

man in French convention of 1789 natural law acquired new meanings of equality, liberty and fraternity and gave rise to the modern international law.

According to L. Duguit, the basis of law is the fact of social and natural interdependence of individuals and groups upon each other. As such law is based and dependent on certain social facts or reality which impels men who have common needs, who have different capacities & talents to subserve each other by common exchange of services. Law is independent of state or sovereign, etc. and is based on coincidence of individual and social interest. Thus law is the institution that enables individuals to evolve as a social human being.

KINSHIP

Kinship is the universally accepted basic bond that binds people together. This bond originates from the fundamental human urge of reproduction. Man and Woman live in their progeny and for this the primary condition is the togetherness of man and woman. Both the relationships — Spouse relation and parent-children relation give birth to kinship.

Thus, the central fabric of kinship is biology, but kinship varies from society to society. In most societies a child is regarded as the offspring of both parents, and so has relationships of kinship traced through both. Those kins traced through the father are termed paternal or patrilineal; those traced through the mother maternal or matrilineal.

John Lewis defined kinship as "*kinship is a social recognition and expression of genealogical relationships. It is not only actual but may be based on supposed ties of blood.*" Thus, his approach is based on descent which can be related to both father and mother or any one of the two.

A. R. Brown pointed out the concept of kinship from a different angle, "*kinship is genealogical relationship recognised for social purposes and made the basis of the customary relation of social relations.*" Though, kinship is based on biological reasons, its social extensions ultimately constitute the meaning of kinship. The kinship ties can be understood through various customs and rituals practised in society.

Charles Winick finds, "Kinship system may include socially recognised relationship based on supposed as well as actual genealogicalities."

So decent is important for the development of the concept of kinship but social approval is far more important factor to establish the idea of kinship. Social and cultural occasions of life reflect the need and nature of kinship to the people.

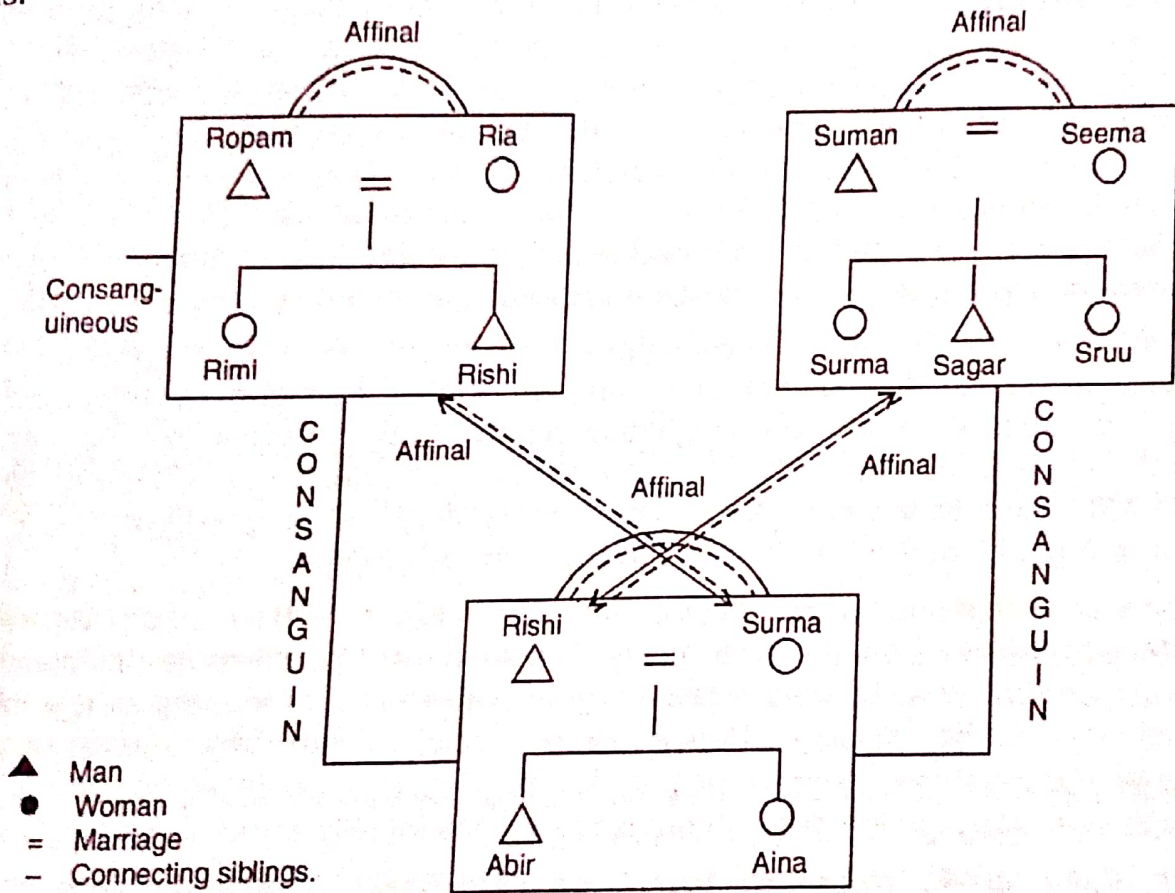
Levi-Strauss, a structuralist in Social Anthropology, challenged the descent theory and claimed the alliance between two groups becomes possible only due to the man-woman relationship which is not a blood tie and the exchange of women is the fundamental fact of kinship. The relation between man and woman ultimately gives birth to the relation between two groups of people and also people of two generations. Thus, kinship bond is not entirely dependent upon blood relationship, rather a pair of man and woman is the starting point of this relation that extends through social and cultural activities. It is through kinship the transmission of cultural values and knowledge between two generations and two groups of same generation may become possible.

On the basis of above discussion we may say, kinship is the bond that binds a specific group of human beings in such a series of circumstances that they share socio-cultural values, norms, customs and ways of living identifying themselves as members of a one and unified group. Such a group originates in socially or legally defined marital relationship between a man and a woman and extends through blood relationship between parent and children. Ultimately it takes a wider shape when all the siblings of two or more generations share same biological and social identities.

From this observation we may find two types of kinship—

- (1) **Affinal kinship** determined by marital relation between man and woman,
- (2) **Consanguineous kinship** defined by blood relationship between parent and children and also among siblings.

The following diagram may show the nature of relationship prevailing among Kins:—



Sometimes consanguineous relationship may be determined not by the biological factor but the social recognition. Among some of the primitive tribes the mother of a child could change her husband and her new husband was to be accepted as the father of the child though they were not having any blood relation. In this situation only on the basis of socially recognised fatherhood the relation between the two was to be understood as consanguineous kinship. Among the Trobriand Islanders and polyandrous Toda this happened in earlier times. Presently, if divorced man or woman marries for the second time and he or she is having the child of his or her earlier wife or husband respectively, the new family made by them would accept the relationship between the child and the new father or mother as consanguineous relationship. At the same time the child will have consanguineous relationship with the original father or mother with whom they are not staying in the present circumstance as a family.

Thus ultimately we may emphasise on the view of Levi-Strauss who held that the mind organises the world in contrasting pairs and develops coherent systems of relationship from such a starting point. And so always blood ties are not the determining factor for kinship relations rather kinship is a system primarily developed by man and woman relationship to transmit social and cultural values and knowledge to the next generation under a common and strong sense of unity and oneness.

Every kinship system distinguishes between blood relatives (biologically related, actually or by way of social recognition), who are sociologically termed as consanguineal relatives and relatives by marriage, sociologically called affinal relatives. Except the married couples without children, all groups of relatives living together form exclusive consanguineous relatives. In some systems married couples may be related by blood, but they are always regarded as affinal relatives since the marriage bond gets primacy in that relationship according to society. The various types of family therefore always include some affinal relatives. One exception can be found among the Nayar Taravad which consists of brothers and sisters, with the children of the sisters and of the women in successive generations. All these consanguineal relatives can live in the same household only because among the Nayaris husband and wife do not live together for more than three days. There are many nonresidential kin groups, however, that consists of consanguineal relatives alone. Such groups are called consanguineal kin groups. The composition of such groups depends upon the rules of descent prevailing in respective societies.

In most of the societies consanguineal relatives are related to each other biologically as the relationship is defined and determined by blood. In many societies the 'ego' recognises various consanguineal relatives only because society instructs him to do so. In many cases 'ego' may not have any direct connection or related sentiment for such relatives as for example the siblings of his grandparents or their children, though all of them are related to the 'ego' by blood.

'Ego's consanguineal relatives are those who are expected to be friends and supporters in times of need. But if all the consanguineal relatives as determined by blood relations are directly connected to ego, it will have no meaning as it will be as wide as the entire society. Hence every society limits the circle of ego's consanguineal relatives. The principle or the set of principles by which ego's consanguineal relatives are determined is known technically as the rule of descent.

The three basic rules of descent i.e. patrilineal, matrilineal and bilateral distinguish the types of consanguinity. Thus in patriliney all the relatives of the ego from father's side will be his consanguineal relatives and just the reverse in case of matrilineal descent. In bilateral descent 'ego' inherits some but not all of his father's consanguineal relatives and also the corresponding consanguineal relatives of his mother. Strictly speaking, it is very difficult to find out a society in which bilateral descent rule is followed truly.

Bilateral consanguineous kin group members are known as kindred. Ego's kindred consists of all those relatives on both sides who would normally be expected to attend his wedding or his funeral. The relationship is relaxed and not always duty bound or demanding. Unlike lineages and sibs therefore kindreds are not mutually exclusive in membership; they overlap one another. The members have no specific group activities apart from their several connections with one specific person, and even then their cooperation involves little regard for one another. The expectation

that the ego must balance his attention between the two sides of the family means that he is relatively independent of both.

Although consanguineous kins normally maintain solidarity based on mutual obligations and cooperation in a variety of activities, their relations are also often characterized by internal tensions and conflicts. Such problems usually arise out of the disputes at the time of partition of the property or disagreements and differences over the right and priority of use of commonly owned resources which sometimes lead to hostility and serious avoidance. Under such circumstances the importance of the role of affinal kins may increase to a great extent. Generally spatial separation helps avoid tension and conflicts among the families related by affinal kin ties.

The relationship with affinal kins are characterized by distance and respect while the relations among consanguineous kin members are informal and intimate. At the same time the affinal relations are there to provide emotional and even economic support in case the relation with the consanguineous kins is strained or disturbed to certain extent.

The relations between two affinally related kin groups usually break up if one of the spouses dies or they become separated from each other. The consanguineous relationship, on the other hand continues even after the death of any of the parents or other core relative through whom the consanguinity percolates down to generations or spreads around to include several lateral kins.

Outside the lineage based consanguineal kin group, the wife's parental family is the most important kin group to a man. Affinal kinship connects two families and as mostly the girl is related to husband's family affinal relation implies the relation between a man and his consanguineous group to wife's kin group, though in some societies the male counterpart becomes the member of wife's family and the relationship is reversed. Affinal relationship provides not only an emotional support and material help in times of need but acts almost as an alternative to one's consanguineous relationship in many situation. The relation between son-in-law and father-in-law or the relation between daughter-in-law and father-in-law are formal but almost equivalent to that of their relationship with their own fathers at least in terms of their regular interactions. In most cases the same term is used to designate both father and father-in-law.

The relation with sister-in-law is also an extension of the relations between siblings and cousins except that it is more formal. The father's sister's husband or the wife's brother's children are related to one with respect and affection. In several instances, the father's sister raise her brother's orphan son or provided homestead and and other material assistance when her brother's son moved to her place with his family.

Relations between the parents of a married couple are of mutual respect and distance. Often the interest shown by affinal relatives are counted as threats for the family and consanguineous kins, specially in matters of family disputes or other family cleavages.

Not only for bilateral relationship the distance with consanguineal kins are visible even in consanguineal kin relations sibs, sub sibs and larger allied groups may develop a distance in relationship. While the kin groups, maintain the rules of polygamy the affinal relations often over shadow consanguineal relation. In all societies the extension of the incest taboo to consanguineal relatives outside the family has an impact on the social relationships ensuring that the consanguineal kin

groups will be interconnected through marriages, and it helps to maintain the solidarity of each of the groups. Thus in determining kin relations the consanguinity and affinity ultimately overlap each other.

DEGREE OF KINSHIP

An individual is related to his kins in various ways and in varying degrees. In Social Anthropological term an individual born from his/her parents is known as 'EGO'. If we consider this 'Ego' as the central factor, we can identify the different kinship ties around him or her. Three major kinship bonds can be identified in terms of degree—(a) primary, (b) secondary, (c) tertiary. If a person is directly related to 'Ego', he is the primary kin. For example one's father is one's primary consanguineous kin and one's wife is one's primary affinal kin themselves being primary kin of 'Ego's primary kin, are kin of the secondary degree, eg. one's father's brother is his secondary consanguineous kin and one's brother-in-law (wife's brother) is his secondary affinal kin. The secondary kin of 'Ego's primary kin or the primary kin of one's secondary kin will be his tertiary kin. For example, Father's brother's son is the tertiary consanguineous kin because he is the secondary kin of one's father and he is the primary kin of one's uncle. Murdock observed, there are eight primary kins of an individual, thirty three secondary kins and one fifty one tertiary kins.

Thus, there are some kins who are very close, so on the basis of degree of closeness the primary kin relation develops and there are others who are remotely related, developing secondary and tertiary kin relations. There are some social ceremonies where only the primary kin becomes important while there are some occasions where all the kins share. For example, the brother of a woman has to feed the first rice to her baby, that implies, both the primary kins of the respective woman are going to be tied by the kin identity. In 'Munda' society the name of the new born is given after the grandfather or grandmother, in a case of a second child of the family the name is taken from the maternal side. Thus the identity of the primary kins is taken for the child. In 'Ho' society the females of the family take the leading part before the deadbody of a close one is taken to the burning ghat, thus, the secondary kins also participate in an important social ceremony. In this way, in different societies, the close kins perform different functions on different occasions.

