

OLD CUSTOM, NEW TWIST

Understanding the Dowry Evil

Pranjali Bandhu

[The scourge of dowry has now percolated to almost all sections of society and regions in India. It is to be found amongst the working class as well as the bourgeoisie; amongst the Hindus as well as the Muslims and Christians; among the Brahmins, the Dalits, and even among some Adivasi communities; in urban and rural areas. Albeit with variations on the basis of caste, class and region, as an indicator of the subordinate status of women in Indian society, the fact that it has become an almost all-pervasive social evil is dismaying. This is despite laws that try to mitigate its adverse effects, the most pernicious among them being the so-called dowry deaths that are unique to the Indian subcontinent (excepting countries like Bhutan and Myanmar). The article tries to understand this phenomenon, which is drowning many a woman in blood, through its historical evolution.]

Dowry is linked with the patriarchal form of marriage and family that emerged together with private property in prehistoric times. Male dominance was an important trait of early Indo-European society and has been linked by anthropologists to masculine qualities needed in plough agriculture and in horse riding. The introduction of the horse and the chariot and their possession gave rise to house-centred aristocracy which provided leadership to the nomadic pastoral-agricultural community. The introduction of the horse initiated the process of social differentiation in previously egalitarian communities.¹

Private property originated after the domestication of animals and the breeding of herds, which were a new source of wealth. According to the division of labour then prevalent the herds and the surplus produce obtained from them belonged to the men. As such wealth increased it gave man a more important status in the family, which till then had been dominated by the woman by virtue of the female line prevalent at that time due to her role in procreation, in food gathering and in agricultural production. Man utilized his strengthened position to overthrow gynarchy/matriarchy and the traditional order of inheritance based on matriliney. Mother right was overthrown and with that came the "world historic defeat of the female sex" (Engels). The man seized the reins in the home also and the patriarchal form of the family was established. On the Indian subcontinent, this was very much linked to the emergence of slavery and the subjugation of some tribes by others in a hierarchical caste system which became increasingly rigid over a period of time.²

The patriarchal family in general is based on the supremacy of the male. In a class based society its express aim is begetting children, particularly sons, of undisputed paternity, who inherit their father's wealth. In order to guarantee the fidelity of the wife, i.e., the paternity of the children, the woman is placed in man's absolute power and jurisdiction. If he kills her, he is but exercising his right. This absolute authority over the woman in the family had its most extreme manifestation in ancient Roman law, according to which the father and husband after calling a family council could put a woman to death without public trial. Woman was thus man's possession, his domestic and sexual slave, to do with as he pleased. Without the control of women's sexuality and the practice of hypergamy, a caste based society too, as in India, which privileges certain castes, cannot be maintained. The position of women among the upper castes was more restricted than among the castes lower down in the hierarchy. The greatest gender equality was among those ethnic groups that managed to remain outside the *jajmani* system.

The subordination of the upper caste woman was guaranteed through her domestication and by making her economically dependent. She was excluded from the process of economic production outside the household. This dependent status was also reinforced by not allowing her to own or dispose of property. Under feudal patriarchy the so-called *Stridhan* (woman's property), over which she had absolute power of disposal, were gifts given voluntarily by her parents, brothers and extended family or her husband and his family. Compensation was also due to her by her husband if he married another

woman. This guaranteed social and economic security in cases of widowhood or separation, whereby she did not necessarily have to turn to her parents for support. Stridhan was a custom practiced by the upper castes, whereas bride price was common among the toiling castes/classes.

The perpetual tutelage of woman according to Brahminical Hinduism, first laid down by Manu around the first century BCE, is elaborated by Vijnaneshwar (12th century jurist of Hindu Law, who codified the *Mitakshara* dealing with property rights and inheritance) thus:

“Before marriage the father shall restrain a woman from wickedness, and after it the husband, failing him the sons—and in her old age the said relatives being deficient, the distant kinsmen, on failure of any relatives, the king. If both the husband’s and father’s lines are extinct, let the king be the protector and guardian of woman.”

Therefore women are not independent at any time. Patrilocality among caste Hindus—the fact that the woman left her natal home on marriage and that sons were expected to look after the parents in their old age, consolidated her subordinate position, which on the superstructural level was reinforced by regarding her as morally low, as unfit for studying the *Shastras*, thus bringing her status on par with that of the *Shudras*—the lowest of the low in caste Hindu society. This male domination within the family and in society was the hallmark of the periods of slavery and feudalism and in general continues today

REFORMS IN THE COLONIAL AND POST-COLONIAL PERIODS

The British legal system reworked and used the feudal patriarchal *Mitakshara* and *Dayabhaga* systems to settle property and inheritance issues within the family. By making agricultural land into individually owned alienable private property, inheritable only by males, and making them responsible for paying fixed revenues, the British sowed the seeds for the modified dowry system, as it continues to exist today. Men had greater possibilities of being absorbed in the economy fashioned by the colonial rulers, who in their home country had brutally subordinated women. In Punjab, for example, upper caste men began to join the army and bureaucracy because of the perks. The enhanced social status of men vis-a-vis women emboldened dominant caste parents to demand a ‘groom price,’ the higher the status the greater the price in terms of cash and new manufactured items imported from England. The gifts transferred as dowry were also no longer under the sole control of the woman, and largely passed over to her husband and in-laws. In this process of socio-economic transformation even those castes and communities who had earlier paid bride price—as the *Jats* in Punjab because of the economic contribution of women, who also worked in the fields taking on certain tasks—began to demand dowries. Those with new found riches under the colonial regime showed off their wealth through ostentatious wedding ceremonies with a public display of the gifts (dowry) given. Those on the lower rungs came under pressure to emulate the upper classes/castes; and an increasingly indebted peasantry due to British land revenue and other economic policies found dowry one means of being able to pay off debts!³

The social reform movements in the colonial period took up other issues to upgrade the status of particularly the dominant caste women, such as Sati, child marriage, widow remarriage, women’s education and participation in the wider economy outside the home, but not that of equal property rights, which might have counteracted the tendency to expect a dowry from the bride’s parents.

The Hindu Code Bill, framed by Dr Ambedkar in 1949, envisaged legal equality for women including equal property rights, but this bill was stalled by male chauvinist orthodox Hindu parliamentarians and it was dropped. The Hindu Succession Act passed in 1956 did not grant equal property rights to women, but through an amendment in 2005 this was changed. However, in most cases this right remains a formal one and is rarely implemented due to the lack of behavioural changes in the people. It is also not part of a uniform civil code including women of other religions such as Christianity, Islam and Sikhism, who continue to be under their own patriarchal personal laws.

The Dowry Prohibition Act passed in 1961 (with subsequent amendments in 1984, '85 and '86) prohibits the request, payment or acceptance of dowry, "as consideration for the marriage", where 'dowry' is defined as a gift demanded or given as a precondition for marriage. Gifts given without a precondition are not considered 'dowry,' and are legally permissible. Sections 498A and Section 304B were added to the Indian Penal Code to safeguard women's interests within marriage.⁴ The Protection of Women from Violence Act was passed in 2006. All these and other developments in the legal sphere for the protection of women's rights, such as in the cases of sexual harassment and rape, have taken place over the years on the basis of sustained demands and struggles of women's organisations. Nevertheless, the statistics related to crimes against women show a steady upward trend. The National Crime Records Bureau data show year on year increases in registered cases of so-called dowry deaths, for example. These numbered 8,383 in 2009.⁵ It must be kept in mind that not all such cases get registered and the rate of conviction, as in criminal cases generally, is extremely low. At the same time, not all cases regarded as 'dowry killings' are actually murders that have taken place over the issue of dowry. There may be other factors involved; nevertheless, they fall under the category of crimes against women.

MODERN TIMES

Ostentatious weddings and the giving of dowry on marriage are practised among the richer castes and classes. This is one of the ways in which ill-gotten wealth and black money is spent. Often daughters too wish their parents to give them the maximum possible for material reasons as well as for enhancing their status within the new family. In the middle classes, though the woman has been liberated from contributing to the economy only from within the confines of the domestic sphere, culturally this has not put her on par with men. In most cases this adds to her work burden, despite the availability of maids (with whom she stands in a class contradiction), because of inadequate parallel socialisation of the male in homes and schools and the general lack of support structures at her workplace.

Culturally, she is not considered a human being in her own right but remains a ward of her father or husband. An unmarried or single woman has a lower status than a married one and living alone remains a hazardous enterprise. Marriage is considered essential. Her dowry is usually not under her sole control and is handed over along with her own self as the property and possession of her husband and his family. Her degraded social position can now be used to extract more and more from her parents on all kinds of social occasions and throughout her life. If her parents are unable or unwilling to comply with monetary and other demands even after the marriage, she is subjected to all kinds of physical and mental torture and in some cases as a final resort done away with in the most barbaric and inhuman manner possible to make place for another woman with a fatter dowry. The anonymity of modern urban life ensures least 'interference' by neighbours, who on the whole do not consider it their business to inquire into or intervene in others' private affairs. And kith and kin may be too far away to exercise meaningful protection.

She is thus not only a means for securing the progeny, but is also used as a means for securing the economic betterment for the middle class family. Now this trend has also percolated to the poorer classes. Arranged marriage is a caste-based commercial transaction. The caste and economic status of the prospective groom and bride form the basis for this contract. The increasing economic instability, crises and disparities in the country are hitting the middle and lower classes very hard and are at the root of the problem of ever escalating dowry demands. In a consumerist society, as inflation and economic inequality increase, 'dowry' is allowed to become an easy and inexhaustible source of bettering one's economic position -of opening that nursing home, or of acquiring material goods (a TV set, a car, a refrigerator, a mobile), all of which form so much a part of the highest aspirations and desires of all sections of society now. Within this entire circuit it is the daughter-in-law who is the scapegoat.

The woman is prepared right from the beginning for her future role as submissive wife and daughter-in-law. Her entire personality is moulded and distorted in the direction of producing a tailor-made

commodity for the consumption of her future husband. The physical and other attributes valued and deliberately cultivated in a woman are very much evident from marriage ads in leading newspaper dailies.⁶ It is required of her that she be fair complexioned, slim, of a higher caste, convent educated, from a respectable family, whose parents can afford a 'decent' marriage meaning a big dowry and an extravagant reception for the 'barat.' Feudal values and bourgeois money conceptions reinforce each other totally in the case of the Indian middle class family today.

Contradictions are created in the middle class family due to the precariousness of the Indian economy under conditions of globalisation and liberalisation. The normal, especially lower middle class family, desiring to maintain and improve its 'standard of living' is forced to send the women out of the house for work. However her education and work outside the home and with that her resultant economic independence does not always lead to a betterment of her position, because traditional feudal values can still be used to enslave her. She also often internalises and becomes the slave of bourgeois commodity values. Now she undergoes double exploitation -at her workplace as a woman, and also at home, because she is still expected to fulfil to perfection traditional role expectations of the dutiful housewife, mother and daughter-in-law. Very often her pay is appropriated by her husband or in-laws. However, the nascent sense of independence, dignity and individuality, which have developed due to her leaving the home for an education and work, come into sharp contradiction with these traditional demands on her. There is a refusal to submit silently to the torment at home. What results is a tremendous increase in 'domestic discord.' The tensions between husband and wife, parents-in-law and daughter-in-law generally centre on financial aspects, division of labour and generational and personality based conflicts.

Most women, being generally young when they get married, and being brought up the way they have been, are unable to really grasp the contradictions they are faced with in a rational manner. Many fatally internalise and submit to the expectations made on them. Others submit outwardly, but revolt inwardly and are totally frustrated and dissatisfied. Many despair so totally of any escape from their difficult situation that they take their own lives. A few refuse to be cowed down and assert themselves, don't show their husbands and in-laws the respect expected by them, refuse to accept their authority in toto, and they are the ones who can be most severely harassed, attacked, beaten and sometimes burnt.

Many of these women know beforehand of the possible fate, yet they remain in their husband's home. Their parents' doors are usually closed on them. Tales of torture, harassment and humiliation are countered with parental advice to 'adjust' with the situation, they are bolstered with the false hope that things will improve after some time, and they are sent right back into the death trap. Economic weakness and societal norms make it difficult for her to set up on her own. Despite soaring crime rates against women and the risks involved many women are today courageously doing precisely this. The woman is often socially isolated in her neighbourhood, because there also the same set of values is prevalent and there is usually little support forthcoming. She may not lack economic means, but even in the case of earning women social ostracism, concern about the future of her children, traditional thought patterns of regarding her husband as her god, or genuine affection and attachment, whatever he may do to her, and a lack of faith in her own strength and independence prevent many a woman from breaking out of her husband's home and setting up on her own.

The middle class woman is caught up in the contradictions of the traditional feudal joint family structure in its movement towards the nuclear family unit which emerges with increased capitalist industrialisation. For her this movement is by no means one towards greater freedom and development of her self. She still remains enchained and enslaved because the basic structure of the family remains the same in the nuclear family. The woman is still subordinate to man; she is entrusted majorly with the responsibility for household and children, even if she may be working and can afford to hire household help, or shares responsibilities with the female members of her husband's family.

In the toiling classes, among whom the evil of dowry has also percolated, it enables a super exploitation of women workers in the global supply chain as exemplified by the *Sumangali* system prevalent in the textile mills of Tirupur in Tamil Nadu.⁷ Their subordinate status also makes them prey to sexual harassment and exploitation. Researchers have pointed out to the feminization of the agricultural labour force including girl children particularly in current contract farming. Female infanticide is also linked to this current perception of girl children as a burden for poor parents rather than an asset. Suicides on this count have a long history already.⁸

When poor households are obliged to give dowries on their daughters' marriages it is often done by taking loans, mortgaging or selling land, cows/buffaloes or other property. This resultant reduction in livelihood resources or indebtedness pushes the family further down the poverty line and in some cases leads to landlessness accentuating the rich poor divide.

APPROACH OF WOMEN'S ORGANISATIONS

Most women's organisations have been tackling the problem of dowry and dowry murders, which statistically predominate in the middle and lower middle class, within the framework of the status quo. Most of their demands for women's rights were centred on the legal front and on improving the legal status of women without quite realising that the legal status is always the result and not the cause of her social status. Women from the better-off classes demanded equal rights of inheritance, their share in the property of their parents; in case of separation they demand a return of their dowry. In case of divorce emphasis is laid on the payment of as big a sum of alimony as possible. The trend is towards grabbing an equal material share. Moreover, in a materialist society, well-heeled parents of women upbraid the husband and his parents for not providing a cushy enough life for their precious daughter, if they happen not to be able or willing for this. The understanding of women's rights still remains within the materialistic value framework of the propertied classes.

The new laws regarding the demanding of 'dowry' as a punishable offence are also being misused by parents and daughters. According to the findings of some feminists, as Madhu Kishwar and Veena Oldenburg, not all deaths registered as 'dowry deaths' have been caused by harassment for dowry. There are other tensions at work which provoke murders and suicides within the family. But because of the existence of the Dowry Prohibition Act and lack of other suitable legal avenues parents of the girls so victimised find it convenient to register the death under this rubric. Their feeling is that the plight of women has, therefore, to be studied and understood more holistically.

The problem of dowry killings has not been treated as a social problem with its roots in the existing socio-economic order that demands change in order to solve the problem, but as a problem of 'Law and Order', the solution of which lies in the hands of the government. The thinking prevailed that progressive laws would solve the problem of crimes against women. For one thing, the demands for legislation, its refinement, and conscientisation campaigns to create public opinion against dowry, as done by women's organisations, have not really resolved dowry and related problems. Dowry has almost entirely disappeared in the industrially highly developed European countries because women have equal access to education and enter the workforce more or less on equal terms if not always on equal pay, and because of the rise of individualism, sexual liberation and the fact of marriage losing its essential character.

Under the conditions of India with its dependent capitalist development and related cultural values the complete abolition of the dowry system and raising of women's status can only come about with the abolition of private property in a socialist caste- and classless society. The conditions for the real emancipation of women will be created not only by removing them from the sole confinements of the domestic sphere and their enslavement therein and by inducting them into the modern capitalist economic

production process along with men. Attitudinal changes are required in society leading to a new value system and new social and economic relations.

Women, who wish for radical changes in their status and look to being leaders in the movement for a new society, have to look beyond the boundaries of their own caste and class. In order to remove the root causes of their oppression and commodification, which are the present distorted neo-colonial mode of production and related values of overconsumption, they have to initiate and support movements working towards overthrowing completely the present socio-economic order, and reordering it as a self-reliant, sustainable and non-exploitative just society, in which their needs are taken care of on par with others and they participate equitably as half of heaven.

Notes:

1. R S Sharma: *Looking for the Aryans*. Orient Longman, 1995, pp. 60 and 33.
2. Sharad Patil: *Dasa Sudrn Slavery. Studies in the Origins of Indian Slavery and Feudalism and their Philosophies*. New Delhi: AJHed Publishers, 1982.
3. See Veena Talwar Oldenburg: *Dowry Murder: The Imperial Origins of a Cultural Crime*. New York: OUP, 2002, and a more recent title by her: *Dowry Murder: Reinvestigating a Cultural Whodunnit*. Penguin Books, 2010.
4. Section 498A of the IPC makes any form of cruelty by the husband or any relative of his into an offence punishable by imprisonment of up to three years. Cruelty is defined to include any wilful conduct that would cause mental torture, physical injury or drive the woman to commit suicide whether in connection with any unlawful demand for property or not. This has now been made into a non-bailable offence. Section 304B defines the death of a woman within 7 years of her marriage by burns or bodily injuries with evidence of cruelty or harassment by her husband or his relatives in connection with a demand for dowry as a 'dowry death' punishable by imprisonment of not less than 7 years.
5. Source: Lok Sabha unstarred Questions #4579. Figures for 2009 are provisional. (Cited in Ragini Nayak: Can Women Break Free of Societal Fetters? *The Hindu*, Dec. 12, 2010, Open Page.)
6. In the case of some online marriage advertisements it has been noted that sometimes even if it is said that caste is no bar, SCs/STs are specifically excluded.
7. The *Sumangali* system current in textile units of Tirupur assures the girls -many of them Dalits -lump sum payment of Rs. 30,000 to 50,000 after three years of service. During this time they are made to work a 12-hour day, confined to their barracks and are often subject to sexual harassment by their superiors. It is reported that in some cases the final lump sum payment fails to be made and a number of health issues are there for the girls due to the conditions of work. (This issue received wide coverage in *New Indian Express*, Kovai edition in October, 2010. Also see: Sindhu Menon: *Sumangali System: A New Form of Bondage in Tamil Nadu*. Labour File, vol. 4, no. 3, May-June 2006, pp. 6-14.) and Kalpana Sharma "Slaving for their Dowry" in the Sunday magazine edition of *The Hindu*, May 29, 2011.
8. Current studies indicate that female foeticide is more prevalent among the well-to-do and in urban areas than among the poor and in rural areas in India.

□□