

Review

Not peer-reviewed version

The Philosophy of Marriage in India: A Tripartite Analysis of Contract, Institution, and Moral Bond

[Shashank Tiwari](#)*

Posted Date: 6 January 2026

doi: 10.20944/preprints202601.0332.v1

Keywords: philosophy of marriage; indian marriage system; marriage as contract; marriage as institution; moral bond in marriage



Preprints.org is a free multidisciplinary platform providing preprint service that is dedicated to making early versions of research outputs permanently available and citable. Preprints posted at Preprints.org appear in Web of Science, Crossref, Google Scholar, Scilit, Europe PMC.

Copyright: This open access article is published under a [Creative Commons CC BY 4.0 license](#), which permit the free download, distribution, and reuse, provided that the author and preprint are cited in any reuse.

Disclaimer/Publisher's Note: The statements, opinions, and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions, or products referred to in the content.

Review

The Philosophy of Marriage in India: A Tripartite Analysis of Contract, Institution, and Moral Bond

Shashank Tiwari

Independent Researcher, Philosophy, Lucknow, Uttar Pradesh; Shashak6889@gmail.com

Abstract

This paper seeks to analyze the philosophy of marriage in India as a construct based on three distinct and conflicting models: the contract, the institution, and the moral bond. The primary focus is to consider how the marriage contract, as a sacred Muslim Nikah and a secular civil agreement under the Special Marriage Act, 1954 and Hinduism as a sacred event and also, a civil agreement under the Hindu Marriage Act, 1955. The moral bond is represented by widows and modern-day "companionate" partnership. It concludes that Indian marriage is a struggle between all three models due to globalization, post-colonial feminist critiques of its patriarchal nature, and the individualization of Western ideals around partnership and friendship. The quintessential example of all three struggles is love-cum-arranged marriage.

Keywords: philosophy of marriage; indian marriage system; marriage as contract; marriage as institution; moral bond in marriage

I. Introduction: The Multifaceted Nature of Marriage in the Indian Subcontinent

The philosophy of marriage, a question as old as human civilization, aims to define the nature of a connection at once intensely intimate and intensely public. In the context of India, this question transcends any possibility of a single answer. Its essence is a multilayered tapestry formed of threads of law, religion, social duty, and individual self-actualization. This paper addresses the core philosophical question of what marriage is in India by refusing to begin with a single concept. Rather, I argue that marriage in the subcontinent takes three distinct, occasionally divergent, and not rarely competing forms. These are marriage as a contract, both legal and social; marriage as an institution; and marriage as a moral tie. As I analyze, the Indian experience is defined not by the competition between the models but rather by their complex fusion. The Indian subcontinent is a unique field of inquiry into this question. The feature I choose to underline is legal dualism, which clads Indian society in a system where religious personal laws, regulating groups such as Muslims and Christians, coexist with a civil code. This dualism, woven by strands of diverse religious doctrines and intricate cultural norms is further shaped by contemporary influences, such as globalization, economic liberalization, and new schools of thought, defining human culture and experience. At its core, this dualism is defined by tension; it pits the bounds of community, hitherto the defining feature of the marriage institution, against the evolving determinants of individuality and emotional satisfaction marking modernity. The most central argument of this paper is that the philosophy of marriage in India exists not as a one-time event but as a continuum between the contractarian, institution-based, and moral-bond models. The dominance of one is not static and is based both on the marriage roots, the class of the couple, and the legal system under which the marriage was consecrated. The paper follows this schematic by first introducing each of the three models in their theoretical purity and then examining each in a scenario of Hindu, Muslim, and Christian law. Then, it synthesizes one, analyzing contemporary Indian experience through the prism of marriage.

II. Marriage as Contract: The Legal and Social Bargain

From the outside, it appears that the concept of marriage as a contract is the understanding of the division in the union by conjoining contractual relationships between strangers or a religious agreement. Marriage as a contract model in India is expressed significantly differing in religious personal law and the secular civil code, setting the scene for a deep ideological rift in the states' marriage laws.

2.1. *The Philosophical Underpinnings of Marital Contracts*

Marriage, considered purely as a contract, may be perceived as having all the essential elements of a valid agreement under the law. It involves the assent of the two legally competent parties, whereby the parties in this case are consenting adults. The marriage vows may also be perceived as a valid offer and acceptance between the two consenting individuals. The offer and acceptance elements are contained in the arrangement to begin cohabitation grounded in promise and marriage arrangement to marry, which spell out the marriage terms and conditions. Furthermore, on the marriage date, the various states issue legal consideration, with a collective intent to be a married couple. Both parties have the basis to rely or forgo in the marriage vow gives his or her promise to do or refrain from certain things. Each part of the partner vests the marriage vows to act in the spirit of 'loving,' 'honoring,' and 'cherishing' therefore, each party is allowing other romantic interests to the states. Nonetheless, the predominant model of the marriage such more self as a cold and calculated creature has engendered substantial controversy. This institutional consideration must be signified in characterizing the marriage as something more meaning. This philosophical debate over marriage's true character is encapsulated by the criticism of the marriage's "contract" characterization.

2.2. *The Islamic Nikah: A Divine Social Contract*

Islamic jurisprudence presents one of the most explicitly contractualist examples of marriage contractualism. Marriage, or Nikah in Islamic Law, is an 'aqd al-qirān, a marriage contract. Its legality is built upon fulfilling clear contractual elements. The ceremony is centered around the offer, ijab, and acceptance, qubul, by the other, such that it is pronounced in the meeting of at least two sane, adult Muslim witnesses and heard. The declaration is critical to the event of acceptance, such that witnessed consent forms the entire ground of legality; private agreement cannot form a valid marriage. An essential, non-negotiable term of the contract is the Mahr, or dowry. The Mahr is a mandatory gift, paid in money, property, or other value, from the groom to the bride at the time of marriage. It is the bride's exclusive property and serves as a sort of financial security, which emphasizes the embodied economic and legal obligations. Alternatively, the Mahr is a form of what Williams calls an abstract legal concept. Its terms and in the contract de Mahr, the Nikah Nama, specify the Mahr's terms and whether it is paid immediately. The Nikah, however, is far more than a civil contract. The Qur'an describes it as a Mithaqun Ghalithun, "strong covenant". The sermon, or Khutba al-Nikah, which is often presented in the court before the formal contract, calls upon the couple and community to a life of piety, mutual piety, kindness, and social responsibility. These features make the Nikah a concept beyond even a morally contracted social agreement. It is also a reputed of worship, ibadah, and a moral social act under divine injunction.

2.3. *The Secular Contract: India's Special Marriage Act, 1954*

Unlike the religious covenant of the Nikah, the Special Marriage Act of 1954 may be the archetype of marriage as a secular civil contract. This Act was specially created to establish a legal framework for the marriage of two Indian nationals regardless of their religion, caste, or creed. The only legally available option for an inter-religious and inter-caste marriage if both prefer not to convert for religious or personal reasons, it is also open to interested parties irrespective of their desire for a religious marriage. For example, if the partners are agnostic or atheist, they are free to wed under the SMA act. The process is fully administrative and devoid of religious formalism. The

coupling parties need to give a writing notice to the Marriage Officer of the district where at least one of them has resided for 30 days. This notice will then be published for 30 days, during which it may be countered by any citizen. If there are no valid objections after a month, the parties may complete the marriage in front of the Marriage Officer and three witnesses. The marriage itself is valid only if it complies with a set of secular rules related to the parties' civil capacities such as legal age or monogamy and is therefore non-religious. Thus, in this model the state only acts as a neutral enforcer of a private agreement that two rational self-interested individuals have entered into, a potential abdication of the communal value upheld in the Nikah by some.

The existence of simultaneously enforced Nikah under Muslim Personal Law and civil marriage under the SMA reflects the central contradiction at the heart of the Indian state's philosophy of marriage. The choice is not one between religious or secular rites but between two entirely different definitions of the contract. A Nikah is a community-sanctioned socio-religious contract in sociopolitical terms. The contract's terms, validity, and significance in society are entrenched in Islam and the community's communal social and religious setting. Muslim witnesses, the obligatory Mahr, and other requirements indicate this is not a legal formality but a covenant that locates the couple within the community's social and moral bounds. The SMA intentionality denies this communal social contract. The SMA, on the other hand, is formulated to enable couples outside the range of their own communities to marry, such as interfaith or inter-caste associations. Confidence in the contract is removed because the primary contract is between the individual and the state, not the individual and the community. Even the "contract" model is divided against itself in India; the state and the community hold its edges. Moreover, the impossibility of fulfilling both contracts under Indian law reveals deep unresolved debates over Indian constitutionalism's nature. The first set of tensions present is the two types of marriage in India.

III. Marriage as Institution: The Bedrock of Social Order

More broadly than the legal container of a consensual pact, marriage in all known societies is also perceived as a paramount social institution. Such a construct sees marriage as more than just two people's relationship; more so, it views it as a formal, lasting system of social relations intentionally configured to meet essential societal requirements. As such, it is the foundation on which families are established and linked, relatives are affiliated, and social norms are passed on over periods. In India, this institutionality is epitomized and structured in Hinduism, where the idea of Vivaha as a sacrament and later as a legislature-underpinned process manifests powerful formalization.

3.1. Sociological and Anthropological Perspectives

Sociologically, marriage is defined as a socially endorsed union possessing a number of irreplaceable functions for the stability of society. It is said to socially recognize children by identifying them: by social genes to a mother and father and by an extended family, hence constructing lines of descent and inheritance. It also confines sexual behavior, provides a structure for the division of labor within the dwelling and, as a mechanism for conveying, relocating, and collecting assets, nobility, and authority: the conjugal domicile. Above all, marriage is a foundation of the family unit, the core condition in all societies. Anthropology mounts its own stance on marriage as almost a culturally general tool of human society, regardless of the immensity in which specific etiquette and forms of its manifestations vary. Edmund Leach has constructed marriage to think of a "package of rights", a noose of connections that the marriage contract builds between the kith of the spouses. Whether a given civilization prizes children's legal paternity or a parent's privilege on a spouse's sex, all these and many other institutions of marriage implicate different rights. Kinship systems with a societal configuration developed by authority or prestige, could the structured kin machines of lineage or clan are erected upon the alliances established with marriage and are therefore of central significance to social life.

3.2. The Hindu Vivaha: A Sacramental Institution

The Hindu conception of Vivaha, marriage in its purest form, is the classic example of such an institutional model. Vivaha is not merely a contract between men and women, but a *samskara* a sacrament, a mysterious rite inherent to every normal man and woman. Under this rite, referred to as the one entering *garhasthy ashrama*, or “householding”, an individual acquires special responsibilities before society and the gods. The essential theories of Vivaha are not the pursuit of one’s happiness, but rather the performance of three undeniable duties: *dharma*, *praja*, and *rati*. Householding is entirely distinct from Western conceptions, as demonstrated by the subjection of the happiness of the individual to the ideas of familism, according to which “the interests of the individual give way to those of the family and the community”. Furthermore, it is managed by extremely rigorous regulations of endogamy and exogamy, established to guarantee the survival of the caste regime and retain the economic unit of the joint family. The sacrament is concluded by the *Saptapadi*, “seven steps following a sevenfold circumambulation around a sacred fire”, during which husband and wife say a separate “vow” per each step. Traditional Vivaha was watched as insoluble bond, binding a man and a woman for many lives.

3.3. The Legal Institutionalization of Marriage: The Hindu Marriage Act, 1955

The Hindu Marriage Act 1955 marked a watershed moment in the history of the ancient institution, codifying and reforming the marriage laws governing Hindus, Buddhists, Jains, and Sikhs for the first time and reducing a diverse array of local customs to a single, uniform legal framework. While the HMA preserved Hindu marriage’s rootedly sacramental nature, it radically changed the ancient institution subjugating it to the regulatory power of the modern state. The Act recognized the religious nature of the alliance; for instance, according to Section 7, a Hindu marriage should be performed solemnly according to the customary rites and ceremonies of one of the parties, and it legally accepted the *Saptapadi* as the moment of matrimony’s astringency. However, the HMA simultaneously enshrined radical modernizing changes, as well. For example, the government mandatorily enforced monogamy, making bigamy a custodial violation. The government assigned minimum ages of matrimony to enforce anti-pubescent patrimony. Most importantly, the government implanted something previously alien to the Hindu conception of wedlock: the concept of divorce. The HMA standardly dictated grounds for the lovely relationship’s dissolution, such as prostitution, cruelty, and desertion, and it equipped provisions for judicially separating and maintaining spouses. In this manner, the HMA exemplifies an effort by the secular state to molecularly reconstruct a religious institution that balances the sanctity of the ancient conception of the lovely relationship with modernist ideas of specific rights, cultural justice, gender equity, and indigenous cultures. The following ephemera compare and contrast these unique legal landscapes by archeological epoch and philosophical inclinations:

Table 1. Comparative Analysis of Key Marriage Legislations in India.

Feature	Hindu Marriage Act, 1955	Special Marriage Act, 1954	Muslim Personal Law (Shariat)
Basis of Union	Sacrament (<i>samskara</i>), legally recognized	Civil Contract	Social Contract (<i>Nikah</i>)
Applicability	Hindus, Buddhists, Jains, Sikhs	All Indian citizens, irrespective of religion/caste	Muslims

Key Ceremony	Customary rites, <i>Saptapadi</i> is binding	Solemnization before Marriage Officer	Offer (<i>ijab</i>) & Acceptance (<i>qubul</i>)
Monogamy	Strictly monogamous; bigamy is an offense	Strictly monogamous	Polygyny (up to 4 wives) permitted for men
Witnesses	Not legally mandatory for validity of ceremony	Three witnesses required for solemnization	Two male or one male/two female Muslim witnesses
Key Condition	Parties must not be <i>sapindas</i> or in prohibited degrees	30-day public notice period for objections	<i>Mahr</i> (dower) is mandatory
Dissolution	Divorce available on specified fault/no-fault grounds	Divorce available on specified grounds	Governed by Shariat; includes <i>Talaq</i> , <i>Khula</i> , etc.

3.4. The Institutional Model vs. The "Soulmate" Model in Modern India

The transition from a traditional to a more liberal society has been accompanied by a profound transformation in the understanding of marriage itself. The traditional institutional model, founded on moral obligations and its function in promoting social stability, is increasingly challenged by what is often termed the "romantic" or "soulmate" model. The institutional view, as articulated by thinkers like Robert Bellah, is founded on obligation and endures notwithstanding fluctuating emotions. In contrast, the romantic model, which W. Bradford Wilcox calls the "soulmate model," posits that marriage's primary function is to build and sustain an intense emotional connection that should last only as long as it remains happy and fulfilling for the self. This ideological shift is at the heart of the changing landscape of marriage in urban India, where the pursuit of personal fulfillment and companionship is reshaping marital expectations. The institutional model sees marriage as a durable social good, while the romantic model views it as a private relationship for individual satisfaction, a distinction that carries significant implications for marital stability.

The Hindu Marriage Act of 1955 did not simply replace the ancient sacramental institution with a modern secular one. Instead, it engineered a hybrid entity: a *state-regulated sacrament*. This legislative intervention was a masterstroke of legal and social reform, institutionalizing marriage under the authority of the state while simultaneously preserving its core religious symbolism. This process mediated the complex transition from a purely community-governed institution to one where modern individual rights, such as the right to divorce, could coexist with traditional forms. Before the HMA, Hindu marriage was an indissoluble sacrament governed entirely by custom and religious texts, with the community as the sole arbiter. The HMA introduced state power directly into this sacred sphere. By defining the conditions for a valid marriage and, most radically, the grounds for its dissolution, the state became the ultimate authority on the marital status of Hindus a clear move towards institutionalization in the modern, legal sense. Yet, the Act deliberately did not secularize the union. Section 7 explicitly requires that a marriage be solemnized according to customary rites, with the *Saptapadi* being legally binding. This act of preservation is crucial. It allows

the state to enforce monogamy, prevent child marriage, and grant divorce, but it does so while continuing to recognize the religious ceremony as the creative act that forms the union. The HMA thus functions as a bridge, wrapping an ancient, sacred institution in a modern legal framework. This hybrid nature is a core feature of marriage's modern identity in India, explaining why it can be simultaneously perceived as deeply religious and yet be subject to secular legal remedies.

IV. Marriage as Moral Bond: The Ethical and Spiritual Union

The third philosophical perspective transcends the legalistic framework of contracts and the functionalist logic of institutions and views marriage as a profound moral bond. On the one hand, this perspective perceives the union as an ethical commitment, a partnership based on common values, reciprocal care, and a transcendent purpose that makes it an object of a distinctive moral substance. Regarding the philosophy of an ethical union, this perspective is reminiscent of many philosophical and religious schools, some of which are traditionally significant in the Indian marital context.

4.1. *Philosophical Conceptions of an Ethical Union*

The German philosopher G.W.F. Hegel offers one of the most profound philosophical illustrations of marriage as an ethical institution. Primarily, for Kant, marriage is a legal and moral contract for the mutual utilization of bodies or an emotional bond, formed by shared suffering. However, Hegel overturns both of these interpretations, suggesting that marriage is “by no means...Something formed by two persons feeling a certain inclination to each other”. On the contrary, marriage is a transcendent, spiritual union based on an ethical unity. Specifically, it is contingent not on emotions but shared values – the guiding beliefs that determine how the partners live, form judgments and decisions, and interpret the world. By fusing their separate wills into one, the partners create a shared life, which contributes not just to the moral formation of each but to that of many. Hence, in this Hegelian understanding, the spiritual bond is the true content of marriage that elevates it above the “contingency of passion and the transience of particular caprice”. Therefore, genuine marriage is by the essence something that is hard to dissolve – once it dissolves, the ethical unity disappears. This contrasts with the modern, pragmatic understanding that bases the relationship on romantic attraction or convenience, which turns out to be base and unstable as soon as passion fades.

4.2. *The Moral Core of Hindu Marriage: Dharma and Lifelong Partnership*

The moral bond, the core of its surrounding archetypes, is central to the traditional Hindu understanding of marriage. The concept of marriage qua the husband-wife pair is often described as a function of dharma. Here, the dharma in question is the moral axis around which the institution turns. Marriage is a duty; it is not only desired but sacredly required. It is a human lead one follows, a part of life that keeps one in line with their cosmic and social role. The wife is known as the dharmapatni. If the husband and wife execute their religious and office work together, they are known as a single soul in two bodies and the same location. In this way, the act of marriage is a way of leading a moral and spiritual life. Moreover, it is a sacral union, one that is expected to span lifetimes. Marriage, like all human works of dharma, is expected to be dissoluble by its very nature, attitudes, and actions. Promising: the vows I made was a clear moral act. In passing their seven vows, the spouses pledge singing to each other, sharing happiness, family responsibilities, and friendship until their relationship lasts. Thus, in the act of marriage, how we act, and how we do so is crucial.

4.3. *The Moral Dimensions of the Marital Promise Across Traditions*

The idea of marriage as a moral bond is not unique to Hinduism, and, indeed, reverberates through many different cultural and religious traditions. In most cases, however, it does not preclude a more or less implicit contractual or institutional model. Even in the apparently contractual model

of Islamic Nikah, much importance is attached to this relationship. The Qur'an itself describes: "They are your garments and ye are their garments" and it is meant mutual protection, comfort, modesty, intimacy. The Nikah itself is an ibadah act, and even if it was just the khutba-al-nikah in which the newlyweds respectfully recommend each other to "fear Allah" and, above all, live a pious, mutually loving life. In the corresponding Roman and canonical tradition, marriage promises are not hortatory, but on the contrary, the contractual essence of the obligation is confirmed. In the marriage vows, more than in any other contract, it is argued that "the spirit counts, and counts a lot." The attitude forms the value of this relationship. In addition, the canonical Christian understanding has always considered marriage as a lifelong contract for a higher moral purpose – primarily for the protection and education of children. Paternal or maternal honesty and chastity are not just moral norms; it is "the fundamental and essential part of the contract".

Indeed, the modern shift seen in Indian urban marriage characterized by leaning more and more toward individual fulfilment, romantic love, and intense emotional connection widely known as the "soulmate" ideal – is a profound philosophical shift. The best way to describe it is a shift from duty-fulfilling moral bond, like a human end, and in an end in itself, a therapeutic framework. While such transformation indeed provides autonomy, as was noted by Hegel years before, and several communitarian critics, it also implies a quite visible susceptibility. If that frame of objective ethical enforcement is loosened, the moral grounding of the bond is weakened, with dissolving it much more likely when personal happiness dissolves. As was already outlined, the morals of traditional Indian models, particularly Hindu, are framed as a moral bond of dharma. The dharma here is not emotion or self-feeling, but an objective, external duty to the family, the collective and divine order. One is committed to a role, with its attached responsibilities. However, sociological research noted a clear increase in companionate marriage, one where personal compatibility of the partners and loving understanding between them is above all the most important. Therefore, the purpose of marriage changed from accomplishing a social task to personal happiness and self-realization. This goes well in line with what social critics have branded the "therapeutic mindset," based on "authentic self-knowledge," rather than on duty. In this last sense, the marriage institution is one of the main methods of self-actualization. However, as Hegelian philosophy was clear to see, unions not grounded in reification, or a common objective, ethical values are vulnerable to "frustration, and apt to be dissolved." The reason is simple – the former are only as long-lived as the latter. Therefore, the clear increase in divorce rates and marital stress which expands in the urban areas of India is a visible result of this ideological shift. Such dissolution will be termed a "endemic structural crisis in conjugal life."

V. Synthesis and Tension in Contemporary India: The Remaking of Marriage

It should be noted, however, that the above-discussed three philosophical models of marriage do not coexist in modern India in pure form. They rather influence one another, struggle, and are remade in turn in the local context of transformative society. The impacts of globalization, the diminishing role of premodern collectivism, and the active criticism by feminist representatives turn the traditional matrimonial doctrine upside down. Under such conditions, new marriages emerge: such structures might be partly prepared to principles of traditional marriage and adapt to modern ambitions of family-building at the same time.

5.1. *The Rise of the Companionate Ideal and the "Love-cum-Arranged" Marriage*

Perhaps the most momentous aspect of this conceptual change is the pragmatic hybridizing or combination of values from the old and new that has occurred in the domain of marriage practice. Although it still stands true that, strictly speaking, the custom of arranged marriages continues to predominate, especially among couples of low education belonging to rural areas and the lower class, viewed as an overall phenomenon one may legitimately argue that a cultural transformation has taken place and that fundamentally new modulation of marriage has emerged, fashioned by hybridizing the logic of *communitas* and *individuation* spirit. According to Boulanger and

Sarangapani, for instance, the newly dominant idea of marriage was the “arranged, endogamous companionate marriage”. Here, as in the previous section, it is necessary to distinguish between modernity in terms of an ideal model to be aspired to and modernity viewed as an actually lived practice. Thus, Indian modernity can be best characterized as a culture that reconciles with modern values of freedom of individual choice and legitimizes a profound concept of individual identity with the traditional importance of the familial order. To illustrate this point, the following table can be provided:

Table 2. Conceptual Shift in Indian Marriage Ideals.

Aspect	Traditional / Institutional Model	Modern / Companionate Model
Primary Purpose	<i>Dharma</i> (duty), <i>Praja</i> (progeny), continuation of lineage	Companionship, emotional fulfillment, individual happiness
Basis of Union	Social obligation, alliance of families/kinship groups	Romantic love, mutual attraction, personal compatibility
Locus of Decision	Parents, elders, family	Individuals, often with parental consent ("love-cum-arranged")
Key Criteria for Mate Selection	Caste, community, family status, horoscope	Education, profession, personality, shared values
Role of Spouses	Defined by gendered duties and hierarchy (husband as provider, wife as homemaker)	Egalitarian partnership, shared responsibilities, friendship
View on Dissolution	Indissoluble sacrament; divorce highly stigmatized	Permissible and socially acceptable if personal fulfillment is absent

5.2. Impact of Globalization and Individualism

The chief engine of this transformation is likely to have been globalization. The increasing pervasiveness of global media and culture, transnational migration, and the internet have all exposed Indian youth to global discourses of romantic love, individualism, and self-realization, which have transformed their thoughts and expectations about marriage. The inclination of the relationship as a sacred duty has been increasingly supplanted by the concept of marriage as a mutual partnership for personal fulfillment and happiness. Economic liberalization has played a parallel and equally indissoluble role. The opening of more educational and employment chances, notably for women, has resulted in more financial and thereby choice making for women. A woman, especially if educated and working, is less likely to accept a problematic marriage and prefer a partner who can respect her professional goals and worth her as a peer. This alteration has the power to change interpersonal relationships initially within the patriarchal system. Additionally, it has been accompanied by the weakening of the joint family system since urban life has resulted in an increase in nuclear families. Spouses are becoming more isolated from the dense and multi-faceted network of rules, relations, and surveillance of kin networks, developing a self-centered focus on love and marriage.

5.3. Feminist Critiques and the Negotiation of Power

Thus, feminist analysis puts the very institution of marriage “on trial,” demonstrating that it is a key site in the establishment and perpetuation of patriarchal power, privilege, and, in many instances, violence. In the Indian context, however, marriage has long been conceived as a domestic

institution in which women have domestic roles as wives, bearers of children, and servants to the husband's family. The very practice of marriage requires such a one-sided and extensive transformation from the woman that upon marriage, she is expected to forsake her parental home and hew to her husband's family's custom that, from the outset, strengthens the dynamic power structure. Hence, even when legal change like these flows from feminist inspiration, they are essentially by patriarchal norms. In her ethnographic study of matrimonial arbitration in India, Srimati Basu demonstrates how the statute of "conciliation" seems to be transformed by counselors, judges, and even the husbands themselves to "reconciliation," resulting in women being coerced, overtly or subtly, to re-unite with their ostensibly abusive or otherwise troubled husbands to save the family. While women do exert significant influences over these negotiations, the historical context and legal situation appear to reinforce norms or assumptions constraining the women's freedom to leave unhappy marriages. The reminder of civil proceedings which ends, is understood as needed to be followed this warning message.

5.4. *The Unresolved Frontier: The State's Definition of Marriage and Same-Sex Unions*

The recent legal battle over the recognition of same-sex marriage in India has brought the philosophical definition of marriage to the center stage of the national debate, making the state answer these questions directly. The petitioners emphasized a reading of marriage based on values of choice, dignity, and equality—a synthesis that marries the autonomy of the contract model with the primal commitment of the moral bond model. They argued for the reading of the Special Marriage Act (and, by implication, other personal laws) in an inclusive manner that would radically redefine marriage, covering the union of any two persons and not just a man and a woman. However, in a landmark judgment given in October 2023, a five-judge bench of the Supreme Court of India refused the plea by citing a matter of principle: the right to redefine marriage lies with the Parliament and not the judiciary. The majority view emphasized that there is no fundamental right to marriage under the Indian Constitution and refused to read down the existing SMA laws to include same-sex couples. However, the judgment did not leave queer couples entirely helpless. On the one hand, the court held that it is undisputedly within their power to choose their partners and to cohabit undisturbed by the state or their family of origin while adding that these are "atypical manifestations" of the family worth protecting. The court further directed the central government to form a committee to look into the extension of social and legal benefits for queer couples.

The Supreme Court's judgment on same-sex marriage thus reframes the question as a powerful philosophical demarcation by the Indian state. The Court's affirming the right to cohabitation and simultaneously denying the right to marry thus completely separates the moral bond from the social institution. The petitioners' case argued that the "right to marry a person of one's choice is a fundamental right consisting of Article 21 of the Constitution" in that it guarantees them their right "to life and personal liberty." This formulation thus so frames marriage as an existential struggle that the state must then recognize its profundity as a moral commitment eligible for the law's protection. The Court's majority opinion explicitly rejected this formulation, declaring unequivocally that there is no "fundamental right to marry." This decision was a philosophical one—it affirmed that the moral bond is separable from the social institution, the one that the Indian state is not empowered to redefine. Yet at the same time, the Court upheld the rights of queer kin to forge relationships and live free from discrimination and harassment. By framing its version of the Indian state's power in this way, the judgment thus affirmatively protected the private and relational aspect of the queer's life the morality relationship. By refusing to strike down the Special Marriage Act or past rules regarding personal law, the Court therefore declared that what the state calls "marriage" has a particular form defined by history and politics. The judiciary, this decision thus stated, does not have the right to redefine that institution without explicit legislative consent. Therefore, the three philosophical models indeed applied to queer In the state constitution function in a top-down hierarchy: the existential is recognized and protected by the text of the Constitution, and the criminal cannot be

segregated from the moral in the private institutions and the private cannot be recognized in the institutional without a legislative mandate.

VI. Conclusion: The Evolving Tapestry of Indian Marriage

Thus, this tripartite analysis confirms that no single philosophical model—contract, institution, or moral bond—can encapsulate the true nature of marriage in India. The lived experience is always a complex and contested interplay of all three. While still fundamentally a sacrament in that it is a contractual arrangement for a lifelong moral bond, Hindu marriage is today mediated by state law and revocable by the parties. Meanwhile, Islamic marriage is a social contract but cannot be exited when either party desires due to sacred bonds and institution status. Finally, marriage according to the Special Marriage Act is nothing other than a civil contract, and expresses the aspirations of the contracting parties that a relationship of lifelong moral consanguinity exists. Thus, the Indian marital landscape is a patchwork, where a single union can be viewed through multiple philosophical lenses at once. Most broadly, the change in contemporary India is a slow, negotiated, and uneven movement from a paradigm of institution and collective duty to morality bond and individual fulfillment. There is no one dominant model. Instead, the present is hybridity, where the conceptions of autonomy and intimacy cohabit with family, caste, and community. Clearly, the most important tools for navigating the relationship between the individual and collective being contractual. The future of marriage in India will depend on the resolution of this tension, as well as the final conclusion of the open question of marriage equality for relevant citizens. Such determination would solve the greatest theoretical debate.

Acknowledgments: The author sincerely acknowledges the contributions of researchers and scholars whose original studies and published works formed the basis of this review. Their scientific efforts and insights have been invaluable in shaping the understanding and synthesis presented in this manuscript. The author also appreciates the informal academic discussions and constructive feedback received during the preparation of this review. No external funding was received for this work.

References

- The Societal and Individual Significance of Marriage in India ..., <https://sociology.institute/sociology-in-india/societal-individual-significance-marriage-india/legal.economictimes.indiatimes.com,https://legal.economictimes.indiatimes.com/news/opinions/understanding-marriage-and-divorce-laws-in-india-a-comprehensive-guide/119251875#:~:text=Marriage%20in%20India%20can%20be,on%20the%20type%20of%20marriage.>
- Understanding India's Cultural Marriage Acts: A Comprehensive Guide - Newspaper Ads, <https://ads.timesofindia.com/blog/matrimonial/understanding-india-s-cultural-marriage-acts-a-comprehensive-guide/1729842552617>
- Understanding marriage and divorce laws in India: a comprehensive guide, <https://legal.economictimes.indiatimes.com/news/opinions/understanding-marriage-and-divorce-laws-in-india-a-comprehensive-guide/119251875>
- Marriage: the long-term contract (Chapter 2) - The Law and ..., <https://www.cambridge.org/core/books/law-and-economics-of-marriage-and-divorce/marriage-the-long-term-contract/4E7850431BC8238058AC7FFAA3B46180>
- What is Marriage? Contract or Covenant - Central Ceremonies, <https://centralceremonies.com/what-is-marriage-contract-or-covenant/>
- Marriage as Relational Contract - Scholarship Archive, https://scholarship.law.columbia.edu/context/faculty_scholarship/article/1478/viewcontent/84_Va._L._Rev._1225.pdf
- Marriage in Islamic Law — A Brief Introduction - Legal News ..., <https://www.3djb.co.uk/articles/6/marriage-in-islamic-law-e28094-a-brief-introduction>
- Marriage in Islam - Wikipedia, https://en.wikipedia.org/wiki/Marriage_in_Islam

- Al-Nikah: The Islamic Marriage – Ashton Central Mosque, <https://www.ashtoncentralmosque.com/resources/al-nikah-the-islamic-marriage/1940-2/>
- Special Marriage Act 1954: Provisions and Issues - Education Tree ..., <https://www.etaiaspcs.com/special-marriage-act-1954-provisions-and-issues/>
- Special Marriage Act, 1954 : All you need to know about - iPleaders, <https://blog.ipleaders.in/special-marriage-act/>
- The Evolution of Love Marriages in Indian Culture - Shaadi.com Blog, <https://blog.shaadi.com/the-evolution-of-love-marriages-in-indian-culture/>
- What is Special Marriage Act, 1954? October 2025 - adjuva legal, <https://adjuvalegal.com/special-marriage-act-1954/>
- How Sociologists Define Marriage - ThoughtCo, <https://www.thoughtco.com/marriage-3026396>
- Marriage - Wikipedia, <https://en.wikipedia.org/wiki/Marriage>
- Family and Marriage - Perspectives: An Open Introduction to ..., https://perspectives.americananthro.org/Chapters/Family_and_Marriage.pdf
- Vivaha - (Intro to Hinduism) - Vocab, Definition, Explanations ..., <https://fiveable.me/key-terms/introduction-hinduism/vivaha>
- Vivaha samskara: Significance and symbolism, <https://www.wisdomlib.org/concept/vivaha-samskara>
- The Changing Scenario of Marriage in India : A Sociological Analysis, <https://andjournal.in/wp-content/uploads/2018/06/1.pdf>
- Caste and Choice: The Influence of Developmental Idealism on Marriage Behavior - PMC, <https://pmc.ncbi.nlm.nih.gov/articles/PMC4629814/>
- Hindu Marriage Act, 1955: Chapters, Key Sections, Rights and Rules, <https://cleartax.in/s/hindu-marriage-act>
- Changing Ideologies of Marriage in Contemporary Indian Women's Novels - Bridgewater State University Virtual Commons, https://vc.bridgew.edu/context/jiws/article/3089/viewcontent/9._Sharma._Changing_Ideology_of_Marriage_in_Contemporary_Indian_Women_s_Writings_final.pdf
- An overview of Hindu Marriage Act, 1955 (HMA) - iPleaders, <https://blog.ipleaders.in/hindu-marriage-act-1955/>
- Hindu Marriage Act, 1955 | Bare Acts | Law Library | Corpbiz, <https://corpbiz.io/hindu-marriage-act-1955>
- Hindu Marriage Act Of 1955: All You Need To Know - Rest The Case, <https://restthecase.com/knowledge-bank/hindu-marriage-act-of-1955>
- The Institution of Marriage and the Virtuous Society | Institute for ..., <https://ifstudies.org/blog/the-institution-of-marriage-and-the-virtuous-society>
- The Crisis of Modern Marriages Through Hegel's Philosophy., <https://www.bclegalclinic.com/post/the-crisis-of-modern-marriages-through-hegel-s-philosophy>
- 15 – VIVAHA – Vaidic Dharma Sansthan, <https://vaidicpujas.org/samskaras/15-vivaha/>
- Moral Philosophy and Marriage - The Gospel Coalition, <https://www.thegospelcoalition.org/blogs/kevinyoung/moral-philosophy-and-marriage/>
- Companionate Marriage in India: The Changing Marriage System in ..., https://www.researchgate.net/publication/48911700_Companionate_Marriage_in_India_The_Changing_Marriage_System_in_a_Middle-Class_Brahman_Subcaste
- The Decline of Arranged Marriage? Marital Change and Continuity ..., <https://pmc.ncbi.nlm.nih.gov/articles/PMC5362258/>
- Marriage as a Social Institution – Changing Nature and Emerging ..., <https://ebooks.inflibnet.ac.in/socp4/chapter/marriage-as-a-social-institution-changing-nature-and-emerging-trends/>
- From Marriage to Besties: Changing Trends in Marriage and Relationships in India -, <https://rematch.in/all-about-relationships/marriage-besties-changing-trends-marriage-relationships-india/>
- Globalization and its Impact on Indian Culture - ANU BOOKS PUBLISHER & DISTRIBUTOR, <https://anubooks.com/wp-content/uploads/2017/07/triveni-dutt-RJPP-no.-1.pdf>
- Arranged marriage in the Indian subcontinent - Wikipedia, https://en.wikipedia.org/wiki/Arranged_marriage_in_the_Indian_subcontinent

- Marriage in modern India: Companionate marriage among a middle ..., <https://blogs.lse.ac.uk/southasia/2012/10/05/companionate-marriage-among-a-middle-class-brahman-subcaste/>
- Pre-marital Relationships and the Family in Modern India, <https://journals.openedition.org/samaj/4379>
- Pre-marital Relationships and the Family in Modern India - OpenEdition Journals, <https://journals.openedition.org/samaj/4379?lang=fr>
- Impact of Globalization on Family system - IJNRD, <https://www.ijnrd.org/papers/IJNRD1812016.pdf>
- 1 The globalisation of love?: Examining narratives ... - UCL Discovery, https://discovery.ucl.ac.uk/1475560/3/Twamley_Globalisation_Accepted.pdf
- Indian family relationships, marriage, and career choices in the context of globalization: A multigenerational evaluation - AccScience Publishing, <https://accscience.com/journal/IJPS/11/2/10.36922/ijps.2404>
- How has globalization altered the structure of Indian families? Examine its impact on intergenerational relations. - INSIGHTS IAS, <https://www.insightsonindia.com/2025/08/21/how-has-globalization-altered-the-structure-of-indian-families-examine-its-impact-on-intergenerational-relations/>
- THE TROUBLE WITH MARRIAGE: FEMINISTS CONFRONT LAW ..., <https://allegralaboratory.net/review-the-trouble-with-marriage-feminist-confront-law-and-violence-in-india/>
- The Trouble with Marriage: Feminists Confront Law and Violence in ..., <https://muse.jhu.edu/article/614557/summary>
- (PDF) Marriage and family -an Indian feministic critique, https://www.researchgate.net/publication/333642576_Marriage_and_family_-an_Indian_feministic_critique
- Unfair dynamic of the marriage system in India : r/Arrangedmarriage - Reddit, https://www.reddit.com/r/Arrangedmarriage/comments/17jp4ri/unfair_dynamic_of_the_marriage_system_in_india/
- Recognition of same-sex unions in India - Wikipedia, https://en.wikipedia.org/wiki/Recognition_of_same-sex_unions_in_India
- Supreme Court's Verdict on Same-Sex Marriages - Shankar IAS ..., <https://www.shankariasparliament.com/current-affairs/supreme-courts-verdict-on-same-sex-marriages>
- 'We will win': Supreme Court lawyer Rohin Bhatt on same-sex marriage and LGBT rights | BBC News - YouTube, <https://www.youtube.com/watch?v=W5MResm9ma0>
- Plea for Marriage Equality - Supreme Court Observer, <https://www.scobserver.in/cases/plea-for-marriage-equality/>
- Unpacking Indian Supreme Court's verdict on same-sex marriage ..., <https://www.aljazeera.com/features/2023/10/17/unpacking-indian-supreme-courts-verdict-on-same-sex-marriage>
- India's Supreme Court declines to legalize same-sex marriage ... - PBS, <https://www.pbs.org/newshour/world/indias-supreme-court-declines-to-legalize-same-sex-marriage-saying-its-up-to-parliament>
- Justification of Same-sex marriages by Gursimran Kaur - ST Soldier Law College, <https://stsoldierlawcollege.in/Blog-Details/Justification-to-same-sex-marriages-by-Gursimran-Kaur>

Disclaimer/Publisher's Note: The statements, opinions and data contained in all publications are solely those of the individual author(s) and contributor(s) and not of MDPI and/or the editor(s). MDPI and/or the editor(s) disclaim responsibility for any injury to people or property resulting from any ideas, methods, instructions or products referred to in the content.