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9. The Changing Contours of the Marriage Institution in India in the Era of Multiculturalism: A Critical Study

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Introduction

The marriage is universal and social institution in every human society existing on the earth. It had been evolved thousand years ago so as to regulate individual and social relations in the society. Every community has established own customs and culture in relation to marriage and family. Marriage and family are basic institutions that have provided stability and social progress in human development. The world is full of different customs, cultures, ethnicity, languages, principles, systems etc and there has been consistent communication of cultures, technologies, thoughts etc by various ethnic groups in the society. The human society is consisted of different groups of people based on religion, race, ethnicity, caste, cultures and there have been continuous exchange of people and cultures in these groups. The exchange of cultures and ideas has created multiculturalism in human society. The multiculturalism has had impact on individual and communal life every person. It has also had impact on basic foundations of human society such as marriage and family. The author of the paper has undertaken the study of impact of multiculturalism on marriage and family in Indian context.

Scope, Scope and Objectives of the Study

The author has considered in this study, the concept of multiculturalism, its impact on marriage and family and effects of changing contours of marriage on human life etc. The scope of the study is limited to impact of multiculturalism on social institutions in India and changes occurring in marriage and family patterns in general. The objectives of the study are as follows-

- To study concept and impact of multiculturalism.
- To study changing patterns of marriage and family and its effects.

Conceptualization

There are some concepts that need interpretation in this study.

Culture- it is a well developed and established patterns, norms and way of life, based on general customs and beliefs, of a particular group of people in a given time! It explores an identity of an individual with his group based on certain living style, behavior, language, habits, arts etc. it is a constantly changing fact that may create inclination towards individualism or collectivism or both.¹

Intercultural Communication- Culture provides the framework wherein humans learn to express their thoughts, emotions, and behaviors in relation to their world. Culture is not only to be learned but it also teaches one how to think, how to feel, and instructs one how to act, especially how to interact and communicate with each others. The influence of culture on human interaction is reciprocal. It teaches people with an implicit theory about how to behave and how to interpret the behavior of others. People from different cultures learn different implicit theories. These theories are learned through socialization with dominant values of their particular culture and self-identities.²

Individualism- it is a particular pattern of culture generalized to classify and organize diversities of human societies. it is one of the approaches of culture valuing personal freedom that put an emphasis on personal responsibility, freedom of choice, personal autonomy achieving self-fulfillment and self identity. Moreover, individualists strive to maintain distinctive personal attitudes and opinions and prefer self-directed behavior and independence of groups. Individualists tend to see themselves as unique from others.³ In individualistic cultures, emphasis is placed on individuals' goals over group goals. Social behavior is guided by personal goals perhaps at the expense of other types of goals. Individualistic cultures stress values that benefit the individual person.⁴

Collectivism- Collectivists' values and beliefs are consistent with and reflect those of the group. In many collectivistic cultures, the primary value is harmony with others. It is observed that because group harmony is so highly valued, obedience to and compliance with in-group pressures is routine. One's behavior is role based, and deviations from the prescribed role are discouraged and often negatively sanctioned. In this sense, a person's behavior is guided more by collective shame than by personal guilt. A collectivist who stands out from the group disrupts the harmony and may be punished. Most collectivistic cultures value social reciprocity, obligation, dependence, and obedience.⁵

Multiculturalism- it is a way of understanding or an approach towards diverse culture need, not only to be respected but also to be explored, encouraged and preserved. It is a belief that every culture can add some values to human life so as to make it happier and diversified.

peaceful co-existence of diverse cultures having equal access to opportunities and to some privileges granted to marginalized groups.⁷ It has a strong impact on individual and collective life of human beings. All social institutions are under significant change due to exchanges and interpersonal communications.

Family- It is a universal institution that exists in every human society. It is defined as a group of persons based on defined relationship with each other such as blood relations, affinity, marriage etc. with common house hold, common culture, some rights and liabilities towards each other. It is an institution that provides protection to members, teaches pattern of behavior, inculcates values system, fulfill needs of members, follow customs, rites and rituals, create opportunities for individual and collective development, and develop collective conscious in members. It may be classified into various types like nuclear and joint family, patrilocal and matrilocal family, patriarchal and matriarchal family, matrilineal and Patrilineal family. It creates family culture and inculcates it into new generation through various modes such as customs, rituals, ideas, festivals etc. It is always open to undergo changes in culture as and when it comes across with counter or new culture.⁸

Marriage- it is a union of two persons socially and legally sanctioned for the regulation of personal and social relations. It is socially and legally recognized relation of men and women for procreation of children and creation of family. Marriage is a universal institution that has regulated relations of males and females with the help of social, ethical, legal and other customary norms. It is found in various forms such as monogamy, polygamy, polyandry, exogamy and endogamy. It recognizes union of man and woman for procreation of children and creates a family system. It has undergone many changes due to multiculturalism, inter cultural marriages, inter caste and inter religious marriages. At present, three types of male-female relationships are found in every society i) Marital relations ii) extra marital relations and iii) non marital relations. Marital relations of male and female are recognized and protected by social and legal norms. However, non marital and extra marital relations are unprotected, prohibited or unregulated by law.⁹

Multiculturalism vis-à-vis Marriage and Family: Indian society is a plural society having diverse culture based on religion, language, caste, ethno-tribal cultures. Every group has different identity and culture based on script, language, customs, ideologies and pattern of behavior. In India, multiculturalism is adopted in two different approaches, firstly liberal approach and secondly, restrictive approach.¹⁰ The constitution of India is the basic document that has sanctioned legal sanctity to multicultural society in the form of unity in diversity and

unity through diversity. India having different religious groups is declared as a secular country so as to strengthen its multicultural society. It has guaranteed various freedoms to all cultural groups based on religion, language, ethno-tribal etc.¹¹ It also has guaranteed freedom of religion and language to every citizen.¹² It has further made some provisions for protection and empowerment of these groups of people.¹³ The personal laws of each religious community like Hindu, Muslim, Christian, Parsi, Jew etc. also have granted legal sanction to plurality of Indian society. Personal laws, customary or legislated, are applicable to family affairs of respective communities such as marriage, succession, guardianship, adoption, gift, will, maintenance, custody of child and incidental matters thereof.

Family is one of the social institutions that have undergone changes in the era of plurality. Hindu joint family is now converted into nuclear and neo-liberal family such as single parent family. In family, children are not only naturally born but they are also adopted or procreated through surrogacy or test tube technology etc. This has created single parent family which is legally ratified in India. This has also affected laws regarding adoption, custody of child, guardianship etc. To cover these facts and changing contours of family system uniform civil laws are in force so as to govern these issues through laws regarding marriage, maintenance, guardianship, succession.¹⁴ Family or domestic relations based on marriage, extra marital or non marital are recognized to limited extent in Indian laws.¹⁵

Marriage is another institution that is undergone changes in the advent of multicultural society, especially western culture, thoughts and behavioral patterns. Traditionally, man has to form his family through marriage but at present, it is possible without marriage or in exceptional cases out of extra marital relations. Family or domestic relationship also includes relationship in the nature of marriage.¹⁶ This relationship has conferred certain rights and liabilities to women and children along with protection.¹⁷ The normative change is that child is not an illegitimate but relationship between male and female is illegitimate. Law has legalized of couples of male and female or males or females with or without marriage in limited context. The law also has permitted inter caste and inter religious marriages that is outcome of impact of multicultural society. Procreation of children with or without marriage is also legitimized.¹⁸

Conclusions and Suggestions

It may be concluded that Indian society is a plural society based on diversity of cultures and it has distinct identity of multiculturalism. Beside religion, caste, language, culture, people belonging to one group are respecting and adopting, liberally or restrictively, culture and people of another group in their families irrespective of caste and religion. The fundamental and

Personal laws also have made endeavors to maintain unity through diversity of cultures. People are free to practice their personal laws subject to the law of the land. The law also has made convenience to the people adopting multicultural social institutions such as marriage and family. Cultural diversity is our distinct identity that needs to be preserved. **Suggestions-** on the basis of the mentioned averments and background of consistent demand for uniform civil laws in India it is suggested that India is a country known for its plural society and culture. This plurality need to be preserved and promoted. Every culture has different values helpful to human beings that need special attention from people and State. There is need of liberal policy for multicultural society. The entire society is required to respect and adopt diverse culture, language, values and religion. There is need of unity through diversity as a nation.

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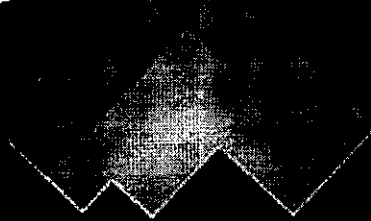


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