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A Jurisprudential Facet on Influence of Social Norms over the Marriage Preference in Indian Society

NAYAMA SMITH JOSEPH¹ AND ADWAITH K.P.²

ABSTRACT

The present research paper empirically analyses the INFLUENCE OF SOCIAL NORMS OVER THE MARRIAGE PREFERENCE ON INDIAN SOCIETY and evaluate deeper into the existing social norms which are prevalent in a jurisprudential aspect and how it influences marriage and the preference of the people. The existing social norms which are not being accepted by the individuals and suggesting for a change of the same in the context of preference of marriages. Different jurist's work on social norms related to marriage and how it is being applied in this 21st century as well as it focuses on the interplay and how far social norms have shaped legal norms. The approach towards reaching the decision is through a combination of methodological tools and design along with an empirical study conducted on individuals aged 18 years to 50 years, participants both men and female (N= 55). The rationality of people who still follows social norms in support with the concept of internalization, social image and self-image portrayed by individuals in the process of social learning is the changing impact of the society. In relation to the hypothesis of the paper, the paper answers on how public envisage Emerging New Trends in Marriages and Social Implications. The paper also observes the different views of jurist on the institution of marriage and how it is still being followed in India.

Keywords: Jurisprudence, social norms, Indian, marriage.

I. INTRODUCTION

***“People are going to behave however the social norms permit, and beyond that” - Max
Cannon***

Almost all societies practice marriage and the vast majority of people (around 90%) get married at least once throughout their lifetimes³. Regarding what constitutes appropriate premarital conduct, whom one marries, how one marries, a legitimate marriage ceremony, and the duration and purpose of the marriage, cultures differ. Marriage is also defined differently in each culture,

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³ Carroll, J. L., & Wolpe, P. R. *Sexuality and gender in society*. New York: HarperCollins, 21-23 (1996).

despite the fact that many nations share some standards. Normally, the two couples and their potential children have equal rights and obligations. All types of marriage can be viewed as a social process where new ties are formed between the kin of the husband and the bride. Due to the birth of children, marriage preserves societal patterns in this way⁴.

Marriage was once understood to be a partnership between a man and a woman, with any children born to her being accepted as the legal progeny of both parents. Marriage was believed to alter a man's and a woman's status, specify the level of sexual access for the couple, verify the validity of any children born to the wife, and foster bonds between the wife and husband and children's family³. There are additional justifications for marriage in various societies. For instance, marriage is revered in the Hindu religion as a symbol of the union of the moon deity Soma and the sun goddess Surya. Man is thought to be spiritually incomplete without a wife⁴. Longterm relationships are viewed in China as a spiritual necessity that ensures survival because they represent the two interacting principles of Yin (female) and Yang (masculine). Others can get married to elevate their status⁵.

A caste group known as the Nayar in southern India appears to have separated economic and sexual relations between men and women from a marriage around the 19th century. Nayar girls accepted ritual spouses when they reached puberty, but after the rite, the husband had no obligations to his wife and usually never saw her again. The girl was visited by numerous guys over the years and lived in a big house with her extended family. Except for paying for a midwife, the guy was not obligated to support her or the kid if she became pregnant by any of them. The female continued to be supported by her family⁶. Nayar unions said to be a reaction to prolonged male absence during military service, appeared to meet the needs of this specific caste group during a particular historical and cultural period. The Nair men are no longer as heavily involved in military service as they once were, and solid marriages have replaced it as the norm. Therefore, the institution of marriage and the people's concept of marriage and its preference is changing in this era of changing world however we consider marriage as the new stage of advancement in our life. However, this stage of advancement is always hindered by the old way of social norms which is still prevalent in this era as well. Even though people started thinking progressively still they tend to follow or make others follow what they have inherited by restricting one's to find their life partner.

⁴ Ember, C. R., Ember, M., & Peregrine, P. N. *Anthropology* (12th ed.). Upper Saddle River, NJ: Prentice Hall, 314-316(2006).

⁵ Royal Anthropological Institute. *Notes and queries on anthropology* (6th ed.). London: Routledge & Kegan Paul, 117-182(1951).

⁶ Kumari, R. *Female sexuality in Hinduism*. Delhi, India: Joint Women's Programme by ISPCK, 152-178 (1988).

(A) Review of literature

1. **Labovitz & Hagedorn (1973)⁷** : In the paper titled “*Measuring Social Norms*” are of the view that Societal norms can be changed over time if they are learned, and if they are causally connected to behavior and interaction patterns, then normative change may be responsible for some social developments. Along these lines, normative ambiguity and conflict may also cause societal changes like the dissolution of social order. Conformity and deviance are typically described in terms of following or not following social standards, aside from their presumed connection to social change and their uniting and governing function.
2. **M. Francesca & L. Steven (1988)⁸** : In a popular magazine titled “*Changing Emotion Norms in Marriage: Love and Anger in U.S. Women’s Magazines since 1900. Gender and Society*” studied that two opposing interpretations of these modifications to the emotional climate of marriage have been put forth. Both have significant flaws because they downplay the significance of gender. The most common interpretation is that the collapse of normative restraint is caused by new ideals. They contend that a "therapeutic ethic" that "denies all kinds of obligation and commitment in relationships, substituting them instead with the ideal of full, open, honest dialogue among self-actualized persons" is increasingly dominating American culture.
3. **Engert Andreas (2006)⁹** : in his paper titled “*Norms, Rationality, and Communication: A Reputation Theory of Social Norms.*” the author tries to explain that without depending on behavioral restraints (like habit) and normative reasons, the author attempts to explain social norms (like altruism). Instead, the social norms reputation theory set forth here examines norms as merely social constructions: In strategic circumstances, rationality is unable to offer clear direction on what to do. Individuals adhere to rules because they must make decisions. However, norms can be strategically manipulated; players can attempt to upend them by proposing alternative norms. Network effects and preference compatibility are two elements that support norms in the face of this danger. In addition, they support norms that resolve issues with collective action as well as norms that promote inter-individual collaboration. Thus, one of the problems with rational choice may be solved by the reputation theory of social norms.

⁷ Labovitz, S., & Hagedorn, R Measuring Social Norms. *The Pacific Sociological Review*, 16(3), 253-270 (1973).

⁸ Cancian, F. M., & Gordon, S. L. Changing Emotion Norms in Marriage: Love and Anger in U.S. Women’s Magazines since 1900. *Gender and Society*, 4 5 2 - 4 7 6 (1988).

⁹ Engert, A. Norms, Rationality, and Communication: A Reputation Theory of Social Norms. *ARSP: Archiv Für Rechts-Und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy*, 92(3), 186-197(2006).

4. **Rao Prakasa & Rao Nandini (1979)¹⁰**: In their article titled “Ideal Age at Marriage and Inferred Parental Age at Marriage: Attitudes of College Students in India,” gives a detailed analysis of the view of the preferred marriage age of the youngster in India and giving it a competitive analysis with that of their parents and providing an ideal marriage age for the same.

(B) Relevance of study

Society's order is provided through norms. Without social norms, it is challenging to imagine how human society would function. Humans require norms to direct their conduct, maintain social order and predictability, and make sense of and understand one another's activities. However often in the name of the existing society's order, social norms are being forced into the preference of the people and end up indulging in their personal life as well. Marriage is one, which is an important institution in society with a personal preference of an individual being directed according to the social order which may or may not be according to the choice of the individuals. Therefore, the study is important because, in this changing society, the preference of individuals is changing when it comes to this social institution. People tend to think forward and progressively which seems to be deviant from the existing social order and which eventually leads to social disorder by one sector of the society and violation of Article 21 and Article 19 by other sectors of the society. Therefore, the predominant question which lies here is whether the existing social order needs to be followed in terms of marriage preference when it is violating important constitutional provisions of individuals. Therefore, the need of studying the same is very relevant in this existing society. Law and social customs According to academic research, there are two ways reformers can benefit from the influence of social norms. First, legal changes can affect societal norms. In contrast to conventional methods, the interaction between law and social norms may provide more affordable and humane strategies to reduce crime. A legal modification that does not require enforcement or that requires very little enforcement is neither expensive for society nor for the people who are discouraged from breaching the law by a new social taboo.

(C) Research methodology

a. Statement of problem

The problem addressed through the research based on empirical study suggests that the social norms are still prevalent in Indian society rich in culture and traditions however the impact of

¹⁰ RAO, V. V. P., & RAO, V. N, Ideal Age at Marriage and Inferred Parental Age at Marriage: Attitudes of College Students in India. *Journal of Comparative Family Studies*, 225-257(1979).

globalization and Industrialization and its effect on social norms of the society is not yet being accepted by the individuals in the society. Social evils like dowry which is still considered to be relevant social norms are being accepted by the community in most of the country. Even after strict sanctions and legal provisions, people tend to follow these social norms as in excuse for the age-old social order being named as “social norms”.

The research tends to identify the existing social norms which are not being accepted by the individuals and suggesting for a change of the same in the context of preference of marriages. Another phenomenon of the problem is that to find out how these social norms are influential in the marriage life of individuals and how people believe that there should be a change of the same which can affect their individual life as well. Additionally, there was an opportunity for personal agency, although in general, only a small number of individual and family factors were shown to have a significant impact on the observed marriage pattern. Although the socioeconomic position and the demographic environment both have an impact on the date and incidence of marriage, the uniformity across many subgroups is the most striking feature of the marriage pattern in a jurisprudential aspect and finding out different jurists work about what they think was the characterized as the best marriage which is still being followed as a social nor.

b. Objective of the study

- i. To understand the concept of social norms in terms of marriage preference
- ii. To analyses the existing social norms and how it influences the marriage preference of individuals
- iii. To evaluate different jurists’ work on social norms related to marriage and how it is being applied in this 21st century.
- iv. To focus on the interplay between social norms and legal norms. How far social norms have shaped legal norms?

c. Research question

The paper attempts to answer the following research questions:

- i. What are social norms?
- ii. How are social norms are influencing the marriage preference of Individuals in India?
- iii. Has there been an interplay between social norms and legal norms? How far social norms have shaped legal norms.

d. Hypothesis

The preliminary research shows that the social norms highly influence the choice of marriage preference in the society.

e. Research design

The study has adopted a combination of methodological tools and design along with an empirical study conducted on individuals aged 18 years to 50 years. Background library work and desk research were conducted for placing the study in its context but much of the research materials for addressing the questions of social norms and their effect on marriage preference in the context of India and its effectiveness were collected with the help of secondary sources such as articles and journals.

II. ANALYSIS AND INTERPRETATION

(A) What are social norms?

Norms and regulations are woven throughout social relationships, directing many facets of our behavior. Social norms dictate what behavior to engage in or refrain from in a variety of situations, including tipping, waiting at a red light, and voting for laws that distribute wealth. Social behavior is regulated by laws and customs, such as driving on the right side of the road or standing in line. Following them is typically in the actor's best interests in most societies because they predict what others will do and assist prevent punishment or improper coordination.¹¹

However, in many situations, such as paying taxes, returning unjustified compensation, or being honest, standards demand that selfish behavior be restrained and might conflict with people's personal objectives. For instance, it is unnecessary to delay reaching one's destination by stopping at a red light when there are no automobiles in sight. Many others, however, lack formalization or punishment, and their infractions are difficult to spot (e.g., lying). These unwritten laws and customs are essential for maintaining group cohesion and building trustworthy social bonds¹².

(B) The rationality of people still follows social norms

a. Internalization

Numerous hypotheses have been developed to explain why people adhere to standards even

¹¹ C. Bicchieri *The grammar of society: the nature and dynamics of social norms* Cambridge University Press, pp.118-142, (2005)

¹² J.W. Buckholt Social norms, self-control, and the value of antisocial behavior *Curr. Opin. Behav. Sci.*, 3, pp. 122-129, (2015)

when doing so benefits the person making the decision and the likelihood of punishment is low. One well-known theory is that conformity to norms is partially internalized through socialization¹³.

b. Social image and self-image

Social image and self-image are related ideas that are frequently employed to describe intrinsic norm abidance.¹⁴ We frequently like others to view us favorably, honestly, or decently. Such "social image concerns" may play a significant role in motivating norm adherence¹⁵. An actor may benefit from having a strong social image since it enhances the likelihood that they would be trusted, selected as a partner in interactions, and given assistance¹⁶. However, social image issues are insufficient to explain why people would adhere to rules if no one else was watching. According to self-image theories, we also prefer to think of ourselves as moral beings.

c. Social learning

Additionally, a significant amount of intraindividual variance has been shown through studies. People's allegiance to norms is frequently quite flexible; they may uphold or disregard them based on what others do or think¹⁷. Because habits or self-image issues shouldn't be dependent on other people's conduct, these impacts are challenging to explain in light of the aforementioned beliefs (without making further assumptions). Social learning recognizes that norms and the level of norm adherence depend on ideas about and observations of others¹⁸ and that preferences conditioned on what others do or believe are a form of social learning.

It is essential to employ specially created tasks to test norms and norm following in order to fully account for the vast range of factors that determine norms and the degree of norm abidance stated previously. Cross-cultural comparisons have, in fact, brought attention to how peculiar social standards might be¹⁹.

¹³ A. Vostroknutov Social norms in experimental economics: towards a unified theory of normative decision making *Anal. Kritik*, 42, pp. 3-40, (2020)

¹⁴ R. Bénabou, J. Tirole Incentives and prosocial behavior *Am. Econ. Rev.*, 5 pp. 1652-1678, (2006)

¹⁵ L. Bursztyn, R. Jensen Social image and economic behavior in the field: identifying, understanding, and shaping social pressure *Annu. Rev. Econ.*, 9, pp. 131-153, (2017)

¹⁶ J. Gross, S. Simon, J.A.C. Everett Inferring and enforcing cooperativeness and dishonesty through rule abidance and partner choice *Work. Pap.* pp. 1-33, (2020)

¹⁷ C. Bicchieri, E. Xiao Do the right thing: but only if others do so *J. Behav. Decis. Making*, 22, pp. 191-208, (2009)

¹⁸ J. Tremewan, A. Vostroknutov An informational framework for studying social norms: an extended version A. Chaudhuri (Ed.), *A research agenda for experimental economics*, Edward Elgar Publishing (2021)

¹⁹ J. Henrich, R. Boyd, S. Bowles, C. Camerer, E. Fehr, H. Gintis, R. McElreath, M. Alvard, A. Barr, J. Ensminger, *et al.* "Economic man" in cross-cultural perspective: behavioural experiments in 15 small-scale societies *Behav. Brain Sci.*, 28 pp. 795-815, (2005),

III. HOW ARE SOCIAL NORMS INFLUENCING THE MARRIAGE PREFERENCE OF INDIVIDUALS IN INDIA?

(A) Aristotle On Marriage

In order to comprehend what a marriage of true friendship might be like; we must first consider Aristotle's definition of marriage. Any connection has to be about something, according to Aristotle. Friendships are based on shared activities, or what Aristotle called "shared activities," which is what makes people friends. According to Aristotle, the relationship between men and women is the most natural of all partnerships since the activities that men and women naturally share are so fundamental, so common, and so time-consuming. Men and women associate with one another because they like and need one another. For the "necessities of life," as well as for having and rearing children, they depend on one another. **Therefore, the Aristotelian view about marriage is quite similar to the new way of what the changing environment of society would like to adapt it.**

Aristotle's explanation of marriage thus far doesn't sound particularly noble. He may very well be implying that marriage is primarily a friendship of utility, with some potential for pleasure if we're lucky. It's crucial to remember that the foundation of marriage is vital, lifetime shared effort that, once completed, is especially significant when it comes to having and raising children. However, this principle is being adopted by the existing society as a norm and is being forced on the people who would like to raise children even without entering into the institution of marriage.

(B) Saint Thomas Aquinas On Marriage

ST. Thomas Aquinas describes the institution of marriage which later can be seen as a social norm in the prevailing society as one of the most important aims of marriage is to raise the offspring. Therefore, he is classifying the goal of marriage into two ends. The primary end and the second end. The primary end which serves as the basis to produce offspring and the second end to the secondary end of matrimony is the mutual services that married persons render one another in household matters. Out of the two, the secondary end can be still being accepted in the prevalent society however the primary ends which is treated as a social norm and the upcoming more career and goal-oriented youths will not be accepting to this social norm which were of the view of ST. Thomas Aquinas.

The wedding ceremonies give expression to the conventions and realities of marriage. Numerous aspects of marriage as an institution are highlighted by the contractual character of

the wedding, the religious significance of the nuptials, the community involvement in the meals and celebration, and the tie forged by the future exchanges between the families. At each stage, these rituals incorporate the necessary components as well. According to how much each had an impact on the participants, Indian orthodoxy and western penetration are each portrayed.

Traditional village weddings, especially those of the higher caste, might last up to a week and involve numerous celebrations and rituals. Either the bride's or the groom's family provides food for the entire caste community in the area at this period. Six months before the wedding, preparations would be conducted to gather enough food. There are ceremonies for the entrance of the groom's party in the village, the betrothal, the wedding itself, the follow-up marriage, and visits between the bride's and groom's homes during the wedding season.

Since ancient times, most marriages in India have been family-arranged unions, where parents and other family members have a major role in the choosing of the prospective spouse. Men and women of the current age now have better access to financial resources and media exposure thanks to modern education. In most industrialized nations, they have also been discovered to be contributing reasons too late marriages, parents playing a less role in match selection, a rise in self-selected marriages, and more freedom in the mate-selection process. There is evidence examining whether these options are becoming more prevalent in nations that are typically defined by family-arranged weddings and what effects ongoing changes in the mate-selection process are having on the current marriage market and other social institutions. Findings imply that men and women of the current generation are increasingly showing signs of appreciating the financial potential, reliability, equal temperament, physical attractiveness, and intelligence of the prospective spouse. The rise of particular preferences has significant effects on other social institutions as well because it leads to more divorces, more self-selected marriages, and delayed childbearing if the preferences of both men and women are not taken into account before marriage. Studies also show how mate preferences have changed in response to the shifting social climate. For instance, choosing a spouse with certain basic characteristics was mostly the responsibility of the parents, and these criteria were determined by a number of factors, including height, weight, religion, race, education, and income, among others.²⁰

Social norms related to the education of a girl child are one of the most prevalent norms in society. As females are expected to get married within the age of 25 years therefore any education beyond that age is not encouraged by the families or societies around them. However,

²⁰ Brim, R. (1968). Marital relations. In V. N. K. Reddy (Ed.), *Marriage in India*. Hyderabad: Academic Press, (1968).

the trend of globalization, industrialization and a large number of migrants has been readily faced by females across the country through education. Therefore, the social norm of getting married at the age of 25 years is slowly fading and the concept of getting an independent income and settling is prevailing.

IV. EMERGING NEW TRENDS IN MARRIAGES AND SOCIAL IMPLICATIONS

Social Effects Numerous findings imply that traditional Indian culture's long-term human mate selection norms are undergoing a wave of change and are primarily influenced by western beliefs. The rules for creating marital relationships are evolving as more emphasis is placed on the attributes of the prospective spouse, which was not customary a few decades ago. Women like to choose their mates based on those attributes that are comparable to themselves across several criteria, just like men do²¹.

Although it is crucial to create a gender-equal environment in the overall mate-selection process, we want to emphasize that assortative mating on a trait-by-trait basis, particularly among women, may complicate things and have effects on a number of social institutions, including the institution of marriage. In this part, we try to clarify a few of these consequences, mainly in terms of new marriage patterns that may emerge as a result of modifications to the process of choosing a spouse as a whole and its effects on certain other social institutions.

(A) Social Norms and Emergence of Inter-Caste Marriages.

It's noteworthy to note that even highly educated Indian immigrants to the west have been observed to adhere to their own caste when choosing a spouse. A few pieces of research on non-resident Indians who immigrated to the United States and placed matrimonial ads have shown that these ads almost always specify the advertiser's caste and even sub-caste, meaning that the choice of a marriage partner is limited to the advertiser's caste or sub-caste²². Cross-ethnic marriages could become more prevalent as a result of evolving mate-selection preferences. In India, caste endogamy and the caste hierarchy have historically been tightly correlated with marriage. Even though inter-caste unions do occur in Indian society, their frequency is minimal because they are not socially accepted in the country's traditional culture. Our research indicates that as more women have begun to voice their choices for potential spouses, it is more likely that "caste" or "religion" will no longer play a significant role in the marriage market.

²¹ Shaffer, R. D., & Bazzani, D. G. Why do you look for in a prospective date? Re-examining the preferences of men and women who differ in self-monitoring propensities. *Personality and Social Psychology Bulletin*, 23, 605–616, (1997)

²² Sharda, B. Marriage Markets and Matrimonial Match Making among Asian Indians of United States, *International Journal of Sociology of the Family*, 20, 21-29, (1990)

a. The change of social norms of inter-caste marriage by the media

The increasing frequency of these adverts shows unequivocally that marriages of future generations may become more caste-less. When weddings were more common earlier, most issues were resolved amicably, but one could not expect to ignore the parents who rarely used other avenues to save the marriage, such as newspapers, media, etc. As a result, they weren't seen very often. These adverts now appear numerous, and there are websites that might assist in mending marriages. The proliferation of these adverts and portals makes it abundantly obvious that finding a suitable match made solely through mediators and outside of the same caste may not last. The outlook of the only criterion and such societal developments are likely to be in the near future, the marriage market.

(B) Social related – gender norms in India

There are many distinct gender and sexuality constellations that defy conventional gender conventions. These include queer, trans, non-binary, and lesbian, gay, and bisexual people. The relationship between a person's gender identity, gender expression, and sexual orientation is not always clear-cut; someone may identify as non-binary while having a male-biased sexual orientation. Another person can be a straight transgender woman who is attracted to men. A third person may be cisgender and pansexual, which means they are drawn to people of any gender or sexual orientation.

Differences in the timeline of same-sex marriage legalization across European nations lead researchers to the conclusion that secular nations with closer ties to the "global cultural order" and international advocacy groups are more likely to pass LGBT rights legislation.²³

a. Has there been an interplay between social norms and legal norms? How far social norms have shaped legal norms?

Moral standards, religious norms, legal norms, customary norms, and cultural norms are just a few examples of the social norms that exist in society²⁴. The degree to which these social norms are effective in governing human existence in society varies according to their degree of validity, enforcement, and features²⁵. The fact that legal norms are implemented and maintained by a legitimate governmental power makes their validity and enforcement more dominant than other social norms, giving them a dominant position (more being *Lex superior*) in directing

²³ Fernandez, J. J. and Lutter, M. Supranational cultural norms, domestic value orientations, and the delusion of same-sex union rights in Europe, 1988-2009. *International Sociology*, 28:102120, (2013).

²⁴ Hechter M, Opp K-D. *Social norms*. Russell Sage Foundation; (2001).

²⁵ Eisenberg MA. *Corporate law and social norms*. *Colum L Rev*. (1999)

human activities²⁶. There are numerous social norms in human existence that help us realize our aspirations or ambitions. There are social standards and legal norms in the natural order of things, according to Eric A. Posner²⁷, who also holds this opinion. These social standards serve as a framework for human interaction and a line of demarcation for social behavior. Social norms are unifying behaviors that define a group of individuals and specific geographic borders²⁸. The social agreements of the populace, also known as social laws, will emerge alongside norms.

(C) The Appropriate Use of Social Norms

Use of Social Norms Properly Is the existence of a meta-norm enough to ensure the legitimacy of a social norm in the legal system? If so, which of the two meta-norm systems described above should be used to specify how social norms can legitimately be incorporated into legal norms? In the case of specific political, economic, and social challenges, the mechanism by which a legal norm is formed is typically accompanied by a formal deliberative procedure in an assembly and an informal community discourse centered on the media. Due to the societal norm's averageness, it was deemed appropriate for discussion at the time. However, it doesn't appear that anybody has discussed how to deal with these societal standards, particularly with regard to the legality of the methods, means, and objectives established for any formal incorporation.

To define valid, utility-promoting social norms, Bentham contends that deliberation in representative institutions and among the Public Opinion Tribunal (POT) is essential. (However, the same might be stated of social rules that promote welfare). Although there is not a specific organization that can be identified as the POT, its operations are real and may be felt by authorities thanks to the sanctions available to the POT. Any official can be publicly blamed by the President, which will result in their dismissal from office (dislocation). The penalty used isn't always legal, but it's primarily drawn from the moral (popular) sanction because the POT intervenes when legal punishment is excessive²⁹. Additionally, it may laud

More recent and in-depth philosophical study on the nature and origins of social norms foreshadows Hart's theory of law as a type of social rule³¹ It also somewhat agrees with recent social psychology research on the use of heuristics in everyday decision-making. By referencing

²⁶ Habermas J. *Between facts and norms: Contributions to a discourse theory of law and democracy*. John Wiley & Sons; (2015).

²⁷ Posner EA. *Law and social norms*. Harvard university press; (2009).

²⁸ Hofstede G. *Culture's consequences: Comparing values, behaviours, institutions and organizations across nations*. Sage publications; (2001).

²⁹ Bentham defines a fiction in his legal writings.

these two closely related bodies of literature, our goal in this paper is to critically assess Hart's interpretation of legal responsibility. To broaden Hart's analysis of the distinctive attitudes of legal officials, we first depend on the social intuitionist model of practical judgments created by Amos Tversky, Jonathan Haidt, and Daniel Kahneman. We contend that legal officials' adoption of the rule of recognition can be rationally interpreted as a reflection of comprehensive intuitive judgments based on acquired heuristics.

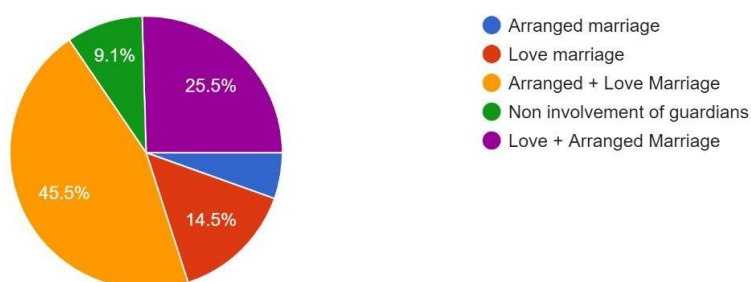
Hart's thesis raises some important issues, but it also has a strong explanatory component. These concern issues like how legal authorities define the terms of legal norms while also believing that they are bound by them, as well as how these norms develop and endure over time. We have suggested that by drawing on the social intuitionism of Tversky, Haidt, and Kahneman as well as the theory of social norms proposed by Bicchieri, these problems can be at least partially answered. These ideas add to Hart's relatively simplified explanation of the origins and functioning of legal normativity while also supporting the broad picture of legal norms he constructed. The consequences of our explanation of social norms for Hart's theory of legal duty have been the main topic of this paper. The hypothesis put forth here, however, has broader consequences. We shall list three of them in our conclusion. First, because social norms and legal standards are interdependent, the two categories naturally overlap. Legal authorities must always consider societal standards when making decisions under the law.

V. INTERPRETATION OF DATA

An empirical study was conducted among 55 adults between the age of 18 years to 50 years of age to relieve more accurate authentic data on the views of the population regarding the preference for marriage and how they perceive social norms which influence marriage preference in India. The questionnaire consisted of 9 MCQ questions out of which four were related to respondents' marriage preferences and 5 were related to their views and opinion on how social norms are influencing marriage preference in India.

The following are the result of the response from the respondents:

What do you support?
55 responses

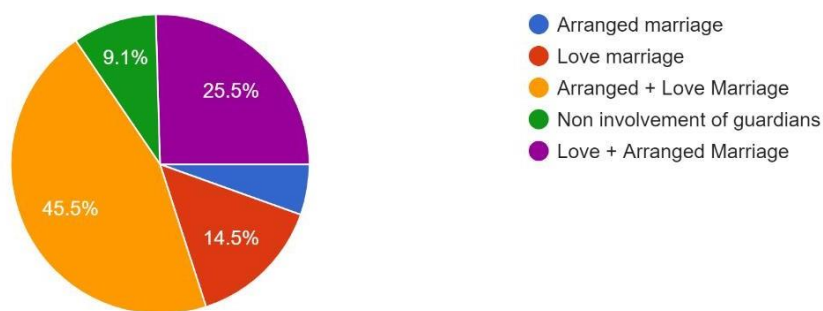


According to this question, 25 respondents which make 45.5% of the total respondents are of the view that they support arranged + love marriage, which also adds up to 25.5% of the support love + arrange marriage and 9.1% of the view not involving the legal guardians such as parents into this social institution as a whole and 3 respondents making 5.5% is of the opinion that of the arranged marriage.

Observation: Through this, it can be observed that the age-old social norms relating to the This response is collected out from 55 different individuals.

What do you support?

55 responses



Out of the 55 responses received Arranged marriage -5.5%

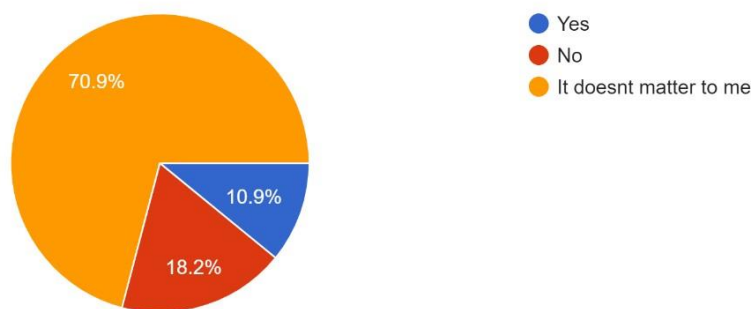
Love marriage -14.5%

Arranged + Love Marriage -45.5% Non-involvement of guardians -9.1% Love + Arranged Marriage -25.5%

With this report its very clear that the old social norm of arranged marriage have considerably decreased and moved to the leased choice. And people mostly prefer according to the survey is Arranged + love marriage -45.5% to the majority, followed by Love + Arranged 25.5%. and the rest love marriage -14.5% and non-involvement of guardians -9.1%

Do you think our life partner should be of our equal age?

55 responses



Out of the 55 responses on Do you think our life partner should be of our equal age? Yes- 10.9%

No-18.2%

It doesn't matter to me- 70.9%

From a very long time the social norm in our society is that the female should be younger than the male.

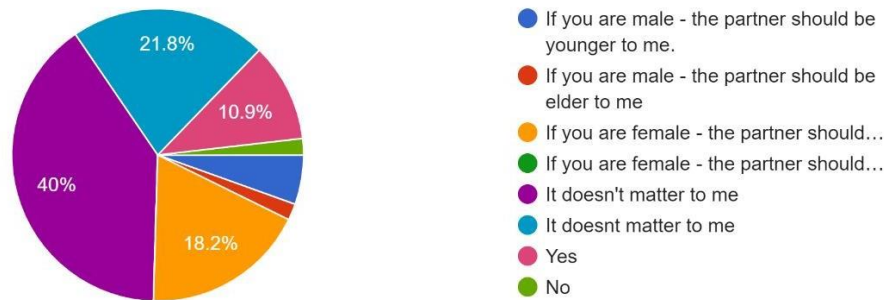
From the recent societal change and the survey result it shows people doesn't matter about this they don't prefer the elder ones alone. Which is a very positive change.

70.9% prefer the- it doesn't matter to me. 18.2% says no and 10.9% says yes.

The older norm has the least choice over the present-day world. They do prefer marrying the equal aged ones as their spouse.

Do you think our life partner should be elder or younger to us?

55 responses



Out of the 66 responses on Do you think our life partner should be elder or younger to us?

- If you are male - the partner should be younger to me-5.5%
- If you are male - the partner should be elder to me- 1,8%
- If you are female - the partner should be elder to me- 18.2%
- If you are female - the partner should be younger to me- 0.0%
- It doesn't matter to me- 40%
- It doesn't matter to me- 21.8%
- Yes- 10.9%
- No- 1.8%

In this the most gone with It doesn't matter to me- $40\% + 21.8\% = 61.8\%$

18.8% female choose that female should be younger to their spouse, 10.9% of people in general choose that the partner should be elder.

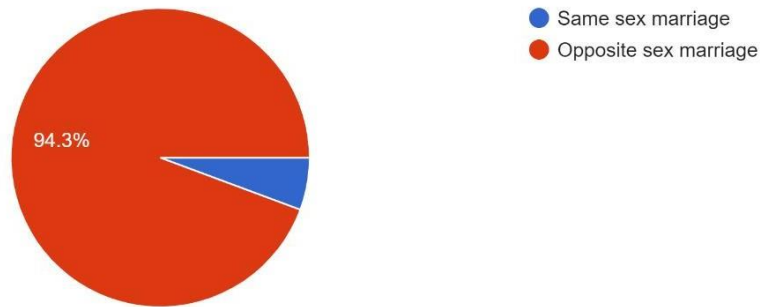
5.5% of male says the partner should be younger to them. And the least percent on male

choosing the elder partner and no -1,8%.

The old social norm makes a change here as well, majority of the survey attendees choose it doesn't matter, followed by female choosing the partner to be elder- 18.2% which is the usual social norm. and other opinions followed.

What is your preference?

53 responses



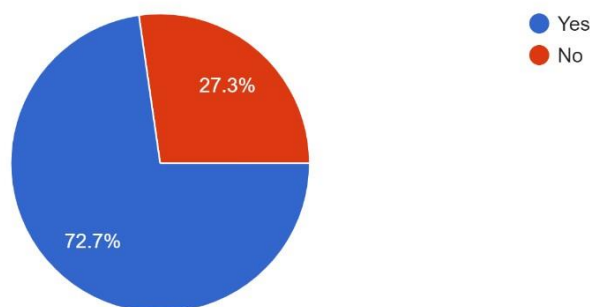
Out of the 55 people who filled 53 have responded to this question. This is way too personal and also would be a dark region to answer on.

We received a very open response of 5.7% who choose same sex marriage, which is a very positive change we could receive. Rather than keeping themselves in closet and hesitate from answering they genuinely said yes. The decriminalization of section 377 has made people to come out as themselves very genuinely without fear of social norms and societal behavior towards such people. May be even more would be into this category still dint respond of their own reasons.

94.3% choose the ordinary social norm of opposite sex marriage, and 2 restrained from giving any response to this. They might be people who are not sure about their sexuality yet or not interested in giving an open opinion.

Do you think same sex marriage should be accepted in our society?

55 responses



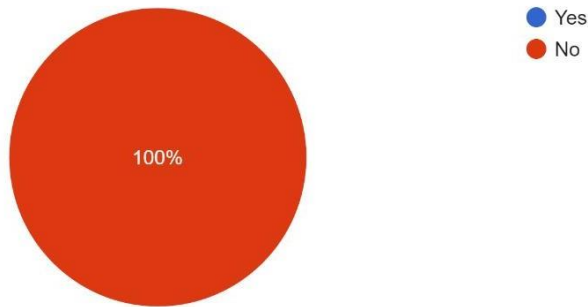
Out of the 55 responses

Majority that is 72.7% support the acceptance of same sex marriage which is very progressive

and matured opinion and 27.3% choose the old social norm now to support same sex marriage.

Do you support dowry system of India?

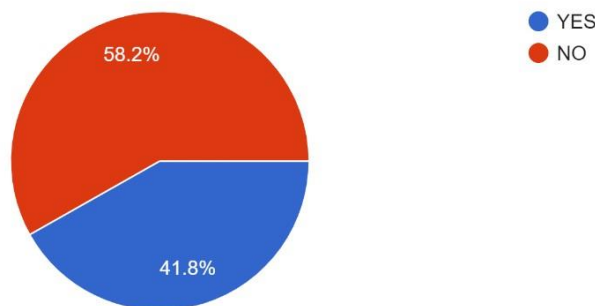
55 responses



Out from the 55 responses no one support the dowry system which is there in India. This is really a great response the survey could get.

Do you support accepting gifts (eg: car , house) from your life partner just for the benefit of you both?

55 responses



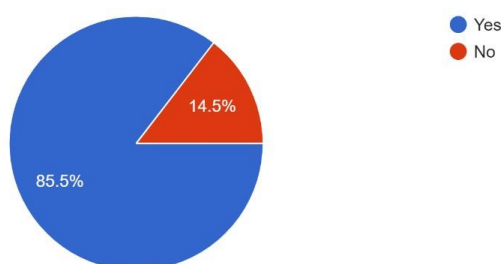
Out of the 55 responses on Do you support accepting gifts (egg: car, house) from your life partner just for the benefit of you both?

56.2 % which is in majority choose no over yes.

And 41.8% choose yes, here they kept the note of for the betterment of both into consideration which makes this opinion also into picture.

Do you think people should start thinking progressively when it comes to the institution of marriage?

55 responses

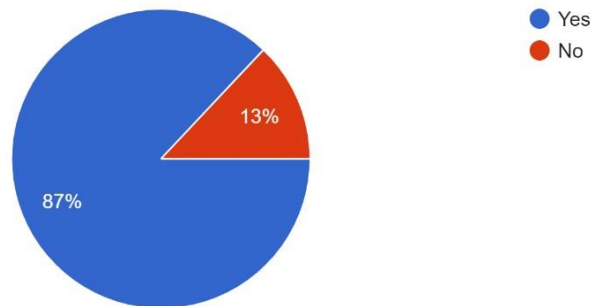


From the 55 responses 88.5% people have the opinion on thinking progressively in the institution of marriage. Which is very progressive and for the betterment of the society,

Still 14.5% goes with the old school marriage too.

Do you think still the age-old social norms are influencing marriage in this generation also?

54 responses



Out of the 54 responses majority of 87% gone with yes for this, there are surly influence over marriage from the old times. And a less percent of 13% thinks a 'no' on this point too.

VI. CONCLUSION

From this survey conducted the researchers got a very good view in people's mentality and interests. They are in a verge to make a change to the old school social norms and make the society to grow with time. This mentality would build up a discrimination free and loving world. Therefore, even though the world is changing in its most structurally and dynamic manner however the people of India is still enrolled themselves into the age-old custom which can hinder the process of development however it can also upkeep the social norms of the society to a great extent.

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