Research in Progress: Legally Sanctioned but Socially Opposed: Experiences of Navigating an Inter-faith Marriage

Author(s): Ashwin Varghese and Aishwarya Rajeev

Source: Explorations, ISS e-journal, Vol. 5 (2), October 2021, pp. 265-276

Published by: Indian Sociological Society
Legally Sanctioned but Socially Opposed: 
Experiences of Navigating an Inter-faith Marriage

--- Ashwin Varghese and Aishwarya Rajeev

Abstract

This paper explores the contradiction between legal sanction and moral opposition to inter-faith relationships and marriages, and how couples try to navigate this conundrum. For this purpose, we draw from auto-ethnographic accounts of the authors, of their experience of choosing to marry under Special Marriage Act (SMA) as a Christian-Hindu couple. We examine how the opposition to inter-faith marriage manifests in the confrontation between couples, state and social institutions, along with what forms these oppositions take, and the gendered experience of blame, guilt and expectations that are disproportionately placed on women through the constitutive elements of a hetero-patriarchal ‘family’. While the SMA offers an avenue for inter-faith couples to get married, it also forces social institutions to create mechanisms through which the danger of love, choice and desire is diffused by accommodating autonomy, as long as it is not in contravention to norms of endogamy and exogamy.

Key words: Auto-ethnography, Inter-faith marriage, Kinship, Love, SMA

...kinship organization expresses something completely different than genealogical relations, that it essentially consists in juridical and moral relations sanctioned by society, and that it is a social tie or it is nothing...

(Durkheim in Sahlins, 2011, p. 9)

...love marriages challenge parental authority and related notions of inter-generational reciprocity, filial duty and parental responsibility.

(Donner, 2002, p. 93)
Introduction

Sahlins (2011) notes a paradigmatic shift in conventional understanding of ‘kinship’ in Durkheim who views kinship as juridical and moral relations sanctioned by society. It reflects a paradigmatic shift from blood/genealogy to human unions. Even though kinship, through this conception, is still most prominently studied though marriage and affinal relationships, it nevertheless reflects a change in vantage point from lineage to social/human ties. Perhaps that is the extent to which Durkheim’s imagination could extend kinship to, given his social and political context. Sahlins (2011), acknowledging this shift, develops his own conceptualisation of kinship as ‘mutuality of being’ and ‘intersubjective belonging’. These are again informed by the transition in understanding kinship as ties of blood to kin/ship as relation/ship, engulfing all mutually constitutive relationships, from marriage to friendship and even more hitherto unexplored relations.

For this essay, we explore the idea of kinship as juridical and moral relations sanctioned by society, to mark a contradiction between the two. It is not necessary that human unions that enjoy juridical sanctions also enjoy moral and/or social approval or even recognition, inter-religious/caste marriages in India are a case in point. However, to understand this contradiction better, we must look at both legal/juridical and social/moral ties as dynamic and susceptible to change, which brings them to the domain of the everyday, to the daily behaviours and practices that overdetermine these legal and social relations.

In inter-religious marriages in India, we encounter a schism; while on the one hand, such unions receive legal sanctions through provisions under the Special Marriage Act, 1954 (SMA), on the other hand, they face the ire of social opposition by the vanguards of morality. This essay tries to explore the contradiction between juridical sanction and moral opposition of inter-religious marriage, and traces the forms in which social oppositions manifests themselves and the mechanisms available for inter-religious couples to subvert such oppositions in attempting to solemnise their marriage. For this purpose, we draw from an auto-ethnographic account of our experience of choosing to marry under SMA as a Christian-Hindu couple to unearth specific reasons for social opposition and trace the alternatives proposed.
Proposal

We had been friends and partners for about five years, and began discussing marriage as a possible means of co-habitation given personal circumstances in 2020, as the world reeled under the onset of the COVID-19 pandemic, and India progressively became more hostile to inter-faith marriages with the looming spectre of an ‘anti-love jihad’ law. Both our families hail from Kerala, with our paternal families from the same district; we both did our Master’s degree together, and are now pursuing our Ph.D.s from the same University. Despite these similarities, as an inter-faith couple, we already knew that solemnising our marriage under the SMA and finding social acceptance would be difficult, since both of us wanted to retain our socio-religious identities and practices. Subsequently, the prospect of marriage was then pitched to respective families, objections were raised, negotiations initiated and actions were taken to subvert certain norms.

Aishwarya’s parents were happy about the decision, as they had known Ashwin for the past five years owing to their friendship, and liked him. However, her grandparents were reluctant about the idea of her marrying a Christian boy, predominantly because of their religious and caste practices, as well non-awareness of people in their community having married outside their faith. Some relatives also reacted very coldly to the news. However, since Aishwarya’s parents stood firmly in support, others eventually came around, albeit begrudgingly.

The opposition was more pronounced for Ashwin whose immediate family and community members were reluctant because Aishwarya belonged to a different religious community. His parents didn’t seem to have a problem with Aishwarya personally, so the proposed way forward was ‘Holy Matrimony’ in the Syrian Christian custom, for which Aishwarya would have to become a baptised member in Ashwin’s denomination.

This was proposed in the first meeting, in early 2021, when our parents decided to meet to discuss how to proceed further. After the initial pleasantries, once the conversation had moved onto the topic of marriage, Aishwarya’s family enquired, ‘how should we proceed?’ In response, Ashwin’s family explained the holy matrimony rituals practiced in their church, and added, ‘if they want to get married like that, Aishwarya would have to join our sabha first, only then would
it be possible’. This however, was not acceptable to Aishwarya’s family, who were of the opinion that neither of us should have to give up our religion for marriage. After some back and forth, the issue of children was raised, where Ashwin’s family asked, ‘which religion would the child follow, if both the parents have different faiths?’ This issue was resolved (temporarily) by everyone agreeing to revisit the topic when the child would be born. Ashwin’s family reiterated that they wanted a church ceremony, and therefore Ashwin suggested a blessing ceremony instead of holy matrimony in another church, which could take place only after the court marriage. A blessing ceremony, unlike holy matrimony, is conducted in some denominations, specifically for inter-faith marriages solemnised under SMA. For this, one partner has to be a baptised Christian, and the other partner may be from any other faith. A prerequisite in this regard is the marriage certificate from the SMA registration. In effect, the blessing ceremony, as the name suggests, is a blessing of the civil marriage, and does not qualify for registration under the Indian Christian Marriage Act, 1872. This was acceptable to Aishwarya’s family and it helped that the blessing ceremony accommodated a common ritual, i.e., the tying of the thali/minnu. They were not insistent on a temple ceremony, and moreover the temple they went to, did not allow ceremonies for inter-faith marriages either. Ashwin’s family also reluctantly agreed, finding no other alternative. It was thus agreed that the marriage would be solemnised through SMA followed by a blessing ceremony in church.

This situation has to be understood in its specificity. While an overarching generalisation may not be possible, certain anxieties do become apparent, which have a general character. The reluctance in accepting such marriages traversed predominantly two concerns; one, different faith-based practices, and two, anxiety over the child/children. Butler, while discussing the acceptability of non-heterosexual parents, notes that ‘the figure of the child…becomes a cathected site for anxieties about cultural purity and cultural transmission’ (2002, p. 23). Nandy through his framework of construction and reconstruction of childhood unpacks these anxieties in the modern world-view, and argues that ‘there is greater sanction now for the use of the child as a projective device. The child today is a screen as well as a mirror. The older generations are allowed to project into the child their inner needs and to use him or her to work out their fantasies of self-correction and national or cultural improvement’ (2011, p. 429). We could extend this anxiety over the figure of the child in this context as well, knowing full well that the anxieties derived from the child of an inter-religious heterosexual couple and that of a non-heterosexual couple are qualitatively different. Here we note
that the figure of the hypothetical child is used as a means of ‘self-correction’ of the ‘wrong’ of inter-faith kinship, through rigid and orthodox cultural assimilation. The argument here is that the figure of the child, owing to its specificity, is always a site of anxiety, contestations, and negotiations. In this case as well, it was a crucial site of anxiety and opposition.

Opposition

When Ashwin first spoke to his family about marrying Aishwarya, he faced initial opposition, and then a reluctant acceptance on the condition that Aishwarya agrees for a wedding as per their customs. Elaborating upon the reasons for opposition, they stated that after inter-religious marriages, for the spouse, who is born and brought up in a different custom, adopting another way of life is very difficult. Similarly, for Ashwin’s community, accepting a spouse from a different community is very difficult. To contravene this, marriage as per prescribed customs and practices of religion and patriarchy is proposed which is seen to accord the ‘value and recognition of a proper marriage’, as otherwise in a ‘registered marriage’ both the couple and the parents are perceived to have committed a grave mistake, subjecting the family to gossips and snide remarks by community members. Furthermore, a child born out of such a marriage is seen to be without religion, and ‘caste’ and therefore without a community.

While noting the compulsions stated by Ashwin’s family, connecting rituals and practices associated with marriage and birth, it is important to highlight the notions that, one, the woman goes into the man’s house after marriage, and two, consequently gives up her customs and practices, to be absorbed into the man’s family, were considered the natural order of things and sacrosanct. We argue that despite religious differences, these notions remain common across religious communities and smack of the acceptance of patriarchal, patrilocal norms of marriage. This was evident from comments that came our way, such as ‘they will convert her, she is going to his house, she will have to adopt their customs’, ‘naturally when a woman comes to the man’s house, she gives up her way of life and adjusts according to his customs and practices’.

Kinship studies have tried to understand such unions through the concept of ‘love marriage’, which face societal opposition because it entails the exercise of an individual’s autonomy in choosing a partner, as opposed to the socially sanctioned ‘arranged marriage’ where agency lies with the community. Underlying the
opposition to love marriage is the threat of individual autonomy in the choice of a partner, potentially contravening social norms of endogamy and exogamy, parental authority, filial duty and inter-generational reciprocity (Mody, 2002; Donner, 2002). In our experience the main oppositions were systemic, wherein, even if the parents were not morally opposed to such marriages, the communal system didn’t allow it without assimilation. The caste-like nature of this community must be remarked upon here, wherein such practices maintain the norms of endogamy and exogamy. Anxieties over the child formed a crucial aspect of this. Assimilation therefore was seen by some as a means of contravening these norms.

The difficulty and violence that an inter-faith couple has to face is evident. The violence implied in cultural assimilation contingent on withdrawal of one’s faith and customs for the purpose of marriage is recognised. The specificity however, of both social locations have to be kept in mind as well. We are both urban-educated, upper caste, middle class, cis-gendered heterosexual, young academics, born and raised in Delhi. Making use of our social capital and networks, we were able to navigate the bureaucratic, labyrinthine process of solemnising our marriage under the SMA with relative ease. Family members opposed to the marriage however belong to a generation of migrant settlers in Delhi from rural Kerala, who grew up with values keeping communal sentiment paramount, even at the cost of individual autonomy. The threat of ostracisation for Ashwin’s parents for example, was much more real than for either of us. While the violence of an imposed ideology on Aishwarya may be acknowledged and recognised by most audiences of this story, the precarious position that the situation put Ashwin’s mother in must also be remarked upon. Communal standards pitch keeping children in line as the primary duty of the mother. The blame of any act committed by children that went against community values is attributed to the mother, as ‘she did not raise them properly’. The same is not attributed to the father as much. This mechanism of guilt and blame then puts the mother in a precarious position where she has to either stand against the norms and ideologies of the community she was born in and derives her identity from, to uphold her son’s decision; or to oppose the son’s decision and try to accommodate it through whatever means available to her. Whatever the choice, the process itself is inherently violent, predominantly because it attempts to contravene the norms of endogamy and exogamy.
**Interruption**

While SMA and blessing ceremony are generally not acceptable, and only seen as a last resort, in our situation it became relatively more acceptable because of the changed political climate created by the rhetoric around ‘love-jihad’ in 2020-2021. This rhetoric demonised inter-faith relationships and marriages so much, that there was also a fear of physical violence on the couple and family members by self-appointed crusaders of social morality. As community members feared being perceived as propagating ‘love-jihad’, SMA and blessing ceremony became more acceptable as a modality to both legally and socially sanction our marriage.

While we were predominantly concerned only about the SMA wedding, and agreed to give in to demands of social sanction through a religious ceremony, we only gathered the importance of the latter for Ashwin’s parents when it happened. More than being ceremonial, it was seen as a ‘real marriage’ by people, despite being aware that the wedding had already taken place at the Sub Divisional Magistrate’s office as per the SMA procedure. However, socially the legal documentation and juridical procedures are not seen as a wedding. A wedding was seen to be socially valid only through a social and religious ceremony, almost as a social stamp. In this way, it didn’t matter whether the Government of India certified that we were married or not, but it mattered if they could tell a neighbour, a friend or a relative that we were married in a church. This harks back to Durkheim’s observations that kinship organisations are social ties or they are nothing. These social ties however are fundamentally conditioned, in the Indian context especially, with diversity. As Uberoi asks, ‘can one speak of an Indian kinship system, or are there several? And if there is more than one structurally distinct system of kinship and marriage, how does each relate to the other(s)’ (2000, p. 45). These multiple forms of kinship structures function in a political hierarchy, where inter-faith kinship, as ‘inter-faith kinship’ not masked by cultural assimilation, presents itself as a problem. We note that an absence of a cultural ritual to sanctify such kinship on the one hand and anxieties over the child on the other are two manifestations of the problem of inter-faith kinship. Similar (yet different) concerns are also raised in the case of inter-racial couples, for example in the United States of America, wherein families express concerns over the social acceptability of such unions as well as the child born therein, implicitly underscoring a hierarchy along racial lines (Herman & Campbell, 2011; Osuji, 2019).
What we see here is the incompatibility of the juridical and the moral sanctions at two levels. First, while the SMA offered an avenue and a legal ceremony for a civil wedding, it was incapable of replacing the social and religious ceremonies that are accepted by the respective communities as ‘wedding’. Second, social and religious norms of marriage were incompatible with the moral and ethical norms of the couple and supporting family members, who despite not being opposed to an inter-religious marriage personally, broach the issue cautiously because of the dominant social norms.

It is usually assumed that more examples of inter-faith marriages would make them more acceptable. While this may be true to some extent, we note that respective communities that are opposed to such marriages adapt and build new alternatives to keep the threat of inter-faith unions at bay. We argue that inter-faith marriage is not the only way to legitimise inter-faith kinship, for this a thorough diffusion of the marital institution is required. We draw a sharp distinction and note that inter-faith marriages do not give social legitimacy to inter-faith kinships, where couples chose associated living without adopting the institution of marriage. In our choice of marriage, we interrogate the idea of ‘marriage’ by noting that inter-faith marriages are not a radical alternative to, but rather an interruption in, the dominant ideas of marriage and kinship, especially in the current socio-political environment witnessing demonisation of such relationships, in addition to delegitimisation through anti-conversion laws.

Conclusion

Finally, we end with a note on the methodological difficulties in working on inter-faith kinship. Through our experience, we note that the threat of inter-faith unions is predominantly diffused through assimilation, and then eventual registration of such marriages under religious marriage acts like the Hindu Marriage Act, 1955, the Indian Christian Marriage Act, 1872, etc. This makes first the identification and estimation of existing inter-faith unions, where partners retain their social-religious identities, difficult. This feeds into the myth of inter-faith marriages as being ‘rare’ and ‘abnormal’. Those who are able to register marriages through the SMA procedure usually have the social capital and material means necessary to navigate and persevere through the process. In many instances, the functionaries of the bureaucratic process also dissuade SMA marriages, as has been shown by Mody (2002). In our case as well, a lawyer suggested an Arya Samaj wedding as an alternative, which involved a shuddhi (purification) of the non-Hindu partner.
as a prerequisite, which we refused.

This ability to persevere makes the universe of inter-faith couples, who are registered as inter-faith couples, skewed in favour of the privileged few, obscuring the stories of many who opt for other alternatives. Several couples and associated family members also shy away from being identified as inter-faith couples, and divulging their stories and struggles, fearing retribution from community and state, thus adding to methodological and ethical complexities in studying such forms of kinship.

While the legal sanction of the SMA offers an avenue for inter-religious couples to solemnise their marriage, it is not equipped to challenge the social norms of endogamy and exogamy. This incompatibility between the juridical and moral sanctions also forces social institutions, which oppose such unions, to create mechanisms, like ‘love-cum-arranged marriage’. This kind of marriage, ‘whilst predicated on the choice and agency of the couple-in-love, is nonetheless domesticated and brought within the purview of parental [societal] authority and control and the reciprocal obligations of the child’ (Mody, 2002, pp. 248-249). Increasingly, ‘love-cum-arranged marriages’, are accommodated and encouraged to an extent in both Syrian Christian and Nair communities where individuals chose their partners but from within their own caste/community. Following this choice, the respective families arrange the marriage mutually. Through such mechanisms the danger of love, choice and desire is diffused by not only accommodating but also promoting autonomy as long as it is not in contravention to norms of endogamy and exogamy. Indeed as Donner (2002) notes, the most common form of love marriage is one within one’s own caste or jati.

We note that normalisation and reflexive communal change is unlikely to happen on its own, unless the norms of endogamy and exogamy are consciously ruptured. This rupturing is an inherently violent process. Keeping in mind the caste-based practices of the Syrian Christian and Nair communities ensuring the maintenance of norms of endogamy and exogamy, the desire of normalisation of inter-faith kinship is reminiscent of Ambedkar for whom along with interdining, ‘the real remedy for breaking caste is intermarriage. Nothing else will serve as the solvent of caste’ as ‘fusion of blood can alone create the feeling of being kith and kin’ (1936, p. 31).
Notes:

i Ashwin is a Syrian Christian and Aishwarya is a Nair Hindu.

ii Sabha is used to denote the community that is formed by the church members of the same denomination.

iii Thali/minnu is a nuptial pendant made of gold. Among Malayalis, tying of the thali/minnu is the main ritual in both Syrian Christian and Nair Hindu weddings.

iv The term is used interchangeably with religion, community, etc. but reflects greatly on the caste-like nature of Christianity in India.

v This essay is derived from an ongoing auto-ethnographic exploration of the everyday of inter-faith marriage.
REFERENCES:


---

**Ashwin Varghese** is a Ph.D. Research Scholar at the Department of Sociology, School of Liberal Studies, Ambedkar University, Delhi.

Email id: vargheseashwin5@gmail.com

**Aishwarya Rajeev** is a Ph.D. Research Scholar at the Department of Economics, School of Liberal Studies, Ambedkar University, Delhi.

Email id: aishwaryarajeev7@gmail.com