PROBLEMS IN THE INSTITUTION OF MARRIAGE

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Abstract - Marriage is a social institution and a type of cooperative network or system, which can also be called a social contract. The definition of marriage has been ambiguous across variance based upon culture, time, continent, etc., and it has various forms. This paper titled- 'Problems in the Institution of Marriage', deals only with the heterosexual monogamous form of marriage. It aims to highlight problems in the institution of marriage. The problems are determined using a mixed method which includes analysis, archival study, reading and so on. This paper is Ethical in discipline and argumentative in nature. Emergence of marriage as a social institution has been documented in the paper, which took place post cognitive revolution. This helps unearth the foundational errors in the institution by drawing attention towards the basic assumptions taken in account, erstwhile, during the formulation of the institution. These assumptions are now found to be either revoked or are found to be based upon undetermined grounds. Following from the emergence of it as a 'social contract', the institution of marriage as it emerged and prevails in the heterosexual monogamous form, fails to satisfy the moral 'Theory of Social Contract' given by Hobbes.The basic tenets of the moral theory are disposed in the course of the institution of marriage, and this paper intends to showcase it by substantiating the same with arguments.

Keywords - Women, social institution(s), social contract, marriage, heterosexual, monogamous, Hobbes's theory of social contract, cognitive revolution, sexual hormones, mothers, wives

I. WHAT IS MARRIAGE?

Marriage is a social institution and a type of cooperative system or network. The definition of marriage is ambiguous. It varies as per culture, time, region etc. There are many forms of marriages. It is recognised by various names across cultures and languages. However, it is a cultural universal, constant across the globe. This paper deals with the heterosexual monogamous form of marriage. Monogamous marriage is a dyadic relationship[1] in which a woman marries a man. It involves individuals of opposite sex, which is why it is classified as heterosexual. The woman and the man in a marriage are called spouses; the man is recognised as ahusband and the woman as a wife. There is a social contract between the spouses. This paper deals with marriage which islegal and might be culturally recognised. The institution of marriage usually includes a sexual interpersonal relationship between the wife and the husband. A ceremony for conferring the status of marriage between two individuals is called a wedding. The spouses in a wedlock may or may not have children; however, traditionally children were essential in marriages. Etymologically the word derives its origin from Latin,marītāre, meaning to provide with a husband or a wife.

1. Emergence of marriage

Archaeology gives information on human life before documentation through three-age system[2], which includes Stone age, Bronze age, and Iron age. The stoneage[3] is divided into Palaeolithic age, Mesolithic age, and Neolithic age. Stone tools were a prominent feature of stone age. Nomadic culture was prevalent among primitive humans during Palaeolithic and Mesolithic age. Archaeologists and anthropologists suggest that during these ages, the primitive humans had significantly smaller societies.In smaller societies it was unlikely that any of the two sexes were sitting idly while another laboured. Women were not wives then, and had equal participation in the bands—

- There is no evidence to substantiate that the stone tools were the creation of men exclusively. Moreover, other than the factor of creation, a recent excavation has shaken the long-held belief that stone tools were not wielded by women. An excavated fossil assumed to be of a man because of stone tools in possession, was found to be of a woman instead, on running tests of the fossil.(PTI the hindu)
- Participation of women was significant, for on the walls of caves in France and Spain, handprints of women were found. It might help depict their influence on culture and art. (Messer)
- Scientists have excavated a 9,000-years-old female burial who was a hunter, in the Andes Mountain in South America. The excavation counters the long-held belief that when primitive human groups sought food, men hunted, and women gathered. (PTI the hindu)
- Migration was more common in women.Some studies based on analysis of Strontium isotope

[1]Dyadic relationship means an inter-relationship between a pair of two people. For further understanding refer to- Dyad (sociology) - Wikipedia

[2] The three-age system is periodization of a human history into three ages. For further understanding refer to- Three-age system - Wikipedia

[3]The stone age is a prehistoric period, during which stone tools were widely used. It is divided into three ages- Palaeolithic age (approximately around 3.3 million years ago-10,000 years ago), Mesolithic age (approximately around10,000-8,000 years ago), and Neolithic age (approximately around 8,000- 4,500 years ago)

ratios in molars[4]have helped in finding that the majority of women did not originate from the region where they were buried, women travelled from home villages to start families and spread culture and ideas. (PTI indiatimes)

Women had rights equal to men during the Palaeolithic age, and the information from the Mesolithic age does not indicate towards any disparity based on sexes.In the smaller primitive human societies, a baby who was born in a tribe was the responsibility of the tribe too.Women were free from taking care of a child beyond gestation period.Mothers did not have any social normative roles attached to them because there was not a rigid social organisation which was patrilocal.Women had freedom to work too because sitting idle was not an idea erstwhile.The reproductive rights of womenwere not stringently tied to any conformity of a society due to lack of a social organisation, and this had enabled womento work freely and migrate. Therefore, disparity was not observed from Palaeolithic to Mesolithic age. However, somewhere in between the two ages, 'cognitive revolution' took place where humans on a larger scale began to practice social cooperation for survival and reproduction, which was paving the path for a consequence of 'rapid innovation of social behaviour'(Harari).

The social cooperation born from cognitive revolution had stakes of going wrong, and did go wrong because—
'*Most human cooperation networks have been geared towards oppression and exploitation.*'(Harari)
And soon these exploitative innovations were to become, *'cooperation manuals' prescribed, where—*
'"Cooperation" sounds very altruistic but is not always voluntary and seldom egalitarian.'(Harari)

In the Neolithic age, an agricultural revolution took place about 10,000 years ago, which made the importance of land emphatic. In the Egyptian societies (coalesced around 3,100 BC; in Bronze age), there was an influence of queens in the matter of state, but it was so because they were the 'mothers' of pharaohs who were young and were to succeed thrones.So, the sons or the succeeding rulers brought indirect powers in the hands of mothers. Common women assisted their husbands in fields. Post cognitive revolution men might havedeveloped the concept to use women as a means to retain land. It could be done by establishing a social contract with women, or byavailing cooperation from them. It indicates towards the discovery of the institution of marriage for the binaries whereby a social contract, a woman was expected to settle with one man who was her permanent partner,her husband. The man and the woman under this contract, settled together in a house which belonged to her husband and might include his parents or kin, in a patrilocal society.The idea behind it was to produce children. In a patrilocal society every man and woman were expected to abide by the contract by residing in the man's house. A chaste wife shall produce children for her husband who would inherit the land of her husband. Following this, the rights of women in sexual selection of mates could not last. Realisation of the importance of land and its accumulation by men, made them the masters of cooperative systems, from economical to legal. There are sayings in the Egyptian society like –

'*Take a wife while you are young, that she makes a son for you… …he is saluted on account of his progeny.*' (Tignor)

1.1. Descriptions

1.1.1. Cognitive revolution or behavioural modernity

Behavioural modernity or cognitive revolution is a reconstruction that brought about changes in a set of traits that distinguished current homo-sapiens from human primates. These revolutionised behavioural traits are based upon abstract concepts and collective imagination. The abstract concepts here are neither known to be a natural requirement for humans, like food is, nor are these concepts corporeal or material. The concepts are abstract and mere imagination. However, this imagination is ought to be collective to materialise its functioning. Further, the concepts of collective imagination are propelled in the form of normative standards. Early sapiens might have developed similar concepts within and outside their bands during cognitive revolution.

Harari-
'Any large-scale human cooperation- whether a modern state, a medieval church, an ancient city or an archaic tribe- is rooted in common myths that exist only in people's collective imagination.'
And,
'New ability- The ability to transmit information about things that do not really exist, such as tribal spirits, nations, limited liability companies, and human rights.

Wider consequences-
(a) Cooperation between very large numbers of strangers.
(b) Rapid innovation of social behaviour.'

2. Evaluation of the concept of marriage

'The primary values of sex are organic. As such they are primarily instrumental. But they are not wholly so, as in the case of economic values of property. Physical satisfaction is a condition of other values, but it has an intrinsic value of its own.' (Urban 291-92)

[4]For understanding what strontium isotope ratios in molar is(H.L. Whelton)- https://doi.org/10.1016/j.jasrep.2018.06.020

Intrinsic Value of something is a value attached to it, i.e., it is valuable per se andnot merely because of a consequence or any effect that it produces. Whereasentitieswhich are used to reach a desired end and are not the end themselves, are said to have an instrumental value. For e.g., people desire objects like fame because it serves as a means to an end, as that of pleasure.

Biologically, procreation is a driving force in a normal human that inspires the sexual desires, such physical gratification has an intrinsic value. Other than such intrinsic value, it also has an instrumental value attached to it which exalts organic sexual activities to materialise concepts like association, love etc.So, a marriage is known to convert an organic natural state of sexual urge into an administered social institution. It brings in use the collective imagination to develop the concepts like love, affection, tenderness etc, which are the elements of a marriage.

'*Marriage transforms the natural sex emotion or lust into ideal love and fellowship*.' (Sinha)

The social construction recognises marriage as an institution where a husband and a wife are claimed to have equal rights. However, these rights are mere laxity to practice one's choice in the domain of household or in the cooperativenetwork of finance, politics, which is outside the house.These are prescribed as a domain to women and men respectively and as per the conventions of social construction, these domains are not supposed to be switched by either men or women.

'*Husband and wife are free personalities, with equal rights, each expert in his own sphere, and secure of the help and support of the other.*' (Wright 453)

2.1. Hobbes Theory of Social Contract

2.1.1. Thomas Hobbes

Thomas Hobbes was a 17th century English philosopher. He is regarded as a modern political philosopher. The book, Leviathan,is his masterpiece, it is concerned with the structure of society and politics. He is famous for his development of 'social contract theory'. From Hobbes's point of view, the theory consists of political and moral importance.

2.1.2. Introduction to Hobbes theory of social contract

Hobbes suggested cooperative social contract as a solution for the problems arising from a state called, state of nature. Social contract strives to enable humans to live as best as possible against the odds of conflict of interests in the state of nature.

Hobbes maintains an egalitarian foundation. He held that human beings have essentially the same needs. He considered women equal to men. He has not ruled out the possibility of women being subjugated by men, in a social framework(Slomp).

2.1.3. State of nature

The state of nature is a state of disarray, devoid of any social contract,morality, or political governance. According to Hobbes, humans are likely to be under constant commotion and mayhem. He holds a set of four basic facts responsible for a pandemonium to exist in the absence of social contract.

- Equality of needs.
- Scarcity.
- Essential equality of human power.
- Limitedaltruism.

According to Hobbes, it shall incite a state of war.Individuals would be under a constant threat of death. In Leviathan, Hobbes wrote-

'no place for industry, because the fruit thereof is uncertain; and consequently no culture of the earth; no navigation; nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving, and removing, such things as require much force; no knowledge of the face of earth; no account of time; no arts; no letters; no society; and which is worst of all, continual fear, and danger of violent death; and the life of man solitary, poor, nasty, brutish, and short.'

2.1.4. Development of social cooperation

According to Hobbes, a rational person would prefer to satiate his needs and defend self from attacks of any sort for survival. As per him, when human beings began to live in bands and the population grew, social cooperative networks became necessary. Herein, the cooperation guaranteed individuals to be placed better off in a society than they were in the state of nature. Following this, people were expected to concur to the set of rules which govern their relationship with one another, such agreements are called social contracts.

James Rachel summarises the concept of morality in social contract as—

Morality consists in the set of rules, governing how people are to treat one another, that rational people will agree to accept, for their mutual benefit, on the condition that others follow those rules as well.(Rachels 150)

3. Domestication of women

Women practiced migration in Bronze age, travelling from one village to another while men remained in their homeland which made them acquire the same, learn the method of cultivation so that they need not migrate in search of food. The physical advantage of muscle strength must have enabled them to seek advantage on field work. However, muscle strength is

a mere feature of male hormone called testosterone, a secondary male feature.

'People are not aware how entirely; in former ages the law of superior strength was the rule of life.'(Mill 12)
'...their strength allows men to monopolise tasks that demand hard manual labour, such as ploughing and harvesting. This gives them control of food production, which in turn translates in political clout.' (Harari 135)
Relation between men and women has been referred to as-

'Social relation grounded on force' (Mill)

4. Women in the contract of marriage

Women are subject to pregnancy which has a gestation period of 9 months. The conviction of bearing a child or being pregnant outside a marriagewas anything but an abstract collective imagination instilled normatively over generations, after cognitive revolution. Pregnancy may also be subjected against the will of a woman. Therefore, it has emerged as a threat in the established social contract. A piece of fiction puts it in the following way, quoted by a fictional character named Poly Gray—

'*You know the words. The woman's a whore and the child's a bastard but there is no word for the man who does not come back.*' (Peaky Blinders (TV series))

Men in affiliation to women took up the task to protect women. It led to stringent rules which seized the autonomy of women further. According to the ovulatory shift hypothesis- females showcase behavioural change across the ovulatory cycle. At a point, they showcase mating behaviour when they are attracted towards potential short term male sexual partners who indicate high genetic qualities for greater reproductive success. A study done by Miller and Maner suggests- Male's hormone, testosterone, changes when they are exposed to an ovulating female's body odour, males who are exposed to scentsof ovulating females maintained higher testosterone levels. Men areaware of hormonal cycles inwomen(Miller and Maner 21(2):276-283). A reason behind attaching stigma to hiding menstrual cycle could be to prevent the chances of pregnancy, which might be against the desire of men in affiliation with a woman.

5. Countering the basic assumptions behind the concept of marriage

5.1. Distribution of labour in a contract of marriage

Accumulation of resources by men led to monopolization. Monopoly of men evicted women following certain stereotypes.The manipulated or wilful giving in of rights by women led to an imbalance of cooperation which limited the rights of women. In marriages, men endured the economic responsibilities of the whole family which became a financial burden on them. There are links established between 'stoicism'[5] and social burdens borne by men.

Science has not yet confirmed whether testosterone is responsible for competitiveness in males or if it is the demand for competitiveness from males that leads to an increase in testosterone levels (Archer 319-45). Prevalent social institutions have conjectures based upon the secondary sexual characteristics caused of sexual hormones, mainly testosterone and estrogen/progesterone.

Based on insufficient information the institution of marriage has been developed which ascertains stereotypical division of labour in a marriage.It assumes psychological abilities of men and women.Although several studies have surfaced challenging it. According to a study, several genes for intelligence are located on X-chromosomes (X and Y chromosomes determine the sex. A pair of chromosomes from the parents is inherited in the offspring, X-Y is inherited in boys where Y is contributed by father and X is by mother.While in females both father and mother contribute X-X).Men inherit X-chromosome from their mothers.So, men inherit most part of their intelligence from their mother with a little contribution from father (Tanouye). Thus, whatever little difference arises in behaviour which is confused to be a part of masculine intelligence is due to sexual hormones or testosterone.

Presence of an apt ratio of sexual hormones in males and females, is the reason behind dimorphism[6], yet testosterone which is a key male hormone is present in a detectable ratio in females too.Similarly, males have estrogen too.

Another thing to ponder upon is that in 2011, Irina Trofimova found a significant advantage of females in lexical task and temperament scale of socio-verbal tempo and male advantage in temperament scale of physical endurance which were more pronounced in younger age groups and faded in older age groups. She suggested- 'middle age-middle sex'. For sex differences in such abilities might be entangled with age hormonal changes, thus the differences are not prominent throughout the age between boys and

[5]Stoicism teaches the development of self-control and fortitude as a means of overcoming destructive emotions. It may also hinder emotional development in a sympathetic manner in men.Stoicism - Wikipedia

[6]For further understanding, refer to paper titled- *Male-to-female testosterone ratios, dimorphism, and life history—what does it really tell us?*(Goymann and Wingfield 685-699)https://doi.org/10.1093/beheco/aru019

girls(Trofimova 1230-36). Hence, to infer any aptness of one sex in one way of working is merely artificially induced in a sex—

'*What is called the nature of women is an eminently artificial thing- the result of forced repression in some directions, unnatural stimulation in others.*' (Mill 23)

The process of artificially inducing a particular kind of behaviour in women does influence the IQ, for the importance of environment for IQ is established by 12-18 points increase in IQ. Thus, 'nurture' is an influencer(Nisbett, Aronson and Blair 67(2), 130–159).

5.2. Countering the fundamentals of marriage using Hobbesian theory of social contract

Hobbes's assertion was that a social contract would uplift human beings to a place that is better off than what they were in the state of nature.

This assertion is not true in the case of women when it comes to the social contract of marriage. As stated in section 3.1.5., the condition of women was better in the state of nature as they were naturally equal tomen and were not inferior or oppressed; did retain the right to fight for survival.With thesocial contract, the condition of women did not improve as was claimed. Instead, women came under a constant threat of attacks due to weakening of their position in society followed by the implications of the institution of marriage.

Although a better shelter and other provisions like food etc., are exchanged the contract.

Social contracts emerged to ensure the defence from life threatening attacks and violence.Herein, women have been under constant threat of violence in the social contract of marriage, whether directly caused by it, or indirectly influenced.A few statistics given out by United Nations entity called UNWomen are given below—

- Everyday 137 women are killed by a family member globally. (UNODC 10)
- At least 155 countries have passed laws on domestic violence, and 140 have laws on sexual harassment in the workplace. (World Bank Group)
- Social contract theory in moral aspect conveys a set of rules governing how rational beings cooperate with one another for their mutual benefit, on the condition that others follow those rules as well.

Here, three things in question are –

i. Rational beings
ii. Mutual benefit
iii. Bilateral commitment to a social contract

Women are subjugated under the current form of marriage and are not considered rational beings. This highlights the term, 'cooperation', for only the rational beings decide whether to or not cooperate but women have been subjugated and not cooperated with.Theyare not considered capable of making decisions either of compliance or rejection citing the lack of rationality. Therefore, the rendering of marriage as a social contract based upon cooperation seems doubtful from the fundamentals which have been kept in mind while developing this institution. The term 'mutual benefit' is equally perturbing in the institution of marriage, for the imbalance of cooperation is wide. As the unit of family expands into a society, women are clearly seen in turmoil. A person's obligation to abide by a social contract retains if the other party abides by the social contract. A social contract is bilateral. Humans entered a social contract to ensure that they are protected from a prisoner's dilemma[7]. When a person is faced by constant threat where the other party is not abiding by the contract, the contract ceases to exist if it is continued unilaterally.

One of the most common objections towards social contract theory aims to attack the unanimous acceptance of such agreements. For not everyone signed up for it. The defence to it is offered by inserting the idea of implicit participation ascertained when an individual enjoys the benefits of a social contract.

'The contract is "implicit" because we become a part of it not through our words but through our actions, as we participate in social institutions and accept the benefits of social living.' (Rachels 156)

However, the benefits enjoyed by women under the present form of marriage contract are debatable. This, in turn, pumps the doubt if the current state of the social contract of marriage is only unilaterally beneficial.

II. CONCLUSION

Therefore, we have seen that there are problems in the institution of marriage based on which the division of labour is made in it, and it contradicts the social contract theory, Hobbesian, being a social contract itself.

BIBLIOGRAPHY

[1] Archer, John. "Testosterone and human aggression: an evaluation." Neuroscience and Biobehavioral Reviews (2006): 319-45. <https://web.archive.org/web/20160109111144/http:/www.ho

[7]Read more about prisoner's dilemma- Prisoner's Dilemma (Stanford Encyclopedia of Philosophy)

mepage.psy.utexas.edu/HomePage/faculty/josephs/pdf_documents/Arch_Chall_NBR.pdf>.
[2] Goymann, Wolfgang and John C. Wingfield. "Male-female testosterone ratios, dimorphism, and life history-what does it really tell us?" Behavioral Ecology (2014). <https://academic.oup.com/beheco/article/25/4/685/257440>.
[3] H.L. Whelton, J. Lewis, P. Halstead, V. Isaakidou, S. Triantaphyllou, V. Tzevelekidi, K. Kotsakis, R.P. Evershed. "Strontium isotope evidence for human mobility in the Neolithic of northern Greece." Journal of Archaeological Science: Reports 20 (2018): 768-774.
[4] Harari, Yuval Noah. Sapiens: A Brief History of Humankind. Signal Books, 2014.
[5] Messer, A'ndrea Elyse. Women leave their handprints on the cave wall. 15 October 2013. Web. <https://news.psu.edu/story/291423/2013/10/15/research/women-leave-their-handprints-cave-wall>.
[6] Mill, John Stuart. The Subjection of Women. Pearson Longman, 1869. Print.
[7] Miller, Saul L. and Jon K. Maner. "Scent of a Woman: Men's Testosterone Responses to Olfactory Ovulation Cues." Pscyhological Science (2010): 21(2):276-283. <https://doi.org/10.1177/0956797609357733>.
[8] Nisbett, R. E., et al. "Intelligence: New findings and theoretical developments." American Psychologist (2012): 67(2), 130–159. <https://doi.org/10.1037/a0026699>.
[9] Peaky Blinders (TV series). By Steven Knight, Toby Finlay and Stephen Russell. Dirs. Otto Bathurst, et al. Perf. Cillian Murphy, Paul Anderson and Helen McCrory. Prods. Greg Brenman, et al. BBC Studios, 2013.
[10] Prisoner's Dilemma. n.d. <https://plato.stanford.edu/entries/prisoner-dilemma/>.
[11] PTI indiatimes. "Men Stayed At Home While Women Spread Culture, Ideas And Knowledge, 4,000 Years Ago." Indiatimes (2017). <https://www.indiatimes.com/news/india/men-stayed-at-home-while-women-spread-culture-ideas-and-knowledge-4-000-years-ago-329186.html>.
[12] PTI the hindu. "Ancient burial hints that prehistoric women may have hunted as much as men." The Hindu (2020). <https://www.thehindu.com/sci-tech/science/ancient-burial-hints-that-prehistoric-women-may-have-hunted-as-much-as-men/article33030204.ece>.
[13] Rachels, James. The Elements of Moral Philosophy. McGraw Hill , n.d.
[14] Sinha, Jadunath. A manual of ethics. n.d.
[15] Slomp , Gabriella. "Hobbes and the Equality of Women." Political Studies (2006): 441-452.
[16] Tanouye, Elyse. "Heredity Theory Says in Males, Intelligence Comes From Mom." The Wall Street Journal (1996). <https://www.wsj.com/articles/SB835919711841023500?reflink=desktopwebshare_permalink >.
[17] Tignor, Robert L. Egypt: A Short History. Princeton University Press, 2010. <https://www.jstor.org/stable/j.ctt7rjf4>.
[18] Trofimova, Irina. "A study of the dynamics of sex differences in adulthood." International Journal of Psychology 48 (2014). <https://doi.org/10.1080/00207594.2012.756981>.
[19] UNODC. Global Study on Homicide. 2019.
[20] Urban, Wilbur Marshall. Fundamentals of Ethics : An Introduction to Moral Philosophy . 1932.
[21] World Bank Group. Women, Business and the Law 2020. 2020.
[22] Wright, William Kelley. General Introduction to Ethics . n.d.

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