet to millions of tech-savvy Indians who are changing the matchmaking process, by finding all about potential partners by tracking their digital traces through social media and Smartphone, without parents' consent or knowledge.

As the union between two males or two females has become a norm of the society and popular among young Americans in the US, the marriage laws are being revised, facing resistance from those who consider marriage should be between a male and

female. However, because certain benefits associated with marriage such as employer provided health insurance and other perks for married couples to create families, the building blocks of the society, are limited to married couples. Thus, the couples living together without such marriage license are denied these perks, resulting in a discriminatory outcome - differential treatment compared to other similarly situated couples without justification. Therefore, the Supreme Court of the US (SCOTUS) was compelled to rule against the federal Defense of Marriage Act (DOMA) using the strict scrutiny required under such unconstitutionally discriminatory outcomes occur. However, it should be noted that it is "the money" that drives this case, as indicated above. Windsor sought to claim the federal estate tax exemption for surviving spouses of about \$363,053, but was barred from doing so by §3 of the federal Defense of Marriage Act (DOMA)⁽³⁰⁾.

Underlying the American equal protection jurisprudence is the central notion that the classification must be reasonable, not arbitrary, and must rest upon some ground of difference having a fair and substantial relation to the object of the legislation, so that all persons similarly circumstanced shall be treated alike⁽³¹⁾. The question remains to be seen whether bigamy, polygamy, polyandry, cousin marriages, etc., fall under the equal

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protection jurisprudence, as the same sex marriages and inter-racial/inter-tribal/inter-caste marriages.

REFERENCES AND NOTES

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Mutah, or Temporary Marriage in Muslim Society (2008): a 60 year old wealthy Arab married 3 girls, Afreen, Farheena and Sultana, at a single sitting (within ten minutes), in Hyderabad. <http://www.faithfreedom.org/mutah-or-temporary-marriage-in-muslim-society/>; <http://www.mutah.com/>

Old Arabs still come to Hyderabad to 'buy' teenage girls for marriage (2005): http://www.islamawareness.net/Marriage/Child/cm_news_002.html; <https://www.youtube.com/watch?v=w5R9LJ1t8xI>.

The Value of Early Marriage in Islam: <http://www.mutah.com/earlymarriage/early.htm>

I do... for now. UK Muslims revive temporary marriages: <http://www.bbc.com/news/uk-22354201>

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Underage Girls Are Egypt's Summer Rentals: <http://www.ipsnews.net/2013/08/underage-girls-are-egypts-summer-rentals/>
Syrian girls for sale, the younger the better! <http://connect.freedomworks.org/news/view/360958?destination=gac%2Fhome>

A Plea From A Muslim Sister - Islam for Muslims – Nairaland: *I hope to inform and educate the people about the disease of Mutah, which is spreading rapidly in the Sunni community. It is the goal of certain Shia individuals to do Mutah with innocent girls, who lack knowledge of religion and experience of life. They convince them with their beliefs, and create confusion in their minds. I beg every sister, brother, father, mother, and friend to take a closer look at their dear ones, and make sure they do not become victims to the concept of Mutah.* <http://www.nairaland.com/828367/plea-muslim-sister>

Khalifa Umar bin al-Khattab - Islamic Actions and Social Mandates Umar's Control Of Sexuality Laxity: "Umar accordingly passed an order prohibiting Mutah. He declared that it was open to a person to divorce a woman after regular marriage for any valid reason, but a marriage which was stipulated to be dissolved after a specified number of days was repugnant to the spirit of Islam which stood for stability of domestic homes." <http://www.alim.org/library/biography/khalifa/content/KUM/14/pdf/7>

⁽¹²⁾ Virdi, The Grounds for Divorce in Hindu and English Law, pg 12

⁽¹³⁾ *Id*, pg 13

⁽¹⁴⁾ Vepachedu, Tree Marriages, at: <http://www.vepachedu.org/treemarriages.html>

⁽¹⁵⁾ Vepachedu, Menarikam (Cousin Marriage: Consanguinity), Menarikam is a marriage, among many tribes/castes of Andhra Pradesh and other South Indian states, between a maternal uncle and his niece or between cousins, similar to Islamic, Jewish and Zoroastrian traditions. While Islam allows all first cousins to marry, Telugus distinguish between two kinds of first cousins: cross cousins and parallel cousins, and allow marriage of cross cousins only. Sons and daughters of a maternal uncle or a paternal aunt are cross cousins, for example, his mother's brother's daughter is matrilineal cross cousin and father's sister's daughter is patrilineal cross cousin. All other first cousins related through one's paternal uncle or maternal aunt are parallel cousins and considered brothers and sisters. at: <http://www.vepachedu.org/manasanskriti/menarikam.html>

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There's nothing wrong with cousins getting married, scientists say, at: <http://www.independent.co.uk/news/science/theres-nothing-wrong-with-cousins-getting-married-scientists-say-1210072.html>

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⁽¹⁹⁾ *Manusmriti*, III,5 and IX,59; *Yagnyavalkasmriti*, I,52, I,53 and III,231; *Vishnusmriti*, XXIV, 9.

THE HINDU MARRIAGE ACT, 1955 (at: http://bokakhat.gov.in/pdf/The_hindu_marriage_act.pdf)

2. Application of Act.- (1) This Act applies,-

(a) to any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj;

(b) to any person who is a Buddhist, Jaina or Sikh by religion, and

(c) to any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

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Hindu Marriages

5. Condition for a Hindu Marriage: A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

(iv) the parties are not within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;

(v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two

Laws of inequality, at: <http://www.thehindu.com/thehindu/2003/08/10/stories/2003081000131400.htm>

⁽²⁰⁾ The Love That Dare Not Speak Its Surname, What's wrong with marrying your cousin? at:

http://www.slate.com/articles/news_and_politics/frame_game/2002/04/the_love_that_dare_not_speak_its_surname.html

My cousin, my love, at: <http://www.theguardian.com/lifeandstyle/2008/may/24/familyandrelationships.health>

10 Famous People Who Married Their Cousins, at: <http://listverse.com/2008/07/20/10-famous-people-who-married-their-cousins/>

Consanguinity Fact Sheet -- Debunking Common Myths, at: <http://www.larasig.com/node/2020>

Abraham married his half-sister, Sarah, Isaac his first cousin, Rebekah. . . ., The Cincinnati Lancet and Clinic:

https://books.google.com/books?id=crxXAAAAMAAJ&pg=PA39&ipg=PA39&dq=Marriage+between+1st+cousins+illegal&source=bl&ots=XvO2rfdMms&sig=-KPOZHn_UZx9_wOgRcioPHmLGC1&hl=en&sa=X&ved=0CE4Q6AEwCTgUahUKEwi7noCTnKLIahUJoYAKHfF8CTo#v=onepage&q=Marriage%20between%201st%20cousins%20illegal&f=false

⁽²¹⁾ Green is where it's at: <http://www.azlyrics.com/lyrics/iffightdragons/money.html>

⁽²²⁾ Singletary, Love Does Not Conquer All When Money Is Involved, Military & Money: <https://www.incharge.org/military-money/story/love-does-not-conquer-all-when-money-is-involved>

10 Money Mistakes That Can Ruin a Marriage, AT: <http://finance.yahoo.com/news/10-money-mistakes-ruin-marriage-095503587.html>

Money Matters in Marriage, at: <http://www.crosswalk.com/family/marriage/money-matters-in-marriage-1303665.html>

The Key to Wedded Bliss? Money Matters, at:

http://www.nytimes.com/2008/09/10/business/businessspecial3/10WED.html?pagewanted=all&_r=0

⁽²³⁾ **Assisted Reproductive Technology (ART):** Turkey Baster Vaginal Insemination is a popular term for insemination in which still liquified ejaculate is drawn into a simple device—turkey basters were used in a distant past, now disposable dedicated devices are preferred—which provide gentle suction. The semen is then expressed (squeezed) into the vagina, or directly into the cervical os or opening, ideally at the time of ovulation. Vepachedu, Turkey Baster Technology Appeal: <http://www.vepachedu.org/AJIN/AJIN-135.pdf>; In vitro fertilization (IVF) is the most common and most effective type of assisted reproductive technology (ART) to help women become pregnant.

Frozen Sperm As Good As Fresh Sperm: A recent study published in PLOS ONE finds that frozen sperm is as good as fresh sperm in leading to a successful pregnancy. Frozen sperm as good as fresh for IVF treatment (8 August 2013):

<http://www.medicalnewstoday.com/articles/264550.php>

Intracytoplasmic Sperm Injection (ICSI) involves injecting a single sperm into the egg, instead of adding the sperm to the egg in a lab dish.

Cost Of Making Babies Can Be Reduced in the Fertility Business: A couple in the US has had the first IVF baby to be born as a result of a new way of screening embryos that promises to increase the success rate of in vitro fertilization (IVF) and bring down the cost of baby-making. Embryo Screening IVF Breakthrough Produces Baby Connor (8 July 2013): <http://www.bbc.com/news/health-23205638>; <http://www.medicalnewstoday.com/articles/262998.php>

⁽²⁴⁾ In a normal pregnancy, after sexual intercourse between a man and a woman, a male sperm penetrates a woman's egg and fertilizes it inside her body after ovulation - when a mature egg has been released from the ovaries. The fertilized egg (now an embryo) then attaches itself to the wall of the uterus (womb) and begins developing into a baby. This is known as natural conception.

⁽²⁵⁾ Recognized standard operating procedures to produce offspring in human societies include, but not limited to, legal and illegal procedures such as:

a) Marriage (see Marriage): An ancient and once successful institution to protect and to provide legitimacy to offspring, the future of the society. This institution has lost its charm and use, other than providing certain rights for spouses against each other.

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VEPACHEDU EDUCATIONAL FOUNDATION

మన సంస్కృతి

Mana Sanskriti (Our Culture)

Chief Editor: Dr. Sreenivasarao Vepachedu, Esq.

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With polygamy in the form of a series of monogamous relationships and marriages ending in divorce and separation, this institution is a problem for the society more than ever before.

- b) Out of Wedlock Pregnancies: sexual relations resulting in pregnancy outside the marriage.
- c) Rape: forcible sexual relations with a person against that person's will.
- d) Statutory Rape: sexual activity in which at least one person is below the age required to legally consent to the behavior.
- e) Adultery: voluntary sexual intercourse between a married person and a person who is not the spouse.
- f) Incest: sexual relations between people classed as being too closely related to marry each other
- g) Sexual abuse: Sexual abuse is unwanted sexual activity, with perpetrators using force, making threats or taking advantage of victims not able to give consent.
- h) Artificial insemination
- i) In vitro fertilization and so on and so forth.

⁽²⁶⁾ More and more young Indians are choosing their own spouses. Love And Money Conquer Caste (5 September 2015), <http://www.economist.com/news/asia/21663246-more-and-more-young-indians-are-choosing-their-own-spouses-love-and-money-conquer-caste?cid1=cust/ednew/n/n/n/2015093n/owned/n/n/nw1/n/n/n/email>

⁽⁷¹⁾ GLOBAL CHILDREN'S TRENDS: <http://sustaindemographicdividend.org/articles/international-family-indicators/global-childrens-trends>

In the US, number of live births to unmarried women: 1,595,873;
Birth rate for unmarried women: 44.3 births per 1,000 unmarried women:
<http://www.cdc.gov/nchs/fastats/unmarried-childbearing.htm>;
<http://www.cdc.gov/nchs/births.htm>

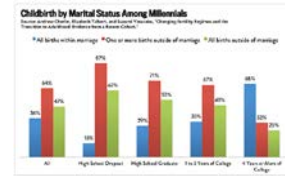
For Millennials, Out-of-Wedlock Childbirth Is the Norm: http://www.slate.com/articles/business/moneybox/2014/06/for_millennials_out_of_wedlock_childbirth_is_the_norm_now_what.html
In Britain, Most births will be 'out of wedlock within 10 years: <http://www.telegraph.co.uk/news/health/news/11564624/Most-births-will-be-out-of-wedlock-within-10-years.html>

⁽²⁸⁾ Guilmo, Beyond the billion India's demography at the beginning of the century, *Centre Population et Développement*, 18 (November 2011): http://www.ceped.org/IMG/pdf/ceped_wp18.pdf

⁽²⁹⁾ Commemorating China's 1911 revolution: From Sun to Mao to now, October 8, 2011: <http://www.economist.com/category/web-sections/asia/6860198?page=80>

⁽³⁰⁾ UNITED STATES v. WINDSOR, at: http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf

⁽³¹⁾ Reed v. Reed, 404 U. S. 71, 76 (1971) (quoting F. S. Royter Guano Co. v. Virginia, 253 U. S. 412, 415 (1920)).



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