

it is her lot to suffer (*Æsch. Agam.* 861 f.); in his presence there is such complete trust and understanding that burdens are lightened (*Soph. Ed. Tyr.* 769 f., and *passim*). By the time of Aristotle the entire community of life between husband and wife is emphasized (*Arist. Eth. Nic.* viii. 14, p. 1162a, 19-29; cf. *Isocr.* iii. 40); and Plutarch (*Mor.* 59 F) names honour to the wife as one of the essentials of family life.

While these references in literature can hardly be regarded as pure imagination of poets and theories of philosophers, we must not fail to recognize the conditions which limited the development of such relations. In general it is clear that the possibilities of intellectual companionship were limited by the very restricted opportunities of the wife for any intellectual development. Where books hardly existed in the home, and where women never came in contact with any one but slaves, even if the latter were sometimes educated persons, they could not be expected to meet their husbands on common ground intellectually. Certain pleasures belonged to husband and wife in common—pleasure in the comfortable, well-regulated home and in the growing children; perhaps sometimes the pleasures of music. Common purposes and ideals they certainly shared so far as the sons and daughters were concerned. Of affection between husband and wife one can say but little. It seems hardly possible, however, that the pictures of affectionate husbands and wives in Greek tragedy could have been appreciated by the Athenian audience, or even conceived at all, if they had no counterpart in the actual life of the day.

The relation of parents to children is frequently referred to in literature. Three similes in the *Iliad* (iv. 130, xv. 362, xvi. 7) express the tender sympathy of the mother for her child. The joy of *Æson* in his son *Jason* and of *Telamon* in his son *Ajax* is described by *Pindar* (*Pyth.* iv. 120 f., *Isthm.* v.); the love of *Creon* for *Hæmon*, temporarily blinded by passion, in *Sophocles' Antigone*, the mother's joy in *Cleobis* and *Biton* (*Herod.* i. 31), and the pain *Medea* inflicted on *Jason* by killing their children (*Eur. Medea*), are examples that might be multiplied indefinitely. The reverse of the same thought is found in the pain when children turn out badly (*Isæus*, v. 39; *Theog.* 271 ff.); and, when this feeling of tenderness to children seems to be lacking, as in the case of *Demosthenes*, who placed the prosperity of the State above his personal loss in his daughter's death, it is a fit subject for public reproach (*Æschin. in Ctes.* 77).

The visible record of parental affection is preserved to us in the representations of mother and child on Attic vases, and in various representations of the family on Attic grave-reliefs. The duty of parents to bring up their children in right ways, and in particular to develop honour to the State and respect for parents, is ordinarily presupposed rather than stated explicitly (cf. *Demosth. Coron.* 22-23; *Eurip. Antiope*, fr. 219). This training in earlier years was supervised by the mother; and, as girls never passed out from the mother's immediate care till they were married, the relation developed between mother and daughter must have been an intimate one. The son early passed from his mother's hands to the schoolmaster, the training slave (*παιδαγωγός*), and, in less degree, to the father. As to any intimate relation of father and son, we know little except from the evidence of tragedy. It is clear, however, that both sons and daughters were trained strictly in the feeling for the unity of the family, with the duties and the privileges which this imposed.

The relation between brothers, and between a brother and a sister, is not infrequently mentioned

from the Homeric poems onwards. The account of *Agamemnon* and *Menelaus* in the *Iliad* (iv. 148 ff., vii. 107) only serves to illustrate the general principle (*Od.* viii. 546). The affection of a brother and sister is best illustrated by the story of *Electra* and *Orestes* as it was developed in literature and in art.

The duty of children toward their parents is first a material one, namely, to care for them in their old age (*Lysias*, xiii. 45; *Isæus*, vii. 30). More broadly it is described as honour towards parents (*Lycurg. Leocr.* 94; and esp. *Pindar, Pyth.* vi. 23 ff.). *Plato* goes so far as to say that piety towards parents is the best worship of the gods (*Leg.* xi. 930 E ff.), and the absence of such piety was at Athens a legal bar from public office (*Dein.* ii. 17). For the Athenians the most repulsive phase of the Sophistic attack on moral ideals concerned this point (*Aristoph. Clouds*, 994 f.; *Xen. Mem.* iii. 5. 15), and the problems which arose for sons, when one parent was turned against another, as in the story of *Eriphyle* or of *Clytæmnestra*, proved extremely interesting to the Greeks.

Judged by the only data at our disposal—those of myth and literature and art—the unity of the family was the fundamental conception of Greek society and Greek morals. When the hold of other social and political institutions had begun to weaken, the family still retained its solidarity, and duties to the family were observed with care.

Cf. also the 'Greek' section of art. CHILDREN, EDUCATION, MARRIAGE.

LITERATURE.—*F. H. Müller, Ueber das Familienleben der homerischen Zeit*, Zeitz, 1866; *J. P. Mahaffy, Social Life in Greece*, London, 1874 (new ed. 1898); *G. Glotz, La Solidarité de la famille dans le droit criminel en Grèce*, Paris, 1904; *W. H. S. Jones, Greek Morality*, London, 1906, p. 83; *C. A. Savage, The Athenian Family*, Baltimore, 1907; *T. D. Seymour, Life in the Homeric Age*, New York, 1907, p. 117.

ARTHUR FAIRBANKS.

FAMILY (Hindu).—1. The family in India is of the *joint-family* type, and it is chiefly for this reason that the Indian family law differs so much from that of Europe. Its main principles were early reduced to writing in the well-known legal Sanskrit treatises called *Dharmasāstras* or *Smritis*, all the more important of which have been published in English. This so-called Hindu law is still applied, throughout British India, in all questions relating to the inheritance, succession, and marriage of Hindus, to caste, and to Hindu religious usages or institutions.

2. The state of a family living in union implies a common habitation as well as community of property, of meals, and of cultus. It may be described, with *H. Maine*, as 'a group of natural or adoptive descendants held together by subjection to the eldest living ascendant, father, grandfather, or great-grandfather. The head of such a group is always in practice despotic' (*Early History of Institutions*, London, 1875, p. 116; cf. *Ancient Law*¹⁹, do. 1907, p. 133). It should be added that, if the family chose to continue united after the father's death, the eldest son would generally become its head, as stated in the lawbook of *Nārada*: 'Let the eldest brother, by consent, support the rest like a father.' The position of such an eldest son managing the family estate is also a very influential one, though not equal in dignity to that of a father, whose power resembles the *patria potestas* of the paterfamilias in ancient Roman law.

Thus 'a wife, a son, and a slave, these three are declared to have no property; the wealth which they earn is (acquired) for him to whom they belong' (*Manu*, viii. 416). 'That is declared a valid transaction which is done by the senior or head of a family. That is not valid which has been transacted by one who does not enjoy independence' (*Nārada*, i. 42).

Even nowadays the manager (*kartā*) does not confine himself to the financial part of the household; there is not a single domestic affair of any

importance which may be undertaken without his consent or knowledge; and he is even expected to watch over the spiritual needs of all the members, and to check irregularities of all kinds by his sound discipline. The extent of his sway may be gathered from the facts that married sons in India, with their wives and children, generally choose to remain under the paternal roof, as they marry very early, and avoid the responsibility and expense of a separate establishment; that adopted and illegitimate sons may have to be added to the legitimate sons; that polygamy and concubinage are not forbidden, whereas the re-marriage of widows is objected to; and that a respectable Hindu is often obliged to support indigent relatives together with their families, as well as a hereditary family-priest and other hangers-on. It should be remarked, however, that the general body of an undivided family extends further than the coparcenary, which consists of the three generations next to the owner of certain property in unbroken male descent, and possesses a right of survivorship for all the descendants included in it.

3. The *eldest son* is not infrequently allowed by the father to manage the affairs of the family under his direction, and he may even himself become the *kartā* during the lifetime of the father, if the latter is advanced in years and unable or unwilling to continue to concern himself with matters of a secular nature. After the father's death, the eldest son, as mentioned before, will generally succeed him, though this is no invariable rule. The precept of Nārada is still occasionally followed, that even the youngest brother may govern the family if specially capable, because the prosperity of the whole family depends on ability. It is seldom, if ever, that more than one member of a family takes part in the management, though there is nothing to prevent such democratic methods of family government. The *kartā* is, however, liable to render an account; it has been so held by a full bench of the Calcutta High Court.

4. The *wife* of the manager, called *ghinni*, also occupies a responsible position, as she has to look after the inner department of the household, to see that every one is duly fed, to regulate her expenses according to the means of the family, to exercise a mild and prudent sway over her daughters and daughters-in-law and over the domestic servants, to get her daughters married at an early age, and have their nuptials properly celebrated. As for the task of educating her children, it would be a mistake to expect too much from a mother who herself is in most cases unacquainted with the barest elements of knowledge, entirely governed by religious notions of the crudest kind, and given to superstitious practices.

5. The *daughters* and *daughters-in-law*, whose attitude towards one another is not always that of strict harmony and peace, are not only subject to the control of the female head of the house, shut up as they are in the family *zenana*; they also labour under all the disadvantages and hardships incidental to the difficult position of females in an Eastern country. Thus a young daughter-in-law in a genteel family is regarded as immodest and unmannerly, if she should happen accidentally to enter the outer or male compartment of the house. No married female is permitted to leave the house, without having first obtained the sanction of the male or female head of the family, or otherwise than in a closed conveyance, either a *pālki* or a carriage. Women take their meals after the men, and the choicest part of the food is first offered to the males, and the residue kept for the females.

6. Most women in India are strictly religious; the *ghinni* in particular hardly ever fails, after breakfast, to go through her morning service in

the domestic place of worship, at the close of which she invokes the blessing of her guardian deity. All the inmates of the house, both male and female, are expected to be present at the daily *pūjā* performed by the hereditary priest of the family, and to make their obeisance to the stone or metal image of the tutelary god of the house. In rich families, a sufficient endowment in inalienable landed property is set apart for the permanent support of the idol.

7. From a legal point of view, the subject of *maintenance* is important, especially as this includes defraying the expense incurred for the nuptials and other religious ceremonies, or *samskāras*, of the younger male members of the family. Those who, owing to some bodily or mental defect, are disqualified from inheriting under the Hindu law have a claim to maintenance against the head of the house. Illegitimate sons and concubines are also entitled to be maintained.

8. *Partition* is another important subject. According to the 11th cent. *Mitākṣarā* (a well-known authoritative Sanskrit commentary), partition is the adjustment into specific portions of divers rights of the several members of a joint-family, *i.e.* the ascertaining of individual rights which during the joint condition—where the members share in food, worship, and estate—are not thought of. Partition, according to the same authority, may take place at the desire of a single male member, who is therefore at liberty, as far as he is concerned, to terminate the joint-tenancy, the other coparceners having to submit to it whether they like it or not. In Bengal, however, real partition may take place only after the father's death, when any co-sharer is at liberty to demand it. Such is the law as laid down in the 15th cent. *Dāyabhāga*, the author of which is supposed, in order to prevent the growth of disobedience by sons, to have deprived the latter of the right of enforcing partition against the father's wish. It appears probable that throughout India partition against the father's will was, down to very recent times, considered very much *contra bonos mores*, even where it was not forbidden.

9. The early Sanskrit lawbooks contain long lists of *secondary sons* who may be used to supply the place of a legitimate son, if the latter should happen to be wanting. This topic of the secondary sons (*gaurāputra*) is also treated in the learned Sanskrit commentaries of later times, though all the various ancient modes of filiation had gradually become obsolete except the device of adoption, which has remained a highly important and vigorous institution down to the present day (see ADOPTION [Hindu]). Of the other subsidiary sons, the *kṣētraja*, or son of the wife, was the son begotten of one man's wife by another, after express authorization, the legitimate husband being childless and impotent, disordered in mind, incurably diseased, or dead.

Thus, in the Sanskrit Epics, King Saudāsa is reported to have induced the sage Vasiṣṭha to beget for him a son by his queen; and the two brothers Dhṛtarāṣṭra and Pāṇḍu, the ancestors of the chief heroes of the *Mahābhārata*, are said to have been begotten by the sage Vyāsa for King Vichitravīrya. This custom corresponds in part to the *levirate* of the Israelites, and has been found to prevail among many nations of antiquity and recent times in all parts of the globe.

A son secretly born (*gūḍhaja*) from adulterous intercourse is also said to become the son of his mother's husband: if a pregnant young woman marries, her son belongs to the husband, and is called a son received with the bride (*sahodha*); and the son of a girl (*kāminā*), if she marries, becomes her husband's son; whereas, should she remain unmarried, he is reckoned as the son of her father. The latter principle is equally applicable in the case of the *putrikāputra*, or son of an appointed daughter, whose son became the son of her father, if the latter had no male issue. Somewhat peculiar

is the case of the *pauvarbhava*, or son of a woman twice married, who appears among the secondary sons, because women, under the Brahman law of marriage, are not permitted to marry more than once—a prohibition which has only been removed by the English legislation of the last century.

10. The hankering after sons, which is evidenced by the recognition of these various substitutes for a real legitimate son, seems to have originated in the exigencies of a primitive state of society when male issue was greatly prized, because the prosperity of a family used to depend on the number of hands able to cultivate the family property; and the very existence of a tribe surrounded by enemies depended on the number of its male members capable of bearing arms. The happiness of a man even in the next world was connected with the existence of a continuous line of male descendants capable of making the customary offerings to deceased ancestors. Procreation by the father does not appear to have been a necessary element in the conception of sonship, and the chastity of women was not valued very highly.

11. It is not necessary, on the other hand, to explain these anomalies in the early family law of the Brahmans from a supposed universal practice of *polyandry* in ancient India, and to connect them with the polyandrous practices which are no doubt widely prevalent among the non-Aryan races of India. The well-known tale of Draupadi in the *Mahābhārata*, who became the joint-wife of all the five Pāṇḍava brothers, is the only instance of an Aryan woman said to have been the legal wife of several men, and the *Mahābhārata* itself represents the match of Draupadi as unusual and shocking. As for polyandry among non-Aryans, it exists, according to Risley and Gait's *Census Report*, both in the matriarchal form, where a woman forms alliances with a plurality of men not necessarily related to each other, and succession is therefore traced through the female, and in the fraternal, where she becomes the wife of several brothers.

Thus, among the Kannuvans of Madura, a woman may legally marry any number of men in succession, and may bestow favours on paramours without hindrance. Among the carpenter and blacksmith classes in Malabar, the four or five chosen husbands are said to be in the habit of celebrating their polyandrous marriage openly with much pomp. In the Malabar and Canarese *tarvāds* generally, a woman may freely associate with men unrelated to each other, so that the only family group is that of the mother with her children. The family is perpetuated by the female members only, and the person occupying the position of son to a man is the son of his sister. This is the *marumakathayam* law, lit. descent in the line of a nephew or sister's son, which is nowadays confined to the Nāyars or Nairs and other castes on the Malabar coast and in Travancore, but even there is falling into disrepute, and gradually passing into the fraternal form of polyandry or into monandry. The great facilities for divorce which exist in some parts of the Madras Presidency may also be viewed perhaps as a relic of, or akin to, matriarchal polyandry. The fraternal system is still widely spread along the whole of the Himālayan range, including Kashmir, as well as in some parts of S. India, e.g. among the Todas in the Nilgiris. In Kashmir the woman is regarded as the wife of all the brothers, as in the case of Draupadi, and the children call them all father.

12. In the Aryan marriage system of India, what strikes a European observer most is the well-nigh universal prevalence of the married state, which is brought about by the custom of *infant marriage* (see CHILD MARRIAGE [in India]). This custom, the gradual growth of which may be traced in the Sanskrit lawbooks, has gone on spreading from the higher castes to the lower till it has become almost universal. There is no greater opprobrium, at least in a genteel family, than to have a daughter unmarried at the age of puberty; hence no father dares run the risk of deferring his daughter's marriage till she is grown up. It may be supposed that the patriarchal power of the *karta* was adverse, from the outset, to the female members of the family exercising the right of choosing their husbands for themselves. It may be hoped that

the movement against infant marriage will gradually gain ground in India, though hitherto it has made but little progress.

13. The prohibition of *widow re-marriage*, which is said to be the social complement of infant marriage, is also a custom of ancient standing which has been spreading from the higher castes to the lower. Among the latter, however, it often meets with strenuous resistance, women being more of a power than in the higher castes, and naturally prone to set their influence against the obstacles placed in the way of their re-marriage. Among the upper classes, also, social reformers have been constantly advocating the propriety and necessity of widow marriage.

14. *Polygamy*, though permitted in the Sanskrit lawbooks, is rarely practised nowadays, the excess of wives over husbands not amounting to more than 8 and 7 in the thousand respectively among Hindus and Buddhists. It is quite unusual to take a second wife, unless the first wife should be barren or afflicted with some incurable disease; and, even then, a man has often to obtain the consent of his first wife, or of his caste *panchāyat*, or of both.

15. The *Sāstras* contain many curious rules regarding *prohibited degrees* in marriage, the principal rule being that bride and bridegroom should never belong to the same *gotra*, or clan (see CASTE, § 11). These exogamous rules are crossed by an endogamous principle, under which intermarriage between persons differing in caste is strictly forbidden (see MARRIAGE [Hindu]). In practice, any marriage may be said to be valid which has been celebrated in the presence, and with the presumed assent, of the relatives and leading members of the caste.

16. It should be observed, perhaps, that the otherwise strict rule against intermarriage between different castes is relaxed in the case of what has been called *hypergamy*, or 'marrying up,' i.e. the custom forbidding a woman to marry a man of a group lower than her own, and compelling her to marry into a group equal or superior in rank. This custom is both wide-spread and ancient, the Code of Manu styling marriages between men of a higher class and women of a lower class as according to the order of nature, while marriages of the converse type are unnatural. Social reformers have endeavoured to check the operation of the general rule against intermarriages by a proposed fusion of the existing sub-castes.

17. The universally prevailing custom of celebrating the *nuptials* with great pomp, and often lavish expense, may be cited as a proof of the importance and sanctity of marriage in the eyes of the people. Some of the ceremonies customary at a wedding are extremely ancient, and seem to have come down from Aryan times. It is true that *concubinage* is tolerated, both the concubine or female slave and the illegitimate son being mentioned in the Sanskrit Commentaries as members of a joint-family. Since the abolition of slavery, however, public opinion on this head has greatly changed; and it is only in the case of holders of *rājyās*, or large estates, or among very low-caste people, that concubines living as members of the family of the man keeping them may now sometimes be found. See also ADULTERY (Hindu).

LITERATURE.—H. Zimmer, *Altind. Leben*, Berlin, 1879; G. Bühler, *The Laws of Manu*, Oxford, 1886 (=SBE xxv.); W. Stokes, *Hindu Law Books*, Madras, 1865; G. Sarkar, *Hindu Law*², Calcutta, 1903; J. D. Mayne, *Hindu Law and Usage*¹, Madras, 1906; B. Mullick, *Essays on the Hindu Family in Bengal*, Calcutta, 1882; J. Jolly, *Recht und Sitte*, Strassburg, 1896 (=GIAP ii. 8); E. J. Trevelyan, *Hindu Family Law*, London, 1908; S. C. Bose, *The Hindoos as they are*, Calcutta, 1881; M. F. Billington, *Woman in India*, London, 1895; J. A. Dubois, *Hindu Manners, Customs, and Ceremonies*³, Oxford, 1906; C. R. Aiyar, *A Manual of Malabar Law*,

Madras, 1888; Risley-Gait, *Report on the Census of India, 1901*, Calcutta, 1903; B. Delbrück, *Indogerm. Verwandtschaftsnamen*, Leipzig, 1889 (=ASG xi. 5).

J. JOLLY.

FAMILY (Japanese).—The earliest family system in Japan was that known as *uji*. This word is of the same origin as *uchi*, signifying 'interior' or 'household'; but from the earliest times it has been used exclusively in the sense of 'name,' especially the name of a clan. *Uji* existed from the most ancient times, and constituted the first units of Japanese society.

The organization of the *uji* was quite complex. It was not a matter of blood relationship alone, but of social, economic, and political interests as well. Originally but a few noble families possessed names and received recognition as *uji*. These *uji* included all the members of the given family, and were named after the favour of the Royal *uji*, the occupation of the family members, or the place of residence. As the numbers within the family increased, the branches were made subdivisions, called *ko uji*, or lesser families, under the authority of the central *uji*, *o-uji*, which in turn was governed by its *kami*, or superiors. Each central *uji*, with its various branches, formed a social body, for the most part sufficient unto itself; and its chief interest became that of self-preservation and self-perpetuation along clear and distinct lines.

As early as the reign of Suinin (29 B.C.), there were laws governing the names of *uji*; and the court carefully looked after their preservation, not allowing names once fixed to be changed except by special arrangement; and, later, establishing such historic *uji* as the Fujiwara, the Minamoto, and the Taira. As the offshoots of the various *uji* still further multiplied, they took various family names, often from the locality, such as Hōjō, Ashikaga, Tokugawa, etc. These names were known as *mioji* (the name of a descendant), as distinct from *uji*; but the use of even the *mioji* was not allowed to the common people until after the opening of the Meiji era in 1868.

As economic groups the *uji* were important. Occupations, trades, and professions were considered hereditary; and, while caste system in the strict sense never existed in Japan, very real bonds held a man to the calling of his father, whether that was the making of swords or the teaching of mathematics at the Government University of the time.

As political factors, the *uji* constituted the very material and machinery of government. Theoretically, the people of Japan were all included in the various branch *uji* of the central *uji*, of which the Emperor was the head; and the national administration, such as it was in those early days, was carried on for the most part through the *uji*. In course of time the large *uji* became very powerful, holding many in a kind of serfdom, and defying the central authority of the Court. Such a state of affairs led to the Taikwa reformation in A.D. 645, which sought to strengthen the Imperial authority by the overthrow of certain powerful *uji*, and the organization of provinces and prefectures as political units in their place. This system, copied from China, was not adapted to conditions in Japan at the time, and soon gave way before the influence of other rising families; but during those years the *uji* underwent modification, which led, by the latter part of the 12th cent., to a more complete development of what may be termed the patriarchal system.

In the *uji* the family, as including the members of one household merely, was merged to a great extent in the larger body of the clan, and possessed no real social influence; but in the patri-

archal system its organization became more clearly defined and efficient. The patriarchal system reached its most complete development during the period of the *buké*, or warrior; and it remained practically unchanged for centuries, until the Restoration of 1868. The chief characteristic of the family under this system was the absolute authority of its head. A 'house,' consisting of relatives to the third or fourth generation, was governed by one head, who, of necessity a male but not necessarily the father or senior, exercised almost unlimited power over the property, personal conduct, and lives of his subordinates, the only check upon his actions being a council of relatives who held in sacred regard that which was deemed for the honour and best interests of the family. Both legislative and executive power belonged to the head of a family. He controlled the education of the children, the marriage of the young, the occupation of all. Ceremonies of all kinds were under his direction; and punishment even up to the extreme penalty of death was at his bidding. But this great authority was combined with great obligations; upon the head of a family devolved the duty of its support, and the maintenance of its honour under all circumstances.

Thus far we have considered the position mainly of the male members of the family. In the family of early Japan, the wife and daughter held by nature a place of greater influence and importance than was allowed after the coming of Confucian and Buddhist teachings, which won the allegiance of practically the entire country. Woman's duty became that of obedience to her father, her husband, and her son. She was literally given in marriage by her family; and, when married, she had to render absolute obedience to her husband's parents. Whatever property she brought became the possession of her new family; and there were seven reasons recognized by the law for any one of which she could be sent back divorced to her father's household—barrenness, adultery, disrespect towards father-in-law or mother-in-law, loquacity, theft, jealousy, and foul disease. Furthermore, in the family of the strong and wealthy, the wife, whatever her condition and character, was doomed to association with many concubines in proportion to her husband's prosperity and position.

Filial duty was the chief obligation, including that of revenge. When the head of a family, or a grandfather or grandmother, or a relative was injured or slain by one of another family, the duty of private revenge rested upon his subordinates, upon the children or grandchildren. This obligation was publicly recognized; and in its performance all conceivable obstacles were overcome and dangers met, even women feeling the necessity of obedience to this duty. Private revenge may be considered natural in an age and society where laws are not formulated or firmly enforced by organized government, especially in the country where the military ideal has commanded the respect and adoration of the people.

A sacred meaning was attached to the conception of family under this system. The individual was swallowed up in the common family life, not temporarily but permanently. The family, from its first ancestor to the latest generation, was a unit; and its unbroken continuance was all-important. The departed were regarded as still interested in the condition of the family, affected by its doings, and able to aid its undertakings. In a very real sense the past lived in the present, and was to be honoured by it. Ancestor-worship, while not peculiar to Japan but shared by all clan-peoples, attained among the Japanese a remarkable hold through this sense of family unity; and Shinto,