

Section II: Opinion

Has the Spread of Western Values through Globalisation had an Impact on the Remarriage of Widows and Divorce in India?

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Amongst the many definitions and explanations of globalisation, one view is that globalisation encourages the spread of Western values around the globe. Globalisation has origins dating back to Christopher Columbus' discovery of the Americas, and hence this process has manifested itself in a global setting for an extended period of time. In India specifically, it can be said that a significant spread of Western values – those values that are widely accepted in Western society, including divorce and remarriage – began in the 16th century, when the British first colonised India. However, more recently, trends across India are showing that society is changing its stance on the remarriage of widows, and the acceptability of divorce. Both concepts were once considered taboo in Indian society, however these issues are now being discussed and change has occurred at a legal level. I will explore whether globalisation – as the spread of Western values – has had an influence on this change in societal sentiment in India. Inherently, the caste system will be discussed, along with mainstream Bollywood media and the differing impact globalisation has had on different groups in Indian society.

With Hinduism being the most widely practiced religion throughout India, the concept of widows being inauspicious stems from a Hindu belief which has then grounded itself into

Indian culture. Widows are believed to be inauspicious because 'their sins in a previous life had deprived them of their husband and their parents-in-law of their son'.¹ The belief also has a root from the practice of *sati*, which means 'virtuous wife'.² This practice is found in Hinduism based on the goddess Sati who self-immolated after the death of her husband. Widows in Indian society followed this practice, mainly due to societal pressure. In 1829, the British abolished *sati* in India, making it illegal for such acts to occur. In the modern day, however, a practice which is also based on the loss of identity of a widow exists, with widows being forced to wear white (the colour of mourning in Hinduism), removing all of their jewellery, symbols of marriage such as 'sindoors' (a red powder worn on married women's heads to symbolise marriage) and decorative items, such as bindis. Due to these beliefs, widows are often shunned in Indian society and are forbidden from attending auspicious occasions such as weddings.

One way to measure a society's values is through law reform, as theoretically, the laws in a society should reflect a society's moral values. In India, a large amount of law reform has occurred surrounding the issue of the remarriage of widows. In 1829, the British abolished *sati*, and in 1856 they created the 'Hindu Widows' Remarriage Act'. This was created to change customary Hindu law which did not allow higher caste Hindu widows to remarry, and if they did, children of such remarriages were considered illegitimate. On the contrary, those of lower castes and 'untouchables' did not prohibit the remarriage of widows. The Act essentially functions as a legal mechanism which validates and recognises the lawful remarriage of Hindu widows. The creation and practice of this Act

¹ Carroll, L. 1983. "Law, Custom, And Statutory Social Reform: The Hindu Widows' Remarriage Act Of 1856". *Indian Economic & Social History Review* 20 (4): 364.

² Author unknown, "SATI – A Nineteenth Century Tale of Women, Violence and Protest", *At the Edge of Psychology*, date unknown: 3.

can definitely be viewed as a Western influence; the British undermined Hindu customary law (albeit with the consultation of Hindu priests) and created legislation which became applicable to all Hindus in India, as opposed to certain castes applying their own values to the practice of widow remarriage. Whether this legislative reform was successful or not is another question, however the fact the law reform occurred and that this law still stands in India is a strong indicator of the Western influence that has shaped many practices in India today.

Furthermore, the caste system in India acts as a large influence on Indian society. Interestingly, the concept of widows being an 'inauspicious burden' exists more in higher-class families, than those that are lower on the caste system. An interesting aspect of the concept of widow remarriage is that although widows are often seen as 'bad omens', after their second marriages, they can once again behave like 'ordinary women'.³ Another contributing factor as to whether or not a family would accept a remarriage of widows is whether they lived in a nuclear or joint family situation. In India living in a joint or extended family is quite common, and widows in these families are less likely to get remarried as they are often relied upon to assist in taking care of the home. As mentioned earlier, lower-caste widows have always been more likely to have a second marriage. While often these castes are considered 'backwards', they have a rate of widow remarriage which is nearly three times as great than that of higher castes.⁴ These castes are not the main proportion of Indian society which are influenced by globalisation, they are often isolated from technology and the media as compared to higher castes. Only after

³ Johnson, EJ and Shyamala, 2012, 'Widow Remarriage: A New Dimension of Social Change in India', *International Journal of Humanities and Social Science*, vol. 2, no. 3, pp. 195-205.

⁴ Jensen, R, 2005, 'Caste, Culture and the Status and Well-Being of Widows in India', *National Bureau of Economic Research*, vol. 1: 361.

the law reforms mentioned earlier, and more recent exposure to Western media, have higher castes widely accepted the remarriage of widows, which clearly shows the impact of Western values.

A common practice occurring in India now is 'mass remarriage' (the practice of having a large wedding ceremony for a number of couples at the same time) of widows on Women's Day by politicians to show that they are socially progressive. While this practice is quite socially progressive, it is tokenistic and occurs only for politicians to further their political agendas and popularity. This practice shows the impact that Western values has had, since such a large-scale marriage of widows would not have occurred in the past.

Another indicator of Indian society is its booming film industry, Bollywood. Indian cinema is becoming more accepting of the notion of widows being autonomous beings who are able to find love, or even have a second arranged marriage. A comparison can be made between the 1975 film, *Sholay* and the 2006 film *Baabul*. The film *Shola'* was originally designed to have an ending which shows the marriage of a widow to one of the film's protagonists, however this ending was changed due to the fear that it would not be received well. On the contrary, *Baabul*, which has the same actor that played the protagonist in *Sholay* in a father role, has a centralised theme of widow remarriage, which was well-received by audiences that were commonly acquainted with Western cinema and Western values. This depicts the change that has occurred in Indian society, due to the spread of Western values through globalisation.

Another taboo in Indian society is divorce. This does not stem from a particular religion, but rather from a culture in which the institution of family is a sacred one, and to defy

that institution would be a threat to a family's reputation. Similar to the issue of widow remarriage, divorce, or separation is also often more acceptable in certain groups in India, than in others.

Religion is a large influence on divorce and separation in India, with two major religions, Hinduism and Islam, having differing views on the issue. In Islam, marriage is considered a 'contract' which can be terminated when necessary,⁵ by a husband saying 'talaq' (meaning divorce) three times – this concept is known as 'triple talaq'. Under Islam, a wife can also choose to end a marriage, but only after being granted the permission of her husband. This, however, rarely happens, as often women are dependent on their husbands in order to provide for their family. In Hinduism, marriage is a sacred institution, although divorce is now accepted as a social reality. However, societal stigma does exist around divorce, with women who are divorcees often being outcast from their families or society. Similar to widow remarriage, divorce is easier, or more acceptable in 'modern' nuclear families than in joint, extended families.

There has been major law reform with regard to divorce in India. There are three main acts which govern marriage and divorce in India – the *Hindu Marriage Act 1955*, the *Special Marriage Act 1954* and *Dissolution of Muslim Marriages Act 1939*. These laws only came into effect after the influence of the British on the Indian legal system. A notable aspect of these laws is that they aim to also balance the rights of women, which may not have occurred so early in Indian society had there not been a Western influence. The *Muslim Marriages Act* still allows for 'triple talaq' however has stricter guidelines around

⁵ Dommaraju, Premchand. 2016. "Divorce and Separation in India". *Population and Development Review* 42 (2): 198.

maintenance claims. One case that had a major influence on this was the Shah Bano case from the 1980s which involved a woman who claimed her husband had left her without any means of survival. Since that time, the Act has been reformed to allow for courts to decide on maintenance claims for divorced women. This demonstrates a large influence of Western values through globalisation, as with India's increasing exposure to the West – ideals of women who were once dependent on their spouses gaining maintenance was once merely a Western ideal.

In lower caste communities, where exposure to globalisation is less, *Mahela Panchayats* (Women's Councils) have been set up to assist low-income women who have experienced separation from their spouses. These women have been inspired by the West and have set up their own systems of customary law in order to ensure the equal treatment of women in communities. Often, separation occurs as a needs-based issue in communities, rather than an issue of conflicting views with consequent marriage breakdowns as in upper-caste communities. Many women from lower-castes will leave their husbands due to their husband's alcoholism issues. This is where the *Mahela Panchayats* may intervene and assist the woman in either remarrying, or setting herself up independently. Although, there are many conflicts that occur between communities and Mahela Panchayats though, with a sect of the lower-caste community believing that they are 'too Westernised' and will not provide beneficial help to the community. This taps into the belief in India that Western ideals are not positive.

Media biases also exist in terms divorce in India. There have been recent Media reports with headlines such as 'The great Indian wedding is succumbing to the great Indian

divorce',⁶ which focus on the rise in divorce rates in modern and upper-class Indian communities. While there has been a large increase in divorce in such communities, women that are divorcees have a large stigma placed on them. While Western values have influenced India in terms of allowing divorce to happen, it has not yet impacted the personal implications of divorce on the individual, raising concerns about whether or not 'unsuccessful' marriages should result in separation at all.

In summation, while the practice of divorce and widow remarriage may have been a major taboo in the past, they are now being more openly discussed within Indian society. In terms of widow remarriage, Western influences are evident, as higher castes, which are more exposed to globalisation are now becoming more accepting of the practice than in previous times. With respect to divorce, the influence of Western values has also made it more acceptable for couples to separate. Although social stigma does exist, it is easier for women to be independent and considered a separate entity of their husband. Hence, Western values, through globalisation have had a large impact on Indian society in terms of divorce and widow remarriages. However, due to India's colonial past, Western values are often denounced and the stigma around the remarriage of widows and divorce in India is persistent.

⁶ New York Times, 19th February 2008, as in Dommaraju, Premchand. 2016. "Divorce and Separation in India". *Population and Development Review* 42 (2): 195.

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