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### "Changing dynamics of marriage as an institution – an examination of normativity into translation"

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#### **Abstract**

According to Forst (2018), “humans are justificatory beings”. They revolve around justifications because every narrative is spun out of the validation of rules or the invalidation of regulations. Given the sudden disruption caused by the pandemic situation, the framework of legacy in general and legality in particular has got metamorphosed. Marriage as an institution has witnessed leaps and bounds of faith; especially in the past decade, there has been an exponential change with regard to ‘the acceptable age to marry’, ‘gender norms’, and ‘child rearing practices’. This research is therefore sought to analyse the changing dynamics of marriage as an institution in the Indian context and, examine the transitional as well as the translational aspects of norms related to pre-marriage, during-marriage, and post-marriage. The study will involve an examination of ethical and moral dilemmas entrenched in the psyche of the Indian society in dealing with the laws related to cohabitation of two individuals by mutual consent. The researchers will also endeavour to suggest alternate evolving practices relating to marriage as an institution with an aim to foster harmony in the social milieu.

#### **Introduction**

Amidst the astonishing outbreak of COVID-19, it is both risky and increasingly difficult for people to engage in matrimonial commitments that underlie adverse effects on relationships per se. The simultaneous need for and challenge to cohabitation though, is not unique to marriage as an institution. In addition to straddling boundaries, the communication between spouses or partners involves what has been called ‘trust’. Going beyond relationship-expectations to help and backup each other as an individual first and then someone’s “better half” or “fiancé” has been found to benefit both the persons living as a couple. Overall, there is a

growing acknowledgement that the whole evolving ecosystem of marriage is a complex and a dynamic process and needs to be studied from the lenses of social norms that are translated into several community practices. This research is thereby a modest attempt to critically examine the concept of normativity in the context of nuptial bonds.

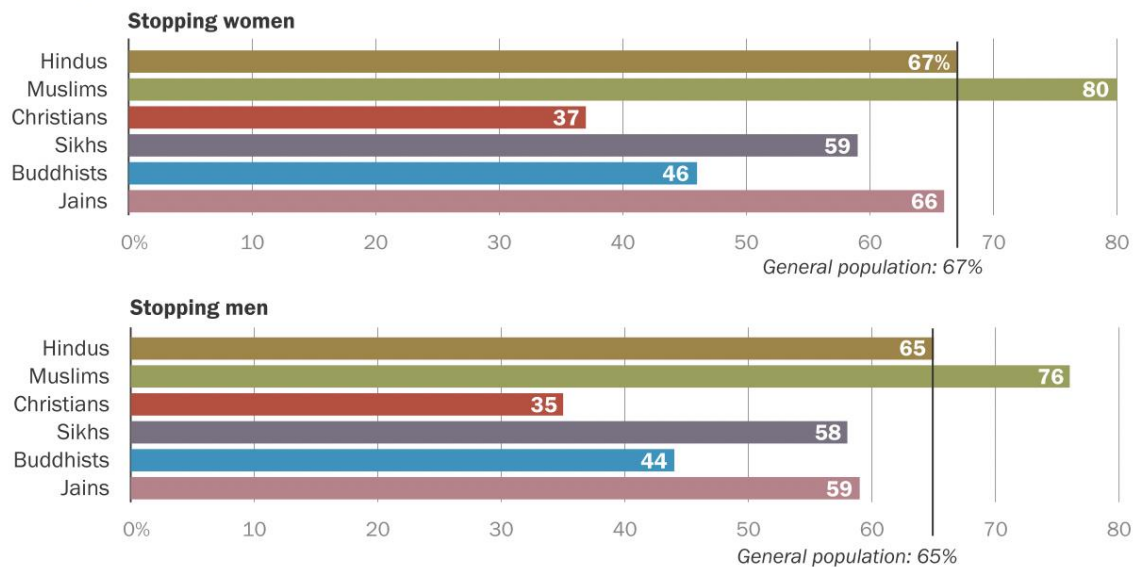
### **Unravelling the belief systems associated with Indian marriages**

Marriages have existed right since the Stone Age of human evolution. With the shift in time, space, and culture, the beliefs attached with marriage in general and Indian weddings in particular, too have shifted. The Indian subcontinent has always been a melting pot of several cultures and the traditional weddings have ascribed to the modern rites and rituals of marriage ceremonies. In fact, the invaders who came and settled in India for the purpose of trade and business, also married Indian women giving rise to new lingua-franca that certain communities still cherish with the arrival of their new generations.

Can the word ‘marriage’ ever be used interchangeably with another word that best suits the term as a synonym? The concept is so culturally loaded that at any given point of time, the thesaurus associated with the term ‘marriage’ goes on expanding depending upon the context and usage. The word gives rise to a plethora of expectations in the minds of laypeople which later turns into stereotypes of the masses. These typecasts are further encashed upon by the world of advertisements and matrimonial websites that apparently set “standards” of a perfect match. These sites that propose to bring about unification of two individuals thereby become sites of contestation because knowingly or unknowingly, the adjectives used for the prospective bride or the groom seep biases that discriminate people on grounds of colour, caste, and religion. According to a research centre report, marriages across religious lines are extremely rare in India. Many Indians, across a range of religious groups feel it necessary to stop inter-caste marriages. “Roughly two-thirds of Hindus in India want to prevent interreligious marriages of Hindu women (67%) or Hindu men (65%). Even larger shares of Muslims feel similarly: 80% say it is very important to stop Muslim women from marrying outside their religion, and 76% say it is very important to stop Muslim men from doing so” (Religion in India: Tolerance and Segregation, 2021). The figure below will precisely display the statistics prevalent in the country.

## Stopping religious intermarriage is a high priority for Hindus, Muslims and others in India

*% of Indian adults who say it is very important to stop women/men in their community from marrying outside their religion*



Source: Survey conducted Nov. 17, 2019–March 23, 2020, among adults in India. See Methodology for details.  
 “Religion in India: Tolerance and Segregation”

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### Legality in Conjuality

Human psyche works in the most unpredictable manner. The group of people that does not allow marrying outside one’s religion or caste on one hand, detests same-sex marriages on the other. The metamorphosis from norm to normativity to something being accepted as “normal” is indeed a very subtle process. There are certain unsaid and unwritten dictums that govern society’s mentality regarding validating or invalidating behaviour. These perceptions are the most evident in the context of general consensus or agreements related to conjuality.

The world has been governed by binaries. It is with digitalization that the most prominent binaries especially in the sphere of sexual orientation are getting blurred and the gender gap too is reducing. As an individual, the moment one feels empowered, there is a tendency to question the norms related to cohabitation if the rules and regulations do not appeal to one’s rationality. This gives an impetus to the Indian adults to adopt the practice of a live-in relationship. In the recent past, the apex court of India has stated that there is nothing unlawful in the act of two adults living together and even after the district courts not ruling in favour of couples staying in a live-in relationship, the supreme court of India has always maintained a standpoint that even the legislature now recognizes live-in relationships (Live-in-relationships morally, socially unacceptable — Punjab and Haryana HC, 2021).

Nevertheless, one cannot ignore the other dimensions involved in this issue. A critical factor is that of constitutionality of laws banning same-sex marriage. This brings in a dichotomy of sorts between courts approving live-in relationships and

banning same-sex marriage. Gone are the days when husbands were advised to never question their authority in front of their wives; because, in today's scenario, the debate exists on questioning the legitimacy of intimacy shared by two men or women cohabiting without bothering to continue with the "husband-wife" tags. There still continues an invisible conflict with regard to homosexual marriages, sometimes referred to as gay/lesbian marriages. In preindustrial societies too, homosexuality was generally putative by the lower classes while some members of upper classes considered it to be a corrupt practice. With the rise of urbanization and the nuclear family, homosexuality became much less tolerated and even outlawed in some cases. Yet, history takes a U-turn with effect to sanctioning the so-called perverts. Historic figures of the pre-modern era such as Alexander the great, Plato, Hadrian, Virgil, Leonardo da Vinci, Michelangelo and Christopher Marlowe, through their love poetry and paintings, centred upon relationship with people of their own gender. Although as per statistics the demand for giving social and legal recognition to homosexual marriage is limited to only 10% of the Indian Population (that is by homosexuals themselves or NGOs supporting them), this small representation also becomes one of the factors responsible for exploitation of sexual minority (Parasar, 2021).

People are gradually opening their minds to pre-marital sex; gaining maturity in sensitizing themselves towards social recognition of homosexual, bisexual, or asexual people; what lies undisputed is the fact that the Indian society still allows and accepts marriage to be the exclusive domain for individuals to exercise their right to enjoy consensual sexual activity. Even laws get devoid of their enforcing power when a married couple chooses to cheat. This was proved with the decriminalization of extramarital affairs laws in the recent past where the knowledge of consent began to be re-examined from an altogether different angle. Although, due to its loopholes, adultery is no more a crime in the pages of the Indian Penal Code, infidelity will always remain a crime of righteousness, a crime of trust, and a crime of emotions.

### **A critical enquiry into the transitional as well as the translational aspects of norms related to pre-marriage, during-marriage, and post-marriage**

It all depends on how liberal people's views are regarding the acceptable practices that get relegated to the newer generations which further give rise to transitions and translations of norms and moral dilemmas thereby arising as a consequence of the oscillation happening from submitting oneself to the age-old rituals to going against the traditions and breaking oneself free from the restrictions imposed by the society. However, there remain serious issues unresolved once individuals do not want to continue as partners but do wish to continue staying with the child born from pre-marital sex. In a 2015 interview with Times News Network, a veteran actor Neena Gupta remarked about the obstacles that she faced as a single mother (Gupta, 2015). This is one of the most phenomenal candid accounts of a celebrity who lets loose the social fabric of a famous Indian woman who decides to bear a child out of the wedlock, rears the child into an accomplished personality out of her free-will; but later, also regrets about her decision to do so – there is by default, a lot of stigma attached with a father-less child who, without any fault, has to bear the brunt of traumatic adolescent-experiences. She reiterates the same account even in the 2020

interview with NDTV movies where she outrightly admits, “Every child needs both parents” (Basu, 2020).

The evolving laws related to the minimum age of men and women to get married reflects the society’s view of marriage per se. Laws are not always arbitrary, they are made keeping in mind the sense and sensibility of the public at large. On the contrary, expectations related to the bride and groom’s preparedness to spend the rest of their lives together becomes a matter of lengthy discussions amongst the extended family members. Living a life of an “ideal” couple vs. leading a life of congeniality surfaces during the phase of pre-marriage discussions. Age, education, status, the ‘who will take care of whom’ syndrome, etc. ferment in the phase of during-marriage discussions. In some exceptional cases, the courtship period is enough to decide whether the partners are compatible to suit the educational, economic, and protective needs of their prospective “better-halves”. In many Indian families, irrespective of the rural or urban setting, the post-wedding ceremonies translate into raising expectations of the extended family members with regard to progeny. This transforms the companionate relationship between the spouses into a never-ending race of making compromises where affection and care take a backseat; unfortunately, consummation becomes the prerogative to determine the success of the married couple.

There is seriously no yardstick to compare the success rate and the happiness quotient of married couples with that of unmarried ones; still, no one can deny the fact that marriage is a fundamental right granted to all individuals, though there is no working definition of marriage available till date. Increase in cases of judicial separation prove that modern marriages in India are short-lived. The rise in the number of divorce petitions filed by couples who, after completing more than 12-15 years of their married lives, foregrounds the harsh reality of individuals falling prey to their own distractions, infatuations, dissatisfactions, and fleeting passions. The greatest transformation that has happened in terms of post-marriage practice is in the domain of lingo used by couples – the phrase ‘life-long commitment’ has become a part of their short-term memory and the compound ‘break-up’ (also the most frequently used word these days) has become a part of their long-term memory.

### **Suggestions and Conclusion**

Marriage as an institution has several practical implications. With the growth in number of educated and more financially stable women, the roles and responsibilities borne by husbands and wives have transcended the boundaries of the existing economic-socio-cultural norms. Solidarity lies in accepting each individual as a unique persona and prioritizing the other’s convenience over one’s comfort. Therefore, the legal framework has to be formulated in a way that it fulfils the functional responsiveness to social needs of the people (Sreekantan, 2014). Laws can be autonomous but not ambiguous; hence, to accommodate the changing dynamics of marriage as an institution, there has to be a judicious scrutiny of the concept of marriage inscribed in the scriptures of Hindu laws, Mohammadian laws, Parsi laws, so on and so forth. The need of the hour is to manifest the abstract ethics and morals attached with wedding rites and rights into sound 21<sup>st</sup> century practices.

Although marriage counsellors leave no stone unturned to save a marriage from getting dissolved, couples or partners now-a-days find it fairly easy to sign on divorce papers and announce themselves as “liberated”. A genuinely liberated mind never takes the literal interpretation of marriage as a ‘bond’; it rather cherishes the mutual bond that exists between a married couple. Still, to make the present young adults as well as the forthcoming teenagers understand the significance of this metaphoric bond, it is crucial that graduating school curricula introduce brief courses on de-fantasizing Indian weddings along with bursting myths related to sacred promises. Instead of imbibing wrong notions from one’s surrounding or multimedia, the present study recommends that undergraduates and postgraduates undertake fieldwork or action research to investigate into the role of role in bringing recognition to various entities involved in the institution of marriage. The students will then be in a position to contribute newer insights into the norms related to Indian rituals and ceremonies that will motivate them to achieve harmony in the social milieu.

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