

## FORMS AND MEANINGS OF MARRIAGE

The English words "marriage" (from Latin *maritus*: husband) and "matrimony" (from Latin *mater*: mother) do not give us any clue as to the origin and meaning of the phenomenon we are trying to discuss here. The same is, of course, also true for similar terms with Latin roots in other European languages. More enlightening is the Germanic word "wedlock" (from Old English *wedlac*: pledge) which suggests that some sort of promise or contract, i.e., a special relationship between people is involved. Indeed, the best characterization of this relationship is perhaps provided by the German word *Ehe* (from Old High German *êwa*: law).

At any rate, when we compare marriages in different societies and different historical periods, we soon discover that marital partners everywhere have very definite duties toward each other. These duties may not always be spelled out in detail, but they are well understood and readily enforced in each case. Therefore, if we had to look for a common denominator in all the various forms of marriage known to mankind, we might very well find it in the element of mutual obligation. Naturally, this obligation itself can appear in many different forms. It may spring from an informal silent agreement, or it may be loudly proclaimed in a popular celebration. It may extend well beyond the couple to their offspring, to the families on both sides, and even to the entire community. It may be considered permanent, or it may end by mutual agreement or unilateral action. None of this matters here: Some officially recognized mutual obligation exists as long as the partners are married. Where men and women make love and have children without it we do not speak of a marriage, but of an affair, a dalliance, a romance, or a state of cohabitation.

As we can see, marriage is a very special phenomenon which involves more than housekeeping, sexual intercourse, and procreation. These "natural" human activities do not, by themselves, make a marriage. Its real meaning derives instead from social sanctions and expectations. Indeed, as such expectations change from one society to another, marriage is bound to change with them. Therefore, it is not very helpful to talk about marriage in generalities. It seems much more promising to list and describe the possible forms and functions of marriage, and for our present limited purpose it is perhaps best if we begin with a simple classification.

Traditionally, scholars have distinguished between four basic types of marriage:

1. Monogamy (i.e., one husband having one wife),
2. (polygamy:) polygyny (i.e., one husband having several wives),
3. (polygamy:) polyandry (i.e., several husbands having one wife),
4. group marriage (i.e., several husbands having several wives).

1 | Excerpt taken from *The Sex Atlas* by Erwin J. Haeberle (1981).  
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Monogamy is the prevalent form of marriage today. Polygyny and polyandry (collectively called polygamy) were once practiced in various parts of the world, but now seem to be on the decline. Group marriage has always been rare.

In Victorian times it was often believed that the four basic types of marriage were representative of different stages of human evolution. Thus, the earliest human beings had supposedly lived in a state of indiscriminate promiscuity until they established some form of group marriage. On the next stage of civilization they then entered a matriarchal phase characterized by polyandry. This, in turn, was followed by the patriarchal phase in which polygyny became dominant, and finally monogamy emerged as the crowning achievement of human progress. So far, this beguiling theory has not been confirmed, however. On the contrary, we have learned in the meantime that all four types of marriage have existed since earliest times and under all sorts of technological and economic conditions. Some very "primitive" peoples have always practiced monogamy, while some "civilized" peoples have been and still are polygamous. Moreover, we now understand that each of the four basic types of marriage can appear in several variations. For example, there is quite a difference between monogamy as a lifelong sacramental union and monogamy as a temporary civil contract. Polygyny can mean very different things under different circumstances, such as when a man takes a concubine, or when he marries his brother's widow, or when all his wives are sisters and live under his roof, or when they come from different families and maintain their own separate households. Polyandry can mean that a woman marries several brothers, of whom only the oldest is the official father of her children, or it can mean that she marries several unrelated men who all enjoy equal rights. Group marriage can be the accidental outgrowth of polygamous practices or a conscious "scientific" experiment.

Still, today there is little doubt that monogamy in one variation or another has always been the most common type of marriage. Both group marriage and polyandry have been found only in very few cultures, and polygyny, although permitted in many societies, has almost always been restricted to the wealthier classes. After all, it has never been cheap to purchase and then support more than one wife. Sometimes, of course, wives earned more than their keep as laborers, but even in that case their husband had to be powerful and influential, or he could not have created such an advantage for himself. The other men would have insisted on the same privilege, and this could not have been granted, because "naturally" there is only about one woman for every man. The biological balance between males and females is nearly even, and therefore polygamy can flourish only under exceptional conditions. Such conditions may result from a custom of female infanticide, from frequent wars, in which many men are killed, or from political and religious beliefs that accord a few persons some special prestige. However, where conditions are "normal", and where people are given a fairly equal chance, they tend to favor monogamy.

In view of this fact, one might perhaps call monogamy the "natural" form of marriage, although one should not conclude that everyone will always be happy with it, or that it is practical in every situation. Indeed, even in societies which insist on the strictest monogamy there is often an unofficial toleration of premarital and extramarital intercourse, such as in prostitution, adultery, and homosexual contact. Other societies are still more tolerant and establish monogamy as a

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flexible or "open" institution from the very start. In addition, they may also permit ready divorces in case of marital failure. At any rate, experience seems to show that one cannot impose a single form of monogamy, or even a single type of marriage on all men and women everywhere. One can, of course, proclaim an ideal, but in real life one has to allow for some improvisation and experimentation.

Nevertheless, even where husbands and wives are given the greatest sexual latitude, marriage is always considered important and is clearly distinguished from nonmarital unions. That is to say, generally speaking, it hardly matters how people arrange, maintain, or modify their marriages, as long as they get married at all. The details may differ from one culture to another, but the principle is nowhere in doubt: Marriage as such is good and must be supported. It also must be proclaimed and made visible to outsiders. For instance, in certain societies married persons are permitted or obliged to dress in a more "dignified" manner than spinsters and bachelors. By the same token, the marital state often carries particular privileges and is celebrated with splendid wedding ceremonies or sumptuous nuptials. These celebrations themselves usually follow some preordained pattern and require their own kind of clothing. In short, there seems to be something special about marriage which makes it different from any other human relationship, and which calls for some public acknowledgment. All of this indicates that marriage serves more than private personal needs, and that it does not exist for the benefit of the spouses alone. Instead, an obvious social interest is involved. It is further obvious that this interest affects not only the form, but also the meaning of marriage, and that the latter can therefore be understood only if one considers both its individual and social aspects.

Of course, in everyday life we normally talk about marriage without worrying much about its precise definition or all of its possible implications. Even professionals are often deliberately vague as they try to illuminate different facets of the phenomenon. Thus, depending on the context, we can find marriage described in very different terms from very different points of view. In American law, for example, marriage may be variously defined as an institution, a status, or a contract. Accordingly, in this country today politicians praise "the institution of marriage", bureaucrats ask other people to declare their "marital status", and lawyers draw up formal "marriage contracts" for their cautious clients, spelling out certain marital rights and duties in advance.

Actually, marriage contracts are neither new nor typically American. Many societies all over the world have known written marriage agreements, if not between bride and bridegroom, then between their respective families. Indeed, in feudal times a marriage contract could seal an alliance between whole tribes or nations. At present, such motives are still formalized on a more modest scale by our own upper classes. Thus, marriage contracts are customary where the possible loss or consolidation of huge family fortunes is involved. After all, in these cases the marriage could well determine the fate not only of two, but perhaps dozens or hundreds of individuals. Still, as a rule, these contracts cover only externals, such as dowry, allowances, financial settlements, inheritance, etc. They rarely say anything about marital conduct in the proper sense and do not concern themselves with questions of intimacy. Therefore, they are in fact mere safeguards or security measures. They accompany and protect, but do not constitute

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marriage.

This elementary difference has not always been clearly perceived. On the contrary, the fact that marital unions may be protected or guided by contracts and even contain some contractive elements, has led some modern observers to believe that marriage itself is a contract and nothing more. This view also seems to be supported by certain customs and regulations in other cultures. For example, Islamic law explicitly defines marriage (nikah) as "a contract for the legalization of sexual intercourse and the procreation of children". As such, it is strictly a private matter, requires no religious ceremony, and can be terminated under certain conditions. However, this definition was never meant to be exhaustive and should not be read dogmatically. After all, the custom of mut'ah marriages indicates that the procreation of children need not be essential to the contract. (For details see "Marriage in Islamic Countries.") Furthermore, since it has been possible in Islamic countries for fathers to contract compulsory marriages for their unwilling daughters, it cannot be assumed that the contracting parties are always bridegroom and bride. Similarly, in early medieval Europe, where marriage was a transfer of lordship over a woman from her father to her husband, the bride was not herself party to the contract, but rather its object. Her lot improved only under the influence of the Church, which gave marriage a religious meaning and elevated it to the status of a sacrament.

Needless to say, once marriage had been endowed with a sacramental character, it could no longer be called a contract in any sense of the word. First of all, it was now a vehicle of grace, and thus its essence lay not in any formal stipulations, but in the mutual decision of both partners which made them "one flesh" (Mark 10:8). This reduced both the influence of parents and the importance of economic considerations. As a result, for a while even secret marriages were permitted. Secondly, since the marital relationship mirrored that of Christ with his church, it could not be dissolved: "What God has joined together, let not man put asunder" (Mark 10:9). However, this latter change eventually came to be resented, and therefore the Protestant Reformation returned to the concept of marriage as a civil contract, making it once again possible for Christians to obtain a divorce. In Puritan England, John Milton called marriage a "covenant" which need not bind the parties forever.

The secularization of marriage was, of course, especially welcomed by the emerging bourgeoisie. The bourgeois lived in an increasingly sober world of commodities which were subject to sale, disposal, contract, and regulation, and thus he had less and less sympathy for mythical or supernatural notions. Finally, in the 18th century the German bourgeois philosopher Immanuel Kant felt enlightened enough to put the matter in its baldest terms when he defined marriage as "an association of two persons of different sex for the life-long mutual possession of their sexual qualities" (Rechtslehre, § 24). Much could be said about this definition, but here we can simply point out that it is obviously not universal. The references to "two" persons and a "lifelong" mutual possession indicate that only a special form of Western marriage is being considered. Moreover, it should be noted that there is no mention of any contract. After all, irrevocable personal contracts are out of harmony with the modern demands for individual freedom. The lifelong possession of one human being by another is now alien to our whole system of justice. People can no longer legally sell themselves as slaves or buy someone else

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as a servant for life. Much less are such contracts acceptable in the case of marriage. Indeed, even in ancient Rome marital vows never to separate were invalid before the law. Therefore, the "association" mentioned by Kant must be more than just a legal agreement.

However, it should be apparent that even our contemporary, soluble marriage can never be fully described as a contract. The unique personal relationship that exists between spouses cannot be created, shaped, and maintained by written provisions, clauses, or codicils, or by signatures on some dotted line. This relationship is so intimate that no comprehensive and binding contract could possibly be devised for it, and it goes without saying that nonbinding contracts are worthless. Even simple common sense tells bridegroom and bride not to approach each other in a legalistic spirit, so as not to doom their marriage from the start. On the other hand, they also know that, once a marriage has foundered, it cannot be saved by the law.

These few observations may be sufficient to show that the subject of marriage is too complex for easy generalizations. The precise nature of the marital union itself is elusive, and its role in society varies with changing conditions. Thus, no single definition can capture all conceivable meanings of marriage or fit all of its forms.