



## Inheritance, Succession and Authority: Changing Marriage Practices in Contemporary Society

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### Abstract:

This paper explores the intricate interconnections between inheritance, succession, and authority within the institution of marriage, highlighting how these structures have transformed in response to modernization, globalization, and evolving gender relations. Traditionally, family and kinship have served as the foundation of authority and inheritance, sustaining patriarchal social order and property transmission. However, in contemporary society, changing marriage practices — such as inter-caste unions, love marriages, same-sex partnerships, live-in relationships, and delayed marriages — are redefining norms of legitimacy, inheritance, and familial power dynamics. Using structural-functionalist, alliance, and cultural theoretical frameworks, this study examines how socio-legal reforms, feminist movements, and global cultural flows are reshaping ideas of kinship, gender, and authority. The analysis also situates these changes in the context of Indian family laws, focusing on inheritance rights, succession disputes, domestic violence, and crimes related to marital honor. The paper concludes by emphasizing the need for an inclusive, egalitarian, and gender-sensitive understanding of family and marriage in both sociology and law.

**Keywords:** Family, Inheritance, Marriage, Succession, Gender, Authority, Law, Kinship, Modernization, Feminism.

## 1. Introduction

Family, marriage, and kinship are among the most enduring institutions of human society. They regulate reproduction, inheritance, property, emotional life, and the socialization of individuals. In most cultures, these institutions have historically reinforced authority structures rooted in patriarchy and lineage. However, in recent decades, these institutions have undergone profound changes due to industrialization, urbanization, women's empowerment, and global human rights discourses. Inheritance and succession systems—once designed to preserve patriarchal lineage and property continuity—are now being challenged by new family forms and marriage practices that question traditional hierarchies of authority. The introduction of egalitarian legal frameworks, such as the Hindu Succession (Amendment) Act, 2005 in India, has further democratized property rights, particularly for women and daughters. Simultaneously, changing marriage practices—such as interfaith and intercaste unions, delayed marriages, and alternative relationships—are redefining kinship and legitimacy. This paper seeks to explore how these transformations in inheritance and marriage intersect with authority, gender relations, and the law, producing both conflict and progress in contemporary society.

## **2. Theoretical Framework**

### **2.1 Structural-Functionalist Perspective**

Structural-functionalism, developed by thinkers like Émile Durkheim, Talcott Parsons, and Radcliffe-Brown, views family as a social institution that maintains social order and stability. The family functions to reproduce society biologically, socially, and culturally. Authority and inheritance are mechanisms ensuring continuity and cohesion within the social system. In this view, patriarchal authority was once functional, as it centralized decision-making and preserved lineage. However, modernization and gender equality have disrupted these traditional structures, resulting in a shift toward more democratic and egalitarian forms of authority within families.

### **2.2 Alliance Theory**

Claude Lévi-Strauss's alliance theory emphasizes that marriage is not merely a private affair but a social contract linking groups through the exchange of women and property. This exchange reinforces kinship networks and maintains social hierarchy. The rules of inheritance and succession often mirror these alliance patterns, determining who holds power and who inherits. As marriage patterns evolve — for instance, through intercaste or interreligious unions — alliance systems lose rigidity, reshaping social stratification and inheritance norms.

### **2.3 Cultural and Feminist Perspectives**

Cultural theories emphasize that kinship and marriage are cultural constructs shaped by shared meanings, norms, and symbols. Feminist scholars such as Sylvia Walby, Gerda Lerner, and Bina Agarwal highlight that patriarchy operates through control of women's sexuality, reproduction, and property rights. Inheritance and marriage are central sites of this control. The feminist legal movement has been instrumental in redefining laws on succession, divorce, and domestic violence, seeking to dismantle structural inequalities within family institutions.

## **3. Inheritance, Succession, and Authority**

### **3.1 Traditional Systems of Inheritance**

Historically, inheritance systems across societies have been patriarchal. Property was transmitted through male lines, ensuring control over land, wealth, and authority remained within male-dominated kin groups. In India, the Mitakshara and Dayabhaga schools of Hindu law defined how property was inherited—largely privileging sons over daughters.

### **3.2 Legal Reforms and Gender Justice**

The Hindu Succession Act (1956) and its amendment in 2005 marked turning points in India's inheritance regime. By recognizing daughters as coparceners, the law granted women equal rights in ancestral property. Similarly, Muslim and Christian personal laws have undergone scrutiny for their gender biases. Despite legal progress, social and cultural practices often undermine women's rights. Property disputes continue to reflect deeper patriarchal structures, where authority remains gendered even when law provides equality.

### **3.3 Authority within the Family**

Authority within families has traditionally flowed from elders and men. In patriarchal societies, fathers, husbands, and elder males have dominated decision-making regarding marriage, property, and reproduction. However, the democratization of education, economic independence, and feminist activism has significantly altered this dynamic. Women increasingly participate in decision-making, while younger generations challenge hierarchical authority.

#### **4. Changing Marriage Practices**

##### **4.1 From Arranged to Autonomous Marriages**

The rise of education, urbanization, and media exposure has transformed marriage from an arranged alliance to an increasingly personal and emotional partnership. Love marriages and online matrimonial platforms reflect a shift toward individual choice. However, this autonomy often clashes with family honor and caste boundaries, leading to tension and sometimes violence.

##### **4.2 Intercaste, Interfaith, and Same-Sex Marriages**

India's Special Marriage Act, 1954 provides a secular framework for marriages beyond religious lines. Yet, such unions often face social hostility. Intercaste and interfaith marriages continue to provoke "honour killings" in some regions, revealing the persistence of patriarchal and caste-based authority. The 2018 Supreme Court decriminalization of homosexuality (*Navtej Singh Johar v. Union of India*) marked a significant shift toward recognizing same-sex relationships, though marriage equality remains contested.

##### **4.3 Delayed and Non-Marital Unions**

Economic pressures, career priorities, and shifting values have led to delayed marriages and the rise of live-in relationships. Such relationships challenge the legal definition of family and legitimacy. The judiciary has begun acknowledging these unions, granting limited rights to partners under the Domestic Violence Act, 2005.

#### **5. Gender Relations, Sexuality, and Power Dynamics**

Gender relations within families and marriages are central to understanding authority and succession. Patriarchal authority historically placed women in subordinate positions. Feminist interventions have challenged these structures by asserting bodily autonomy, sexual freedom, and equal property rights. The control of women's sexuality has been linked to inheritance and purity of lineage — concepts that maintain patriarchal power. Marriage, in this sense, becomes a regulatory institution of gender and reproduction. The changing social and legal acceptance of women's autonomy marks a fundamental transformation in the gendered nature of authority.

#### **6. Children, Youth, and the Elderly: Intergenerational Shifts**

Family authority has also shifted intergenerationally. Children and youth today often negotiate or reject arranged marriages, demanding autonomy in education and relationships. Simultaneously, elderly family members face challenges as traditional systems of care weaken due to migration and nuclearization of families. The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeks to legally reinforce intergenerational responsibility, but emotional and cultural bonds remain strained in many modern households.

## **7. Emotions and Family: The Transformation of Intimacy**

Sociologists such as Anthony Giddens describe the “transformation of intimacy” as a shift from traditional, duty-based relationships to emotionally negotiated partnerships. Marriage and family today are guided by affective bonds, communication, and equality rather than obedience and hierarchy. However, this emotional revolution also generates new challenges — such as marital instability, divorce, and mental health concerns — which law and society are still adapting to address.

## **8. Family Laws, Domestic Violence, and Honour Crimes**

### **8.1 Legal Frameworks**

India’s family laws—spanning Hindu, Muslim, Christian, and secular statutes—regulate marriage, divorce, maintenance, and inheritance. The Protection of Women from Domestic Violence Act (2005) and Section 498A of the Indian Penal Code aim to protect women from abuse within marriage. Despite such laws, domestic violence and crimes of honour persist due to deep-seated patriarchal norms that equate family control with moral authority.

### **8.2 Honour Killings and Patriarchal Authority**

Honour killings—murders committed to preserve family reputation against perceived dishonour through inter-caste or inter-religious marriages—reveal the violent enforcement of patriarchal and caste hierarchies. These acts represent extreme assertions of familial authority against individual autonomy. Legal recognition and strict enforcement against such crimes remain crucial to gender justice.

## **9. Emergent Forms of Family and Care Systems**

Globalization and digitalization have diversified family forms — including single-parent families, childfree couples, LGBTQ+ families, and transnational households. These challenge conventional notions of inheritance and authority. Simultaneously, care and support systems are increasingly outsourced to institutions such as daycare centres, old-age homes, and healthcare facilities, reflecting a shift from kin-based care to service-based arrangements.

## **10. Conclusion**

The intersection of inheritance, succession, authority, and marriage practices reveals both continuity and change. While patriarchal traditions persist in cultural and emotional domains, legal and social reforms are progressively democratizing family relations. The transformation of marriage from a social contract of duty to an institution of personal choice marks one of the most profound shifts in human history. To achieve genuine equality, society must move beyond formal legal equality toward substantive social change — where gender justice, emotional wellbeing, and human dignity define family life. The future of inheritance and marriage lies not in preserving authority, but in redistributing it—toward inclusion, equity, and mutual respect.

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